

STATE OF NEBRASKA
DEPARTMENT OF ROADS,

Condemner,

v.

~~GOLDIE WALVOORD, a single person,~~
~~Owner; DOUGLAS COUNTY TREASURER;~~~~DONALD L. WALVOORD and CAROLYN~~
~~WALVOORD, husband and wife,~~
~~Joint Tenants; DOUGLAS COUNTY~~
~~TREASURER;~~THOMAS H. STRONG and VERA
STRONG, husband and wife, Joint
Tenants; DOUGLAS COUNTY
TREASURER;PENTZIEN, INC., A Nebraska
Corporation, Owner; DOUGLAS
COUNTY TREASURER;

RETURN

OF

APPRAISERS

Condemnees.)

TO THE COUNTY JUDGE OF DOUGLAS COUNTY, NEBRASKA.

We, the undersigned appraisers, do hereby certify that under and by virtue of an "Appointment of Appraisers" duly served upon us by Joe Marino, Sheriff or Deputy Sheriff of Douglas County, Nebraska, on the 26 day of April 1974, and after having taken and filed the "Oath of Appraisers" that we did carefully inspect and view the property described herein, sought to be appropriated by the State of Nebraska, Department of Roads, and also other property of the condemnees alleged damaged thereby and did hear all parties interested therein in reference to the amount of damages sustained while we were so inspecting and viewing the property herein described and thereafter did assess the damages that the condemnees have sustained or will sustain by such appropriation of the property herein described for State highway purposes and also damage to such other property of the condemnees as in our opinion, was damaged by the appropriation of the property herein described:

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CONDEMNATION

Owners: Thomas H. Strong and Verna Strong, Husband and Wife, Joint Tenant

PROJECT F- 493(H) TRACT 4

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY A DISTANCE OF 209.00 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY DEFLECTING 090 DEGREES, 11 MINUTES LEFT, A DISTANCE OF 60.77 FEET ALONG THE NORTH LINE OF THE PROPERTY OWNED BY THE CONDEMNEE(S); THENCE SOUTHERLY DEFLECTING 087 DEGREES, 16 MINUTES LEFT, A DISTANCE OF 209.24 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EASTERLY DEFLECTING 092 DEGREES, 44 MINUTES LEFT, A DISTANCE OF 70.09 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING CONTAINING 0.31 ACRES, MORE OR LESS, WHICH INCLUDES 0.24 ACRES, MORE OR LESS PREVIOUSLY OCCUPIED AS PUBLIC HIGHWAY.

THERE WILL BE NO INGRESS OR EGRESS OVER THE ABOVE DESCRIBED TRACT FROM OR TO THE REMAINDER OF SAID QUARTER SECTION, EXCEPT, OVER ONE CONDITIONAL RESTRICTED ACCESS(ES). SUCH ACCESS IS TO BE PERMITTED ONLY IF IT DOES NOT EXCEED 40 FEET IN WIDTH, AND ONLY SO LONG AS TRAFFIC UPON SUCH ACCESS(ES) DOES NOT EXCEED 10 VEHICLE MOVEMENTS PER HOUR AS DETERMINED BY THE DEPARTMENT OF ROADS IN ACCORDANCE WITH THE PROCEDURE INDICATED BELOW. THE CENTERLINE(S) OF THE ACCESS(ES) (IS, ARE) LOCATED NORTHERLY 182.00 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION AS MEASURED ALONG THE CENTERLINE OF THE HIGHWAY.

FOR THE PURPOSE OF THIS DEED, THE 10 VEHICLE MOVEMENTS PER HOUR WILL BE MEASURED AND DETERMINED BY THE FOLLOWING PROCEDURE: UPON ITS OWN DETERMINATION OR WHENEVER TRAFFIC CONGESTION OCCURS AT A RESTRICTED ACCESS, THE DEPARTMENT MAY MAKE A TRAFFIC COUNT, SUCH COUNT TO BE FOR A MINIMUM 8-HOUR PERIOD DURING THE HOURS OF 7 AM TO 9 AM, 10 AM TO 1 PM, 3 PM TO 6 PM, AND, IN ADDITION, FOR ANY OTHER PEAK HOURS PECULIAR TO THE HIGHWAY. THE AVERAGE HOURLY TRAFFIC WILL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF VEHICLE MOVEMENTS RECORDED DURING THE TIME PERIODS BY THE LENGTH OF THE TIME PERIODS IN HOURS. IN THE EVENT ANY OF THE PEAK HOUR VEHICLE COUNTS EXCEEDS THE AVERAGE BY A FACTOR OF 1.5, THE HIGHER FIGURE MAY BE USED TO DETERMINE THE NUMBER OF VEHICLE MOVEMENTS FOR THE ACCESS POINT.

PROVIDED THAT THE GRANTEE DOES COVENANT AND AGREE THAT SHOULD HE OR HIS SUCCESSORS IN TITLE FAIL AND REFUSE TO KEEP OR PERFORM THE PROVISIONS LIMITING TRAFFIC IN SUCH ACCESS TO 10 VEHICLE MOVEMENTS PER HOUR, BY EXCEEDING THIS AMOUNT ON FIVE OR MORE SEPARATE OCCASIONS WITHIN A CONTINUOUS THREE-MONTH PERIOD, HE, OR HIS SUCCESSORS IN TITLE, WILL BE CONSIDERED IN VIOLATION OF THE TERMS OF THIS INSTRUMENT AND SUBJECT TO APPROPRIATE PROCEEDINGS AT LAW OR IN EQUITY FOR ITS ENFORCEMENT.

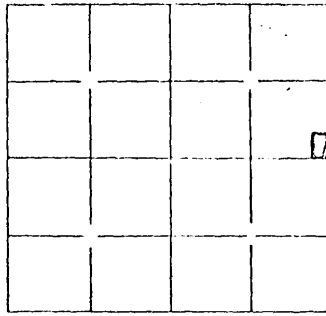
ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEDS AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNEDS AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL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

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AND ALSO, TEMPORARY EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR DRIVE PURPOSES, LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

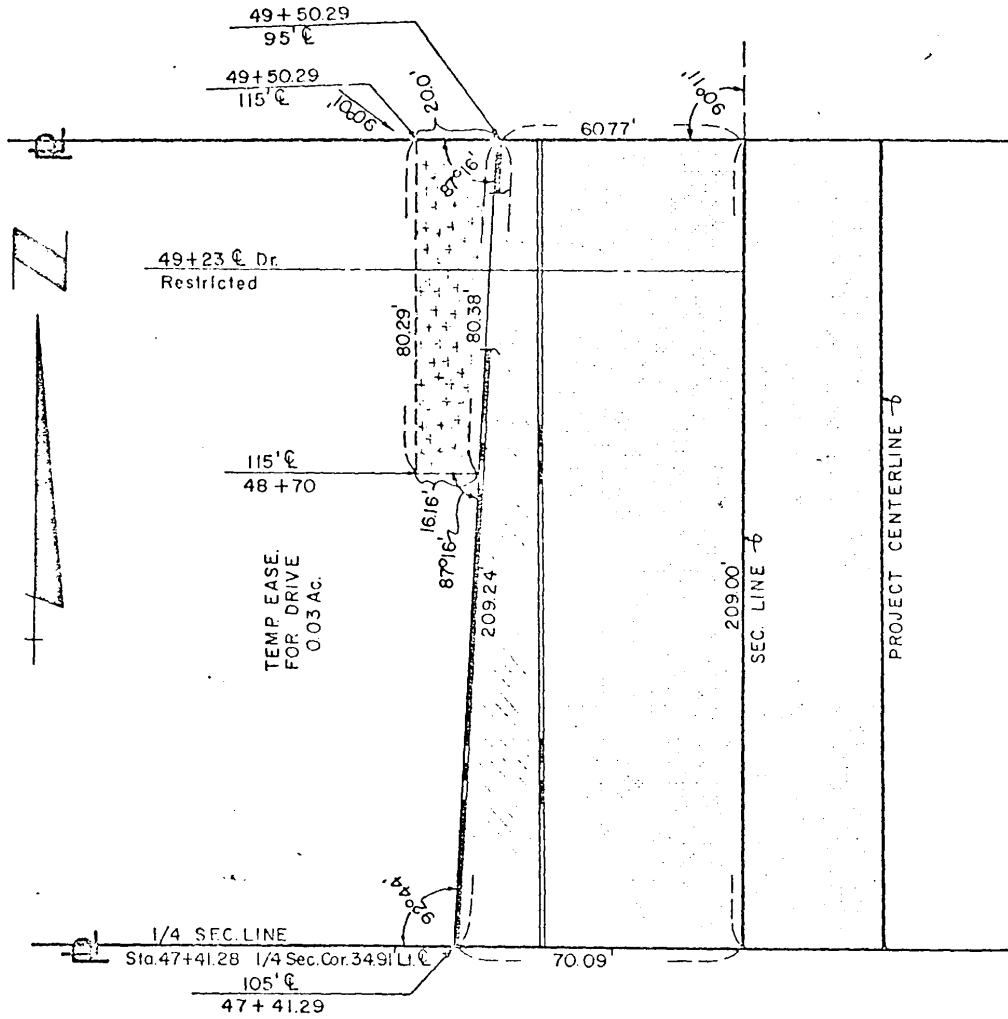
REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY A DISTANCE OF 209.00 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY DEFLECTING 090 DEGREES, 11 MINUTES LEFT, A DISTANCE OF 60.77 FEET ALONG THE NORTH LINE OF THE PROPERTY OWNED BY THE CONDEMNEE(S) TO THE POINT OF BEGINNING; THENCE WESTERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 20.00 FEET ALONG SAID LINE; THENCE SOUTHERLY DEFLECTING 090 DEGREES, 01 MINUTES LEFT, A DISTANCE OF 80.29 FEET; THENCE EASTERLY DEFLECTING 090 DEGREES, 00 MINUTES LEFT, A DISTANCE OF 16.16 FEET; THENCE NORTHERLY DEFLECTING 087 DEGREES, 16 MINUTES LEFT, A DISTANCE OF 80.38 FEET TO THE POINT OF BEGINNING CONTAINING 0.03 ACRES, MORE OR LESS.

UPON COMPLETION AND ACCEPTANCE OF PROJECT F-493(H), ALL RIGHTS, INTEREST AND USE OF THE ABOVE DESCRIBED TEMPORARY EASEMENT AREA(S) SHALL BE RETURNED TO THE CONDEMNEE(S) AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS WITH THE AFORESAID CHANGES COMPLETED.



DOUGLAS COUNTY

TOTAL R.O.W. 0.31 Ac.
PREV. R.O.W. 0.24 Ac.
NEW R.O.W. 0.07 Ac.



SKETCH SHOWING
RIGHT OF WAY
TO BE ACQUIRED FROM LAND
OWNED BY

THOMAS H. & VERNA STRONG, H. & W. J. T.

SCALE 1" = 40'
TRACT 4

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

PROJ. F-493 (H)
A.E.L. R- 991

TEMP EASE.

007
0.03

APPROVED BY: J.E.B. 3/20/78
J.E.B. 3/15/78

CONDEMNATION

Owner: Pentzien, Inc., a Nebraska Corp.

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PROJECT F- 493(H) TRACT 10

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 15 NORTH, RANGE 10 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 NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY A DISTANCE OF 55.20 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE SOUTHERLY DEFLECTING 090 DEGREES, 14 MINUTES RIGHT, A DISTANCE OF 729.48 FEET ALONG THE EASTERLY HIGHWAY RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 089 DEGREES, 54 MINUTES LEFT, A DISTANCE OF 14.98 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT 71.35 FEET EAST OF THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTHERLY ON A 1818.56 FOOT RADIUS CURVE TO THE LEFT, DEFLECTION TO THE INITIAL TANGENT BEING 089 DEGREES, 59 MINUTES RIGHT, A DISTANCE OF 212.70 FEET, SUBTENDING A CENTRAL ANGLE OF 006 DEGREES, 42 MINUTES ALONG SAID RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 173 DEGREES, 18 MINUTES LEFT, A DISTANCE OF 822.46 FEET; THENCE NORTHERLY DEFLECTING 002 DEGREES, 24 MINUTES RIGHT, A DISTANCE OF 119.51 FEET TO A POINT ON THE NORTH LINE OF SAID QUARTER SECTION; THENCE WESTERLY DEFLECTING 092 DEGREES, 42 MINUTES LEFT, A DISTANCE OF 33.20 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING CONTAINING 0.51 ACRES, MORE OR LESS.

THERE WILL BE NO INGRESS OR EGRESS OVER THE ABOVE DESCRIBED TRACT FROM OR TO THE REMAINDER OF SAID QUARTER SECTION, EXCEPT, OVER ONE UNRESTRICTED DRIVE(S), NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINE(S) OF WHICH (IS, ARE) LOCATED ON THE NORTH LINE(S) OF SAID QUARTER SECTION, AND EXCEPT, OVER ONE CONDITIONAL RESTRICTED ACCESS(ES), SUCH ACCESS IS TO BE PERMITTED ONLY IF IT DOES NOT EXCEED 40 FEET IN WIDTH, AND ONLY SO LONG AS TRAFFIC UPON SUCH ACCESS(ES) DOES NOT EXCEED 10 VEHICLE MOVEMENTS PER HOUR AS DETERMINED BY THE DEPARTMENT OF ROADS IN ACCORDANCE WITH THE PROCEDURE INDICATED BELOW. THE CENTERLINE(S) OF THE ACCESS(ES) (IS, ARE) LOCATED 43 FEET FROM THE NORTH LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE CENTERLINE OF THE HIGHWAY.

FOR THE PURPOSE OF THIS DEED, THE 10 VEHICLE MOVEMENTS PER HOUR WILL BE MEASURED AND DETERMINED BY THE FOLLOWING PROCEDURE: UPON ITS OWN DETERMINATION OR WHENEVER TRAFFIC CONGESTION OCCURS AT A RESTRICTED ACCESS, THE DEPARTMENT MAY MAKE A TRAFFIC COUNT, SUCH COUNT TO BE FOR A MINIMUM 8-HOUR PERIOD DURING THE HOURS OF 7 AM TO 9 AM, 10 AM TO 1 PM, 3 PM TO 6 PM, AND, IN ADDITION, FOR ANY OTHER PEAK HOURS PECULIAR TO THE HIGHWAY. THE AVERAGE HOURLY TRAFFIC WILL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF VEHICLE MOVEMENTS RECORDED DURING THE TIME PERIODS BY THE LENGTH OF THE TIME PERIODS IN HOURS. IN THE EVENT ANY OF THE PEAK HOUR VEHICLE COUNTS EXCEEDS THE AVERAGE BY A FACTOR OF 1.5, THE HIGHER FIGURE MAY BE USED TO DETERMINE THE NUMBER OF VEHICLE MOVEMENTS FOR THE ACCESS POINT.

PROVIDED THAT THE GRANTEE DOES COVENANT AND AGREE THAT SHOULD HE OR HIS SUCCESSORS IN TITLE FAIL AND REFUSE TO KEEP OR PERFORM THE PROVISIONS LIMITING TRAFFIC IN SUCH ACCESS TO 10 VEHICLE MOVEMENTS PER HOUR, BY EXCEEDING THIS AMOUNT ON FIVE OR MORE SEPARATE OCCASIONS WITHIN A CONTINUOUS THREE-MONTH PERIOD, HE, OR HIS SUCCESSORS IN TITLE, WILL BE CONSIDERED IN VIOLATION OF THE TERMS OF THIS INSTRUMENT AND SUBJECT TO APPROPRIATE PROCEEDINGS AT LAW OR IN EQUITY FOR ITS ENFORCEMENT.

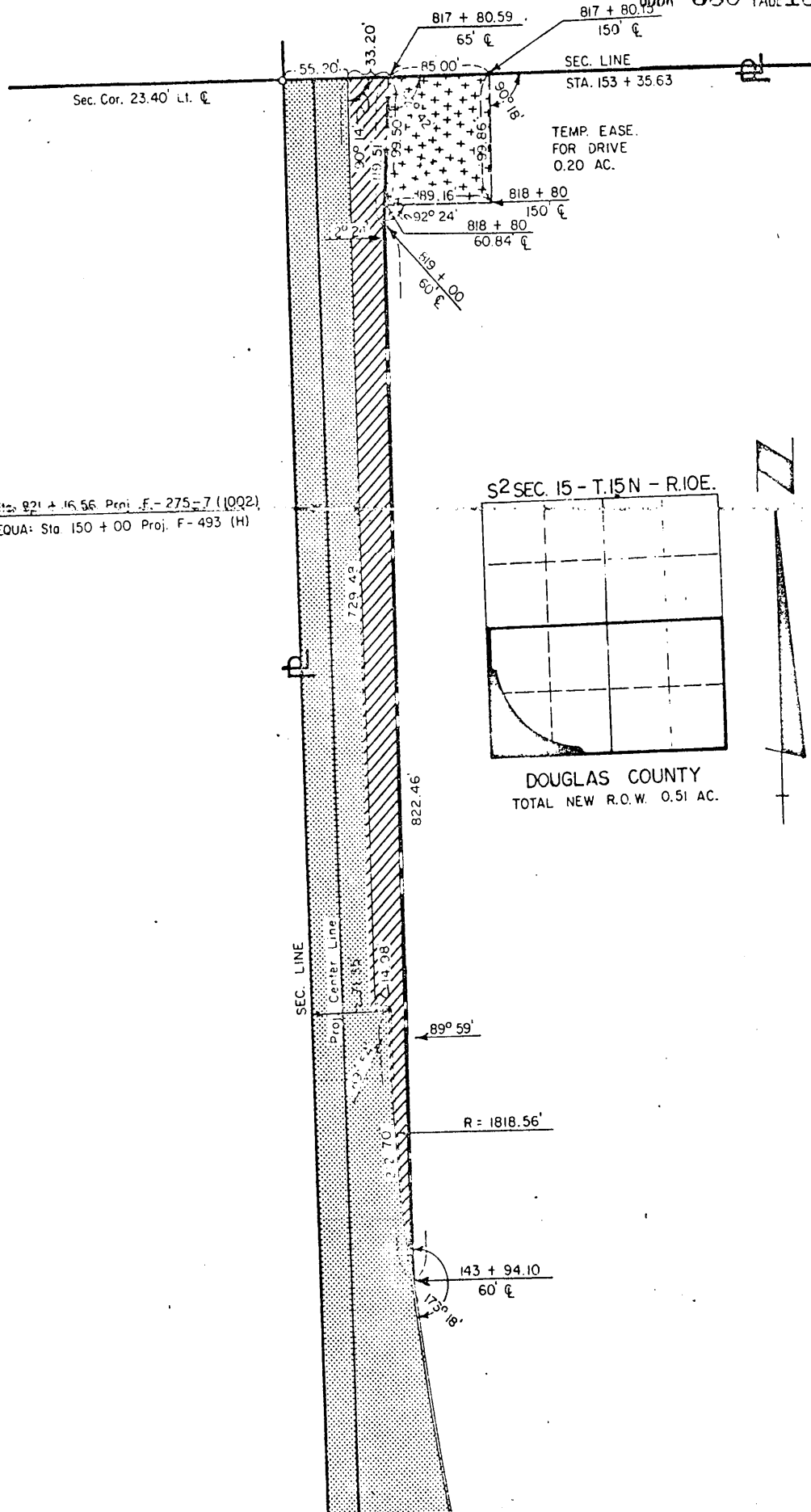
BOOK 539 PAGE 152

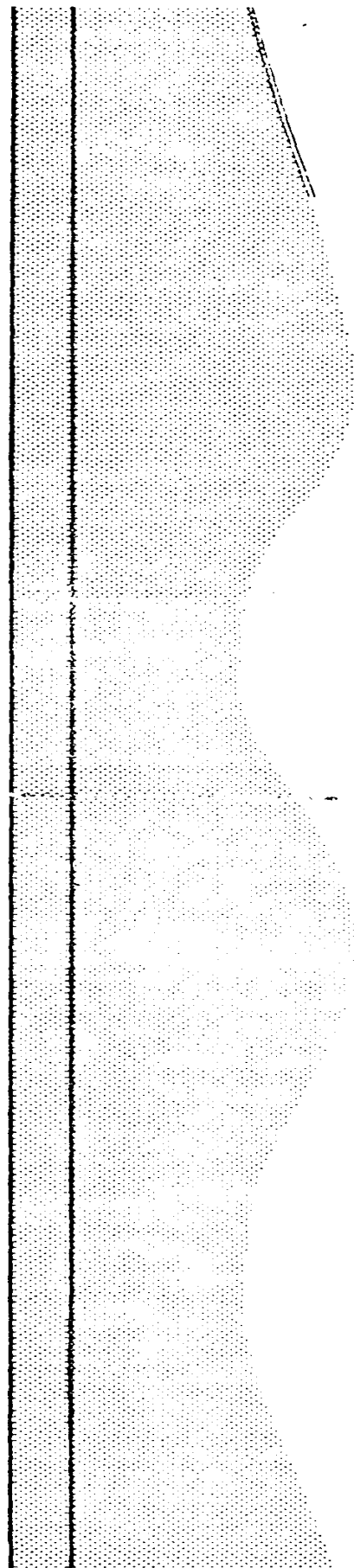
ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNES AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNES AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL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

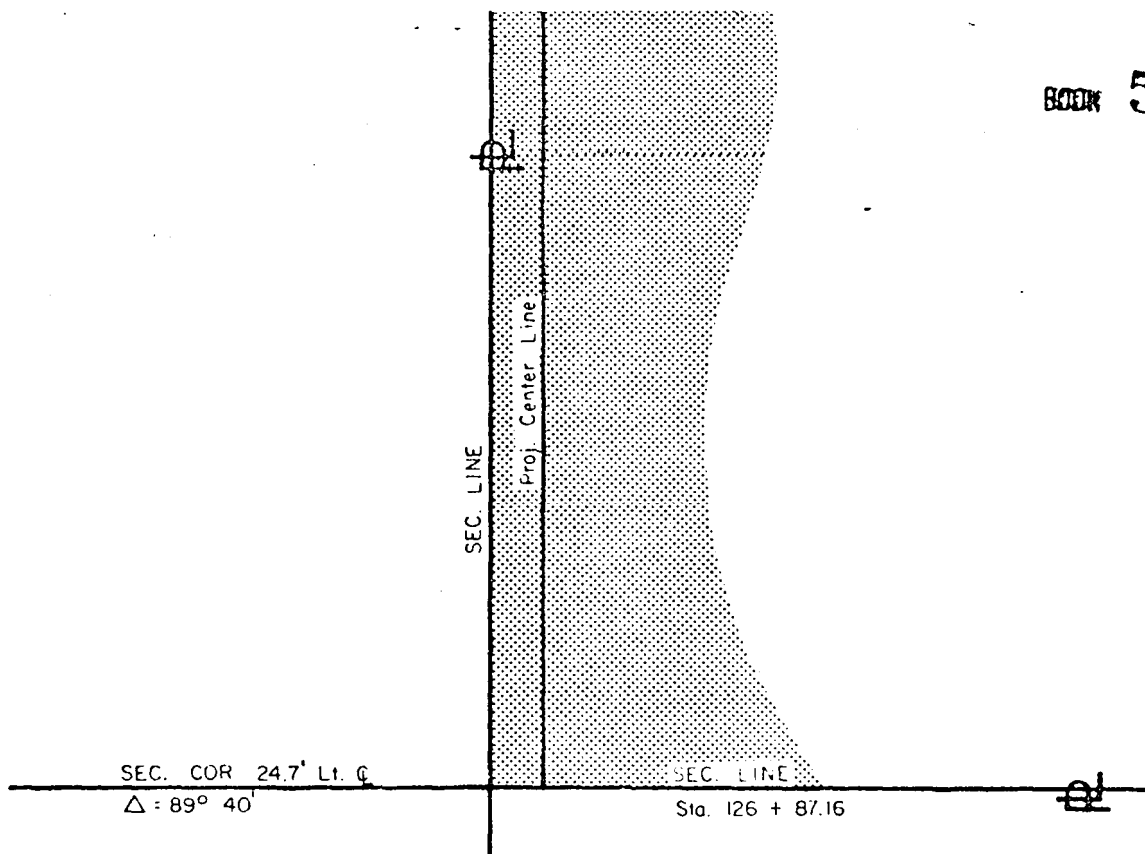
AND ALSO, TEMPORARY EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR DRIVE PURPOSES, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY A DISTANCE OF 88.40 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE EASTERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 85.00 FEET ALONG SAID LINE; THENCE SOUTHERLY DEFLECTING 090 DEGREES, 18 MINUTES RIGHT, A DISTANCE OF 99.86 FEET; THENCE WESTERLY DEFLECTING 090 DEGREES, 00 MINUTES RIGHT, A DISTANCE OF 89.16 FEET; THENCE NORTHERLY DEFLECTING 092 DEGREES, 24 MINUTES RIGHT, A DISTANCE OF 99.50 FEET TO THE POINT OF BEGINNING CONTAINING 0.20 ACRES, MORE OR LESS.

UPON COMPLETION AND ACCEPTANCE OF PROJECT F-493(HI), ALL RIGHTS, INTEREST AND USE OF THE ABOVE DESCRIBED TEMPORARY EASEMENT AREA(S) SHALL BE RETURNED TO THE CONDEMNEE(S) AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS WITH THE AFORESAID CHANGES COMPLETED.







SKETCH SHOWING
RIGHT OF WAY
TO BE ACQUIRED FROM LAND
OWNED BY

PENTZIEN INC.

SCALE 1"=100'
TRACT 10

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

F-493 (H) 8
PROJ. F-275-7(1002)
A FE R-991

LEGEND

PREV. ROW. [stippled box]
NEW ROW. [hatched box]
TEMP. EASE. [x x x x x x]
[]

0.51 ACRE
0.20 ACRE

COMPUTED BY IBM
DRAWN BY A.Z.C. 3-21-74
CHECKED BY
WRITTEN BY
CHECKED BY

CONTROLLED ACCESS

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:

To: Goldie Walvoord, a single person, Owner, Douglas County Treasurer;	\$ _____
To: Donald L. Walvoord and Carolyn Walvoord, husband and wife, Joint Tenants; Douglas County Treasurer;	\$ _____
To: Thomas H. Strong and Verna Strong, husband and wife, Joint Tenants; Douglas County Treasurer;	\$ 1,860.00
To: Pentzien, Inc., A Nebraska Corporation, Owner; Douglas County Treasurer;	\$ 1,065.00

Above award to Thomas H. Strong and Verna Strong to be distributed as follows:

- (a) Thomas H. Strong - \$930.00
- (b) Verna Strong - \$930.00
- (c) Douglas County Treasurer - None

Above award to Pentzien, Inc., A Nebraska Corporation, owner, to be distributed as follows:

- (a) To Pentzien, Inc., A Nebraska Corporation - \$1,065.00
- (b) Douglas County Treasurer - None

All of which is hereby respectfully submitted.

Dated this 31st day of May, A.D. 1974.

Wm A. Konopik
Wm A. Konopik
Hy Shrier
Appraisers

Subscribed and sworn to before me this ____ day of _____, A.D. 1974.

(SEAL)

Filed: June 3rd, 1974.

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.

GOLDIE WALVOORD, et al, Condemnees,

in the matter of - Condemnation Docket C4 - Page 133

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.....3rd.....day
 of.....June,.....A. D. 19 74.

DEAN HADORN, Clerk of the County Court

By.....

Dean Hadorn
 Deputy

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA

Form No. 14-2M-1-73 © DAY OF *July* 19 *74* AT *10:18 A* M. C. HAROLD OSTLER, REGISTER OF DEEDS

3050