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C O N D E M N A T I O N

OWNER: Reproco, Inc.

TENANT: Phillips Petroleum Co.

PROJECT F-1332(101 ) TRACT 61

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION TO A POINT ON THE WESTERLY 90TH STREET RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 090 DEGREES, 09 MINUTES RIGHT; A DISTANCE OF 50.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 17.79 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 139 DEGREES, 56 MINUTES LEFT, A DISTANCE OF 23.29 FEET TO A POINT ON THE NORTHERLY FORT STREET RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 130 DEGREES, 13 MINUTES LEFT; A DISTANCE OF 14.99 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 133.31 SQUARE FEET, MORE OR LESS.

AND ALSO:

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION TO A POINT ON THE WESTERLY 90TH STREET RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 090 DEGREES, 09 MINUTES RIGHT; A DISTANCE OF 233.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE EASTERLY DEFLECTING 089 DEGREES, 51 MINUTES RIGHT; A DISTANCE OF 10.04 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 089 DEGREES, 51 MINUTES LEFT; A DISTANCE OF 17.00 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE NORTH LINE OF THE PROPERTY OWNED BY THE CONDEMNEE(S); THENCE WESTERLY DEFLECTING 090 DEGREES, 09 MINUTES LEFT; A DISTANCE OF 10.04 FEET ALONG SAID LINE; THENCE SOUTHERLY DEFLECTING 089 DEGREES, 51 MINUTES LEFT; A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING CONTAINING 170.74 SQUARE FEET, MORE OR LESS.

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**POOR INSTRUMENT FILED**

AND ALSO, TEMPORARY EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR ROAD CONSTRUCTION PURPOSES, LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION TO A POINT ON THE WESTERLY 90TH STREET RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 090 DEGREES, 09 MINUTES RIGHT, A DISTANCE OF 47.79 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 192.21 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE NORTH LINE OF THE PROPERTY OWNED BY THE CONDEMNEE(S); THENCE WESTERLY DEFLECTING 090 DEGREES, 09 MINUTES LEFT, A DISTANCE OF 24.96 FEET ALONG SAID LINE; THENCE SOUTHERLY DEFLECTING 094 DEGREES, 49 MINUTES LEFT, A DISTANCE OF 172.79 FEET; THENCE SOUTHWESTERLY DEFLECTING 053 DEGREES, 24 MINUTES RIGHT, A DISTANCE OF 24.95 FEET; THENCE WESTERLY DEFLECTING 041 DEGREES, 22 MINUTES RIGHT, A DISTANCE OF 90.00 FEET; THENCE NORTHWESTERLY DEFLECTING 053 DEGREES, 09 MINUTES RIGHT, A DISTANCE OF 25.00 FEET; THENCE SOUTHWESTERLY DEFLECTING 090 DEGREES, 09 MINUTES LEFT, A DISTANCE OF 21.21 FEET; THENCE WESTERLY DEFLECTING 045 DEGREES, 00 MINUTES RIGHT, A DISTANCE OF 49.82 FEET TO A POINT ON THE WEST LINE OF THE PROPERTY OWNED BY THE CONDEMNEE(S); THENCE SOUTHERLY DEFLECTING 089 DEGREES, 51 MINUTES LEFT, A DISTANCE OF 15.00 FEET ALONG SAID LINE TO A POINT ON THE NORTHERLY FORT STREET RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 090 DEGREES, 09 MINUTES LEFT, A DISTANCE OF 185.01 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 049 DEGREES, 47 MINUTES LEFT, A DISTANCE OF 23.29 FEET TO THE POINT OF BEGINNING CONTAINING 8219.30 SQUARE FEET, MORE OR LESS.

UPON COMPLETION AND ACCEPTANCE OF PROJECT F-133-2(101), ALL RIGHTS, INTEREST AND USE OF THE ABOVE DESCRIBED TEMPORARY EASEMENT AREA(S) SHALL BE RETURNED TO THE CONDEMNEE AND TO ITS SUCCESSORS AND ASSIGNS WITH THE AFORESAID CHANGES COMPLETED.

THERE WILL BE NO INGRESS OR EGRESS FROM OR TO THE FOLLOWING DESCRIBED PROPERTY EXCEPT OVER TWO DRIVES, NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINES OF WHICH ARE LOCATED AT CENTERLINE STATION 160+49 ON 90TH STREET AND AT CENTERLINE STATION 29002+00.81 ON FORT STREET. THE PURPOSE OF THIS ACTION IS TO CLOSE THE EXISTING DRIVES AT CENTERLINE STATIONS 159+27 ON 90TH STREET AND 29001+22.50 ON FORT STREET.

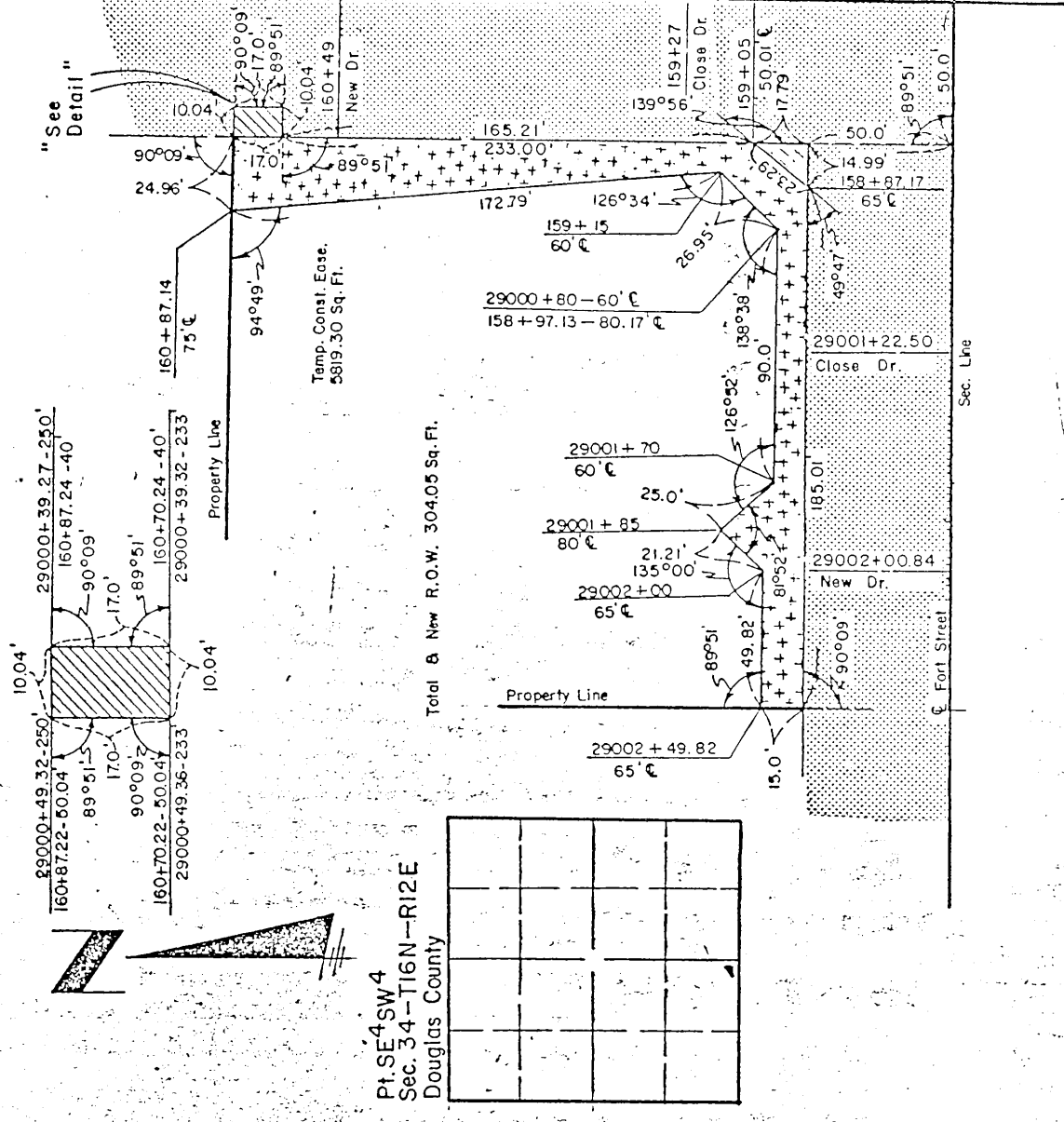
A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION TO A POINT ON THE WESTERLY 90TH STREET RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 090 DEGREES, 09 MINUTES RIGHT, A DISTANCE OF 50.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 200.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE WESTERLY DEFLECTING 090 DEGREES, 09 MINUTES LEFT, A DISTANCE OF 200.00 FEET; THENCE SOUTHERLY DEFLECTING 089 DEGREES, 51 MINUTES LEFT, A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTHERLY FORT STREET RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 090 DEGREES, 09 MINUTES LEFT, A DISTANCE OF 200.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 39999.85 SQUARE FEET, MORE OR LESS.

ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEE AND TO ITS SUCCESSORS AND ASSIGNS. SAID CONDEMNEE AND/OR ITS SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL PROPERTY FOR ANY PURPOSE CONCERNING SAID MINERAL RIGHTS, NOR SHALL THE CONDEMNEE AND/OR ITS SUCCESSORS AND ASSIGNS IN EXTRACTING SAID MINERALS FROM SAID REAL PROPERTY, DAMAGE OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.

Project Centerline

1/4 Sec. Line



Total & New R.O.W. 304.05 Sq. Ft.

Pt. SE 4 SW 4  
Sec. 34 - T16N - R12E  
Douglas County

PLAT SHOWING  
RIGHT OF WAY  
TO BE ACQUIRED FROM LAND OWNED BY  
REPROCO, INC.  
TENANTS-PHILLIPS PETROLEUM CO.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
RIGHT OF WAY DIVISION  
LINCOLN, NEBRASKA

TRACT NO. 61 SCALE 1" = 50'  
PROJECT NO. F-133-2(101)  
AFE R-324

- PREV. R.O.W. 304.05 Sq. Ft.
- NEW R.O.W. 5819.30 Sq. Ft.
- TEMP. EASE.
- PERM. EASE.
- CONTROLLED ACCESS

DRAWN BY BLH 1-18-80  
CHECKED BY EGS 1-30-80  
COMPUTED BY *sem*  
WRITTEN BY *sem*  
CHECKED BY *pan 1-30-80*

Now, therefore, we, as appraisers aforesaid, do hereby find and appraise the damages that will be suffered by reason of the appropriation of title to the said property or any interest therein described for State highway purposes by the State of Nebraska, Department of Roads, in the amount of:

TOTAL AMOUNT AWARDED FOR ACQUISITION OF TRACT 61 \$ 51,500.00

Award to be distributed as follows:

To: ~~XX~~ \$ XXX  
~~XXXXXXXXXXXX~~

~~Phillips Petroleum Company Lessee~~; \$ XXX

Bankers Trust Co., Mortgagee; \$ -0-

Douglas County Treasurer; \$ -0-

As requested by Reproco, Inc. and Phillips Petroleum Company, a Joint award to Reproco, Inc., a Delaware Corporation, Owner, and Phillips Petroleum Company, Lessee \$51,500.00

All of which is hereby respectfully submitted.

Dated this 13 day of November, A.D. 1980.

*Paul Bliss*  
*Hermin P. Hogan*  
*J. Michael Fitzgerald*  
Appraisers

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, A.D. 19\_\_.

(SEAL)

Filed: Nov. 14th, 1980

County Judge

COUNTY COURT  
DOUGLAS COUNTY  
DEAN HADORN, CLERK  
OMAHA, NEBR.

STATE OF NEBRASKA, }  
COUNTY OF DOUGLAS } ss.

I, Dean Hadorn, Clerk of the County Court of Douglas County, Nebraska, do hereby certify that I have compared the foregoing copy of.....

"RETURN OF APPRAISERS" in re:

STATE OF NEBRASKA, DEPARTMENT OF ROADS, Condemner

-vs-

REPROCO, INC., et al, Condemnees. Tract #61

in the matter of... Condemnation Docket C5 - Page 60

with the original record thereof, now remaining in said court; that the same is a correct transcript thereof, and of the whole of said original record, that I have the legal custody and control of said original record; that said court is a court of record, has a seal, and that said seal is hereto affixed; and that the foregoing attestation is in due form, according to the laws of the State of Nebraska.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Omaha, this 17th day of November, A. D. 19 80

DEAN HADORN, Clerk of the County Court

By

*Dean Hadorn*

Deputy

RECEIVED  
1980 DEC 18 AM 9:05

C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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*11 Misc*