

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA  
SARPY COUNTY

Plaintiff,  
  
vs.  
  
J. J. Jones et al.,  
State of Nebraska, Willis J.  
Suhl, et al.,  
Defendants.

Case - 101 - 0288A  
  
JUDGMENT  
ON DECLARATION OF TAKING

Now on this 21st day of May, 1954, this cause came on to be heard on the motion of Guy J. Birch, Assistant United States attorney for the District of Nebraska, one of the attorneys for the plaintiff herein, to enter judgment on the Declaration of Taking filed in the above cause on the 21st day of May, 1954, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon reconsideration of the case and of the condemnation complaint filed herein and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purpose set out and prayed in said complaint;

SECOND: That a Complaint in condemnation was filed at the request of the Under Secretary of the Air Force of the United States of America, the authority empowered by law to acquire the land and interest therein described in said Complaint, and also under the authority of the Attorney General of the United States;

THIRD: That said Complaint and Declaration of Taking state the authority under which and the public use for which said land and interest therein are taken; that the Under Secretary of the Air Force is the person duly authorized and empowered by law to acquire the land and interest therein, such as are described in the Complaint, for use in connection with the establishment of additional facilities for the use of the department of the Air Force and for other military

Entered in                      and Recorded in the Register of Deeds office in Sarpy County, Nebraska  
27 day May 1954 at 94 Geo. F. Nicholson, County Clerk \$ 3.90

uses incident thereto; that said land has been selected under the direction of the Secretary of the Air Force for acquisition by the United States for use in connection with the Offutt Air Force Base, Nebraska, and for other uses as may be authorized by Congress or by Executive Order, and is required for immediate use;

FOURTH: That a proper description of the land therein sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That plats showing the land are incorporated in said Declaration of Taking;

SIXTH: That said Declaration of Taking contains a statement of the interest or estate in the said lands taken for public use;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money estimated by said acquiring authority to be just compensation for the said land and interest therein, which sum is \$31,460.00, and that said sum was deposited in the registry of the court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the Under Secretary of the Air Force of the United States, will be within any limits prescribed by law as the price to be paid therefor.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that upon the filing of said Declaration of Taking herein and the deposit in the registry of the court of the estimated amount of just compensation there became vested in the United States of America (a) a perpetual and assignable easement and right-of-way in, upon, over and across 9.00 acres of land, more or less, designated as Tracts Nos. B-201E and B-202E in this proceeding and described in Schedule "A" attached hereto and made a part hereof, for the location, construction, operation, maintenance and patrol of a drainage ditch; and (b) the fee simple title to 173.17 acres of land, more or less, designated as Tract No. B-206 in this proceeding and described in said Schedule "A", subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines.

17-16-1

That said land and interest therein are declared to have been  
conquered and taken for use of the United States of America and the  
right to just compensation for the property taken upon the filing of  
the declaration of war and the taking of the deposit vested in  
the parties entitled thereto, and the amount of just compensation  
shall be ascertained and awarded in this proceeding and established  
by judgment herein pursuant to law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that possession  
of the real estate herein described and the interest therein taken  
shall be surrendered to the United States of America and its duly  
authorized agents forthwith;

IT IS FURTHER ORDERED that this cause be held open for such  
further orders, judgments and decrees as may be necessary in the  
premises.



CLERK JUDGE, UNITED STATES DISTRICT COURT

COPY

|                             |        |
|-----------------------------|--------|
| FILED                       |        |
| DISTRICT OF NEBRASKA        |        |
| AT                          | M      |
| MAY 24 1954                 |        |
| <i>Mary A. Mullen</i> Clerk |        |
| By                          | Deputy |

I certify this to be a true copy of  
the original record in my custody.

MARY A. MULLEN, CLERK

By *Joseph S. Toland* Deputy Clerk

17-166

TRACT NO. B-202E

DESCRIPTION

A tract of land in the Southwest Quarter of Section 6, Township 13 North, Range 14 East of the 6th Principal Meridian, Sarpy County, Nebraska, the boundary of which is described as follows: Beginning at the Southwest corner of said Section 6; thence North 00°12'40" East along the West line of Section 6, a distance of 125.00 feet; thence South 89°20'20" East parallel with the South line of Section 6, a distance of 501.84 feet; thence South 00°19'32" West a distance of 125.00 feet to the South line of said Section 6; thence North 89°20'20" West along said South line, a distance of 501.59 feet to the point of beginning. The tract of land herein described contains 1.44 acres, more or less.

|                                   |                     |
|-----------------------------------|---------------------|
| <u>Name of Purported Owner</u>    | Howard S. Fee       |
| <u>Address of Purported Owner</u> | Red Cloud, Nebraska |
| <u>Estimated Compensation</u>     | \$100.00            |

17-167

TRACT NO. B-206

DESCRIPTION:

A tract of land situated in the West Half of Section 12, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of said Section 12; thence South 89°42'27" East along the North line of said Section 12 for a distance of 2532.87 feet to the Northeast corner of said West Half of Section 12; thence South 00°22'02" West along the East line of said Section 12 for a distance of 3981.01 feet; thence North 50°27'48" West, 3398.57 feet to a point on the West line of said Section 12; thence North 00°25'45" East, along the West line of said Section 12 for a distance of 1830.98 feet to the point of beginning; excepting therefrom a strip of land 100 feet in width lying 50 feet on each side of the following described centerline and extending from the North line of said Section 12 to the West line thereof; Beginning at a point on the North line of said Section 12, which point is South 89°42'27" East, 723.70 feet from the Northwest corner thereof; thence in a Southwesterly direction along a curve to the left having radius of 2864.93 feet and the initial tangent of which bears South 52°07'43" West for a distance of 1116.43 feet to a point on the West line of said Section 12, which point is South 00°25'45" West, 838.85 feet from the Northwest corner of said Section 12. The tract of land herein described contains 173.17 acres, more or less.

Name of Purported Owner: Nebraska Wesleyan University  
 Address of Purported Owner: Lincoln, Nebraska  
 Estimated Compensation: \$50,000.00