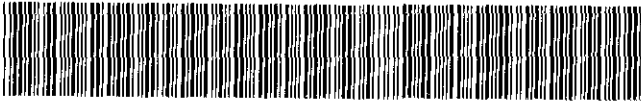


MISC 2005102035



AUG 18 2005 11:36 P 12

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
8/18/2005 11:36:44.98



2005102035

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Misc FEE 61.⁰⁰ FB 52-3330 (P.F. Park)
 12 BKP _____ C/O _____ COMP 80-
 2 DEL _____ SCAN _____ FV _____

Ret: COCO2

CERTIFICATE

Douglas County Court, Civil/Small Claims Division
1819 Farnam Street, Farnam Level, Omaha, NE 68183 (402) 444-5424

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

I, MYCHELLE L. WILLIAMSON, Deputy Clerk of the Douglas County Court, certify that the attached documents are full, true and complete copies of the original records of entries identified as follows: CERTIFIED COPY OF PARTIAL REPORT OF APPRAISERS

on file and of record in the Douglas County Court, entitled: CITY OF OMAHA, NEBRASKA VS. AARON FERER & SONS CO. ETAL.

IN TESTIMONY WHEREOF, I have placed my signature and the seal of said Court.

DATE: AUGUST 18, 2005 BY THE COURT: Mychelle L. Williamson (Deputy Clerk)



IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

| | | |
|--|---|-----------------------------------|
| CITY OF OMAHA, NEBRASKA, |) | DOC. <u>CI05</u> NO. <u>11431</u> |
| A Municipal Corporation, |) | |
| |) | |
| Condemnor, |) | PARTIAL REPORT OF |
| |) | APPRAISERS |
| vs. |) | |
| |) | |
| |) | |
| <u>TRACT NOS. 16 and 18 (a/k/a 155 Ida Street)</u> |) | |
| Aaron Ferer & Sons Co., a Nebraska corporation; |) | |
| |) | |
| <u>TRACT NO. 30</u> |) | |
| Wings Flyway Bar & Grill, L.L.C., an Iowa |) | |
| Limited Liability Company; Keith Thiessen and |) | |
| spouse, if any; Terry J. Stark and Mary E. Stark; |) | |
| Douglas Lash, Trustee; Firststar Bank, N.A.: U.S. |) | |
| Bank N.A.; and, |) | |
| |) | |
| JULIE M. HANEY, Douglas County Treasurer, |) | |
| |) | |
| Condemnees. |) | |

COMES NOW the undersigned and report to the County Judge and to the Court as follows:

FIRST: The undersigned are duly appointed, qualified, and acting appraisers in this proceeding.

SECOND: On the 3rd day of August, 2005, commencing at the hour of approximately 9:00 A.M., the undersigned: (a) carefully inspected and viewed the property taken or sought to be taken by the condemner, and also any other property of the condemnees damaged thereby; and (b) heard any interested party who was present while the said property was being inspected and viewed.

THIRD: On the 3rd day of August, 2005, commencing at the hour of approximately 10:00 A.M., the undersigned (a) met and convened as a board of appraisers; (b) heard any interested party who was present at said meeting and hearing; and (c) appraised the property sought to be

condemned and ascertained and determined the damages sustained by the condemnees. The matter was continued further, so that the City of Omaha could inquire into acquisition of the same through the mortgage foreclosure process.

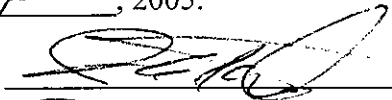
FOURTH: The undersigned hereby report the aforesaid damages as follows:

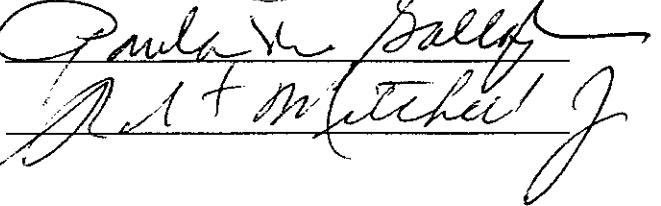
TRACT NOS. 16 and 18 (a/k/a 155 Ida Street)
See Attached Exhibit A

| | |
|---|---------------------|
| Aaron Ferer & Sons, a Nebraska Corporation..... | \$ <u>14,950.00</u> |
| Julie M. Haney, Douglas County Treasurer..... | \$ <u>0.00</u> |
| TOTAL TRACT NOS. 16 and 18..... | \$ <u>14,950.00</u> |

FIFTH: Check Pick-Up Procedures. Please call (402) 444-7420 Thirty (30) days from the date this Report of Appraisers is filed, to make arrangements with the Division Manager of the County Court Civil Division as to a date and time when you may pick up your check. The Civil Division of the County Court is located in the Omaha/Douglas Civic Center, 1819 Farnam Street, Room F03 (Farnam Street Level).

IN WITNESS WHEREOF, the undersigned have executed this PARTIAL REPORT OF APPRAISERS this 3rd day of August, 2005.



Paul D. Gally


Paul + Mitchell J.

EXHIBIT "A" - Page 1

LEGAL DESCRIPTION

DPS 28(70), C.N. 21973

Tract No. 16, Right of Way Acquisition
Aaron Ferer and Sons Co.

A tract of land located in part of Lot 2, Ferer Koley Addition, a subdivision located in the NW1/4 of Section 35, Township 16 North, Range 13 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of said Lot 2, Ferer Koley Addition, said point also being the Northeast corner of Lot 1, Ferer Koley Addition, said point also being on the Southerly right-of-way line of Ida Street; thence S63°16'13"E (assumed bearing) along the Northerly line of said Lot 2, Ferer Koley Addition, said line also being said Southerly right-of-way line of Ida Street, a distance of 625.59 feet; thence Southeasterly on a curve to the right with a radius of 930.38 feet, a distance of 165.91 feet, said curve having a long chord which bears S58°09'23"E, a distance of 165.69 feet; thence S53°02'52"E along said Northerly line of said Lot 2, Ferer Koley Addition, said line also being said Southerly right-of-way line of Ida Street, a distance of 65.93 feet; thence Southerly on a curve to the right with a radius of 979.93 feet, a distance of 10.31 feet, said curve having a long chord which bears S53°20'56"E, a distance of 10.31 feet to the Easterly corner of said Lot 2, Ferer Koley Addition, said point also being the Intersection of the Westerly right-of-way line of Union Pacific Railroad and said Southerly right-of-way line of Ida Street; thence S30°43'04"W along said Easterly line of Lot 2, Ferer Koley Addition, said line also being said Westerly right-of-way line of Union Pacific Railroad, a distance of 6.50 feet; thence N50°55'57"W, a distance of 77.17 feet; thence N58°21'12"W, a distance of 99.05 feet; thence N60°57'23"W, a distance of 99.26 feet; thence N63°44'04"W, a distance of 300.00 feet; thence N66°58'37"W, a distance of 100.18 feet; thence N60°06'35"W, a distance of 100.18 feet; thence N63°48'58"W, a distance of 91.64 feet to a point on the Westerly line of said Lot 2, Ferer Koley Addition, said point also being on the Easterly line of said Lot 1, Ferer Koley Addition; thence N24°49'03"E along said Westerly line of Lot 2, Ferer Koley Addition, said line also being said Easterly line of Lot 1, Ferer Koley Addition, a distance of 10.00 feet to the point of beginning.

Said tract of land contains an area of 7,026 square feet or 0.161 acres, more or less.

EXHIBIT "A" - Page 2

LEGAL DESCRIPTION
DPS 28(70), C.N. 21973
Tract No. 18, Right of Way Acquisition
Aaron Ferer and Sons Co.

A tract of land located in part of Lot 14, Riverfront Industrial Park, a subdivision located in the N1/2 of Section 35, Township 16 North, Range 13 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

TRACT A

Beginning at the intersection of the Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street, and the Southerly right-of-way line of Ida Street; thence Southeasterly on a curve to the left with a radius of 979.93 feet, a distance of 27.60 feet, said curve having a long chord which bears S55°37'52"E (assumed bearing), a distance of 27.60 feet; thence S23°16'02"E, a distance of 13.15 feet; thence Southeasterly on a curve to the left with a radius of 174.60 feet, a distance of 33.24 feet, said curve having a long chord which bears S29°57'00"E, a distance of 33.19 feet; thence N62°19'05"W, a distance of 18.74 feet; thence N44°16'41"W, a distance of 31.22 feet; thence N28°59'32"W, a distance of 21.14 feet to a point on the Westerly line of said Part of Lot 14, Riverfront Industrial Park, said line also being said Easterly right-of-way line of Union Pacific Railroad; thence N30°43'04"E along said Westerly line of Part of Lot 14, Riverfront Industrial Park, said line also being said Easterly right-of-way line of Union Pacific Railroad, a distance of 8.00 feet to the point of beginning.

Said tract of land contains an area of 806 square feet or 0.019 acres, more or less.

TRACT B

And also together with a tract of land located in part of Lot 14, Riverfront Industrial Park, a subdivision located in the N1/2 of Section 35, Township 16 North, Range 13 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Westerly corner of said Part of Lot 14, Riverfront Industrial Park, said point also being the intersection of the Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street, and the Southerly right-of-way line of Ida Street; thence Southeasterly on a curve to the left with a radius of 979.93 feet, a distance of 27.60 feet, said curve having a long chord which bears S55°37'52"E, a distance of 27.60 feet; thence continuing Southeasterly on said curve to the left with a radius of 979.93 feet, a distance of 91.78 feet, said curve having a long chord which bears S59°07'17"E, a distance of 91.75 feet to the point of beginning; thence continuing Southeasterly on said curve to the left with a radius of 979.93 feet, a distance of 43.67 feet, said curve having a long chord which bears S63°04'53"E, a distance of 43.67 feet; thence S64°21'29"E along said Northerly line of Part of Lot 14, Riverfront Industrial Park, said line also being said Southerly right-of-way line of Ida Street, a distance of 202.39 feet; thence Southeasterly on a curve to the left with a radius of 570.67 feet, a distance of 109.29 feet, said curve having a long chord which bears S69°50'40"E, a distance of 109.13 feet to the Northeast corner of said Part of Lot 14, Riverfront Industrial Park, said point also being the Northwest corner of Lot 2, Riverfront Industrial Park, Replat 5; thence S21°35'48"W along the Easterly line of said Part of Lot 14, Riverfront Industrial Park, said line also being the Westerly line of said Lot 2, Riverfront Industrial Park, Replat 5, a distance of 24.18 feet; thence N29°55'19"W, a distance of 24.32 feet; thence N69°02'42"W, a distance of 61.73 feet; thence N76°02'58"W, a distance of 103.12 feet; thence N54°54'24"W, a distance of 100.39 feet; thence N78°37'18"W, a distance of 47.18 feet; thence N45°53'18"W, a distance of 24.17 feet; thence Northerly on a curve to the right with a radius of 13.65 feet, a distance of 16.59 feet, said curve having a long chord which bears N02°27'41"E, a distance of 15.59 feet to the point of beginning.

Said tract of land contains an area of 5,127 square feet or 0.118 acres, more or less.

EXHIBIT "A" - Page 3

LEGAL DESCRIPTION

DPS 28(70), C.N. 21973

Tract No. 18, Permanent Easement

Aaron Ferer and Sons Co.

A permanent easement located in part of Lot 14, Riverfront Industrial Park, a subdivision located in the N1/2 of Section 35, Township 16 North, Range 13 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Westerly corner of said Part of Lot 14, Riverfront Industrial Park, said point also being the intersection of the Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street, and the Southerly right-of-way line of Ida Street; thence Southeasterly on a curve to the left with a radius of 979.93 feet, a distance of 27.60 feet, said curve having a long chord which bears S55°37'52"E (assumed bearing), a distance of 27.60 feet to the point of beginning; thence continuing Southeasterly on a curve to the left with a radius of 979.93 feet, a distance of 91.78 feet, said curve having a long chord which bears S59°07'17"E, a distance of 91.75 feet; thence Southerly on a curve to the left with a radius of 13.65 feet, a distance of 16.59 feet, said curve having a long chord which bears S02°27'41"W, a distance of 15.59 feet; thence S45°53'18"E, a distance of 24.17 feet; thence N62°19'05"W, a distance of 83.18 feet; thence Northwesterly on a curve to the right with a radius of 174.60 feet, a distance of 33.24 feet, said curve having a long chord which bears N29°57'00"W, a distance of 33.19 feet; thence N23°16'02"W, a distance of 13.15 feet to the point of beginning.

Said permanent easement contains an area of 1,777 square feet or 0.041 acres, more or less.

EXHIBIT "A" - Page 4

LEGAL DESCRIPTION

DPS 28(70), C.N. 21973

**Tract No. 16, Temporary Construction Easement
Aaron Ferer and Sons Co.**

A temporary construction easement located in part of Lot 2, Ferer Koley Addition, a subdivision located in the NW1/4 of Section 35, Township 16 North, Range 13 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot 2, Ferer Koley Addition, said point also being the Northeast corner of Lot 1, Ferer Koley Addition, said point also being on the Southerly right-of-way line of Ida Street; thence S24°49'03"W (assumed bearing) along the Westerly line of said Lot 2, Ferer Koley Addition, said line also being said Easterly line of Lot 1, Ferer Koley Addition, a distance of 10.00 feet to the point of beginning; thence S63°48'58"E, a distance of 91.64 feet; thence S60°06'35"E, a distance of 100.18 feet; thence S66°58'37"E, a distance of 100.18 feet; thence S63°44'04"E, a distance of 300.00 feet; thence S60°57'23"E, a distance of 99.26 feet; thence S58°21'12"E, a distance of 99.05 feet; thence S50°55'57"E, a distance of 77.17 feet to a point on the Easterly line of said Lot 2, Ferer Koley Addition, said point also being on the Westerly right-of-way line of Union Pacific Railroad; thence S30°43'04"W along said Easterly line of Lot 2, Ferer Koley Addition, said line also being said Westerly right-of-way line of Union Pacific Railroad, a distance of 7.64 feet; thence N52°43'40"W, a distance of 77.82 feet; thence N57°47'13"W, a distance of 98.08 feet; thence N60°57'10"W, a distance of 98.63 feet; thence N63°55'31"W, a distance of 300.01 feet; thence N66°24'21"W, a distance of 100.12 feet; thence N60°40'52"W, a distance of 100.12 feet; thence N63°45'37"W, a distance of 91.35 feet to a point on said Westerly line of Lot 2, Ferer Koley Addition, said point also being on said Easterly line of Lot 1, Ferer Koley Addition; thence N24°49'03"E along said Westerly line of Lot 2, Ferer Koley Addition, said line also being said Easterly line of Lot 1, Ferer Koley Addition, a distance of 9.91 feet to the point of beginning.

Said temporary construction easement contains an area of 8,166 square feet or 0.187 acres, more or less.

EXHIBIT "A" - Page 5

LEGAL DESCRIPTION

DPS 28(70), C.N. 21973

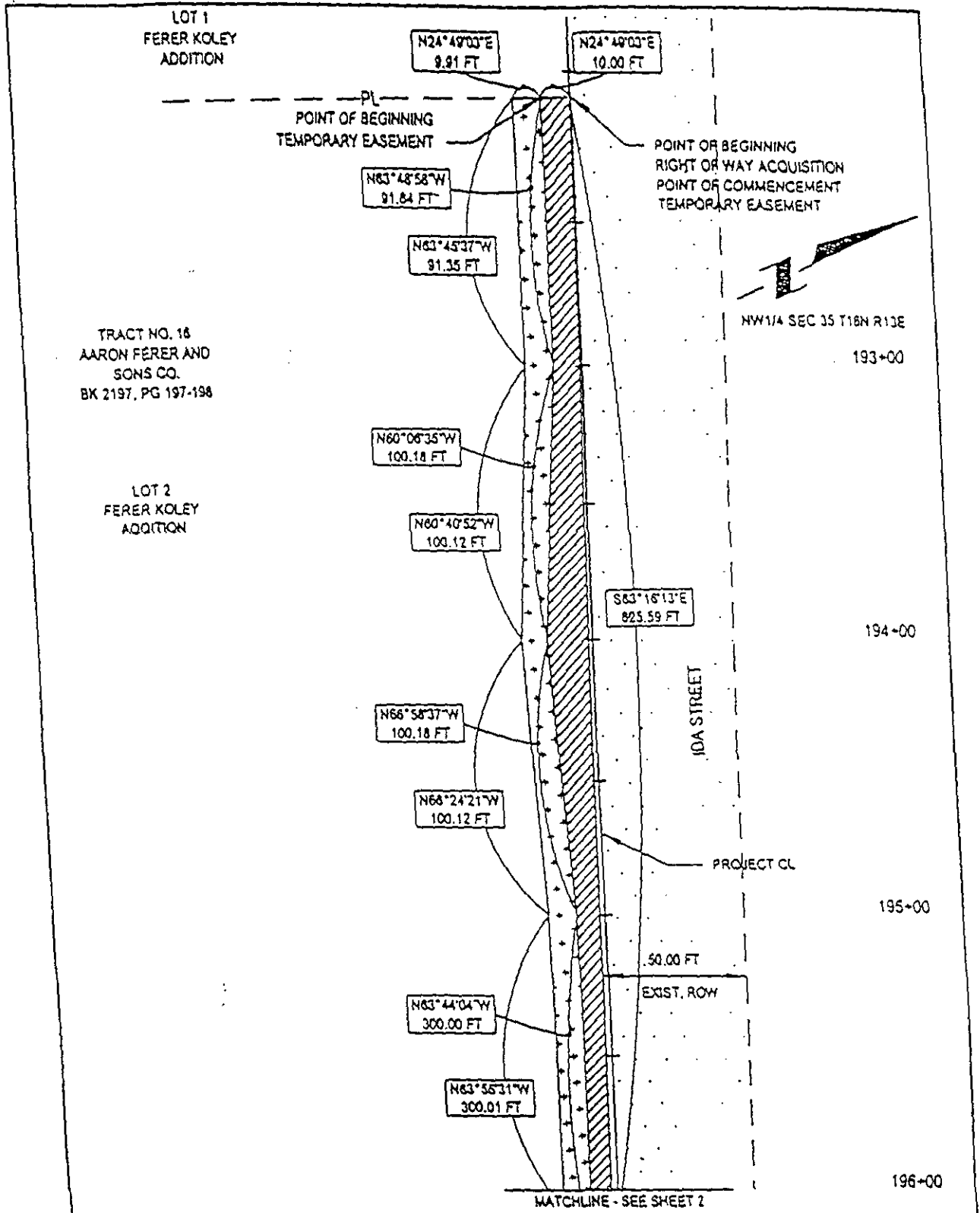
Tract No. 18, Temporary Construction Easement
Aaron Ferer and Sons Co.

A temporary construction easement located in part of the Lot 14, Riverfront Industrial Park, a subdivision located in the N1/2 of Section 35, Township 16 North, Range 13 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Westerly corner of said Part of Lot 14, Riverfront Industrial Park, said point also being the intersection of the Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street, and the Southerly right-of-way line of Ida Street; thence S30°43'04"W (assumed bearing) along the Westerly line of said Part of Lot 14, Riverfront Industrial Park, said line also being said Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street, a distance of 8.00 feet to the point of beginning; thence S28°59'32"E, a distance of 21.14 feet; thence S44°16'41"E, a distance of 31.22 feet; thence S62°19'05"E, a distance of 101.92 feet; thence S78°37'18"E, a distance of 47.18 feet; thence S54°54'24"E, a distance of 100.39 feet; thence S76°02'58"E, a distance of 103.12 feet; thence S69°02'42"E, a distance of 61.73 feet; thence S29°55'19"E, a distance of 24.32 feet to a point on the Easterly line of said Part of Lot 14, Riverfront Industrial Park, said point also being on the Westerly line of Lot 2, Riverfront Industrial Park, Replat 5; thence S21°35'48"W along said Easterly line of Part of Lot 14, Riverfront Industrial Park, said line also being said Westerly line of Lot 2, Riverfront Industrial Park, Replat 5, a distance of 10.05 feet; thence N39°42'17"W, a distance of 23.46 feet; thence N62°29'50"W, a distance of 60.48 feet; thence N77°03'45"W, a distance of 104.20 feet; thence N53°44'15"W, a distance of 100.32 feet; thence N81°14'47"W, a distance of 46.45 feet; thence N62°25'24"W, a distance of 104.19 feet; thence N37°40'25"W, a distance of 52.16 feet to a point on said Westerly line of Part of Lot 14, Riverfront Industrial Park, said point also being on said Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street; thence N30°43'04"E along said Westerly line of Part of Lot 14, Riverfront Industrial Park, said line also being said Easterly right-of-way line of Union Pacific Railroad, running parallel to Dock Street, a distance of 8.53 feet to the point of beginning.

Said temporary construction easement contains an area of 4,110 square feet or 0.094 acres, more or less.

EXHIBIT "A" - Page 6



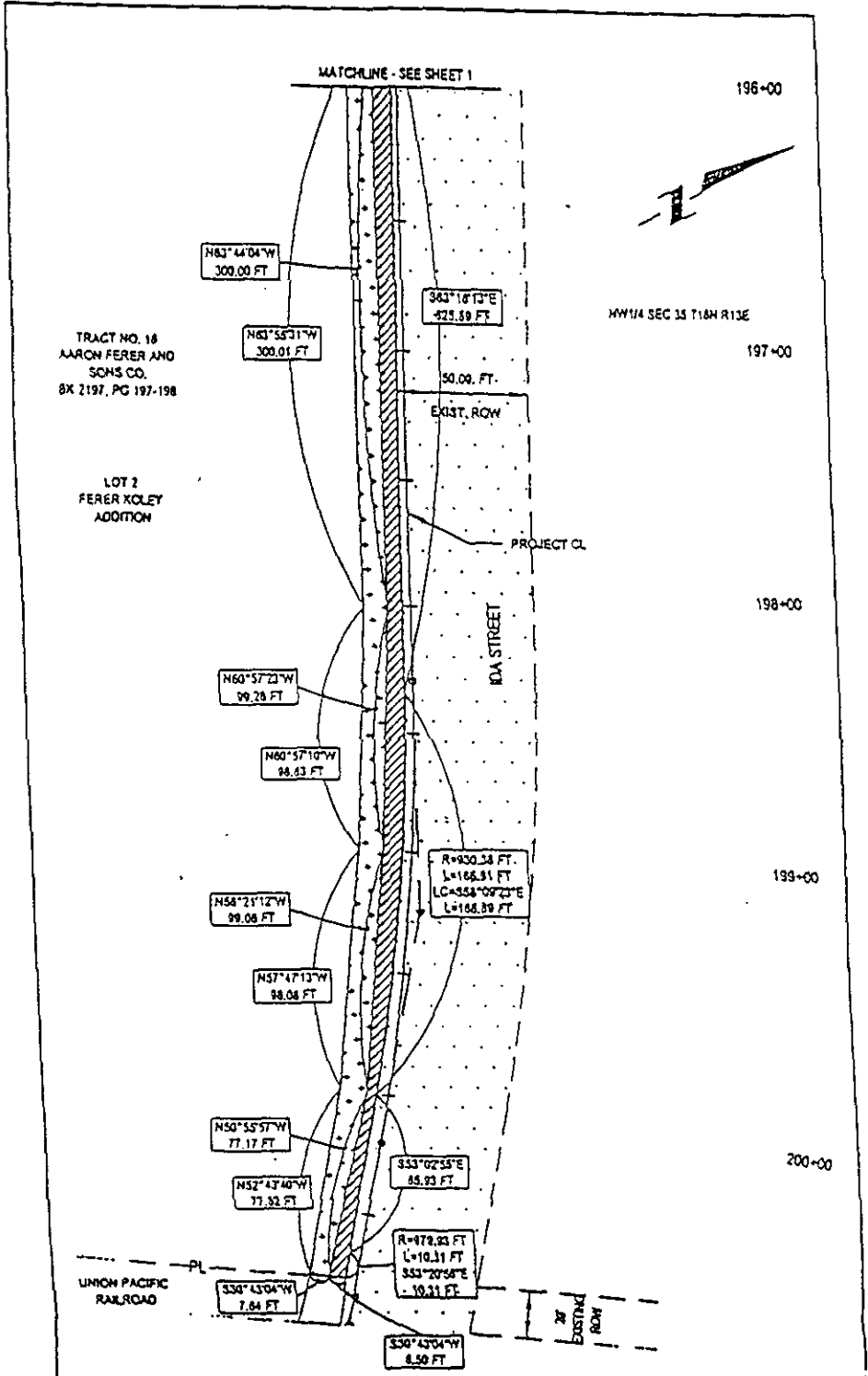
SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

SHEET 1 OF 2

SCALE: 1"=40'

| | | | |
|--|------------------------|------------|--|
| | NEW R.O.W. ACQUISITION | 7,028 S.F. | TRACT NO. 16 |
| | PERMANENT EASEMENT | 0 S.F. | EXHIBIT NO. |
| | TEMPORARY EASEMENT | 8,168 S.F. | PROJECT NO. <u>DPS 28(70) C.N. 21973</u> |
| | EXISTING R.O.W. | | DATE: <u>January 7, 2003</u> |
| | EXISTING R.O.W. | | |

| | |
|---|------------------------------|
| OWNER: Aaron Ferer and Sons Co. 155 Ida Street Omaha, Nebraska 68110 | LEAD AGENCY CITY OF OMAHA |
|---|------------------------------|



SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

SHEET 2 OF 2

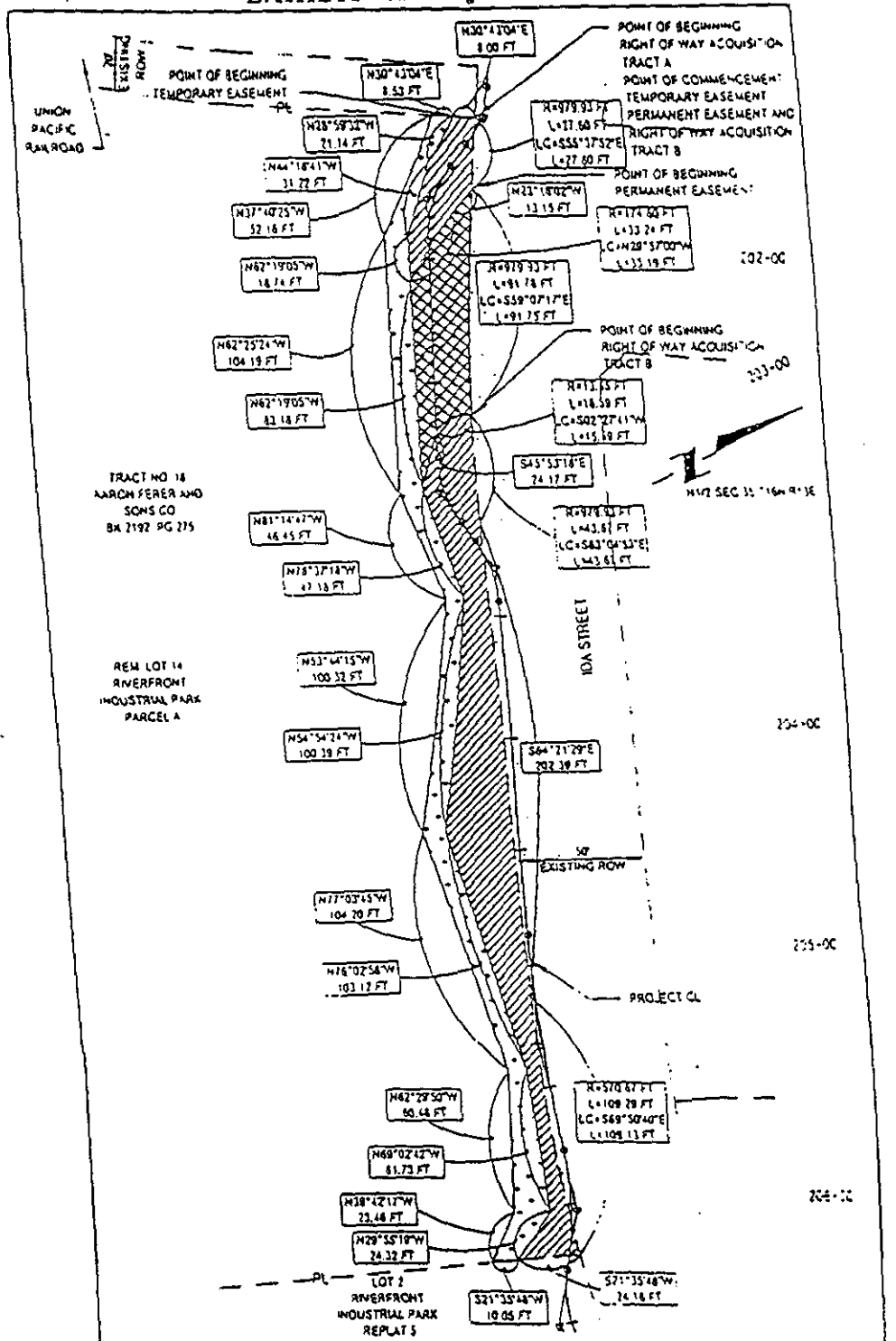
SCALE: 1"=40'

| | | | | |
|--|------------------------|------------|-------------|-----------------------|
| | NEW R.O.W. ACQUISITION | 7,026 S.F. | TRACT NO. | 16 |
| | PERMANENT EASEMENT | 0 S.F. | EXHIBIT NO. | |
| | TEMPORARY EASEMENT | 8,188 S.F. | PROJECT NO. | DPS 28(70) C.N. 21973 |
| | EXISTING R.O.W. | | DATE: | January 7, 2003 |
| | EXISTING R.O.W. | | | |

OWNER:
 Aaron Ferer and Sons Co.
 155 Ida Street
 Omaha, Nebraska 68110

LEAD AGENCY:
 CITY OF OMAHA

EXHIBIT "A" - Page 8



SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

SHEET 1 OF 1

| | | | | |
|--|------------------------|------------|------------|-----------------------|
| | NEW R.O.W. ACQUISITION | 5,933 S.F. | TRACT NO | 18 |
| | PERMANENT EASEMENT | 1,777 S.F. | EXHIBIT NO | |
| | TEMPORARY EASEMENT | 4,110 S.F. | PROJECT NO | OPS 28(70) C.N. 21973 |
| | EXISTING ROW | | DATE | January 22, 2003 |
| | EXISTING ROW | | | |

| | |
|---|-------------------------------|
| OWNER: Aaron FERER and Sons Co. C/O Deloitte & Touche LLP 2 Milton Court Princeton, New Jersey 07054 | LEAD AGENCY: CITY OF OMAHA |
|---|-------------------------------|