

4

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA  
DEPARTMENT OF ROADS AND IRRIGATION

DOC. C-2 PAGE 33

vs.

Elizabeth J. Poppleton, single;  
William Sears Poppleton, single; and  
Samuel Knox Poppleton, single and a  
minor;

Fred Winterburn and Gertrude Winter-  
burn, husband and wife; and Lyle  
Winterburn and Elaine Winterburn,  
husband and wife;

RETURN OF APPRAISERS

Matt H. Neu and Anna C. Neu, husband  
and wife;

Arthur Kursawe, a widower;

Don Fitzgibbons, tenant (Poppleton  
land);

The Federal Land Bank of Omaha,  
mortgagee; (Neu land);

Fred Puls, tenant (Kursawe land);

TO HONORABLE ROBERT R. TROYER, COUNTY JUDGE, 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 the Sheriff of Douglas County, Nebraska, on the 22nd day of June, A.D., 1956, and after having taken and signed an oath to support the Constitutions of the United States of America and The State of Nebraska, to faithfully and impartially discharge our duties as required by law, and to honestly and truly assess the damages which the owners of the real estate, described in said "Appointment of Appraisers", will sustain by reason of the taking of said lands for right of way purposes for widening and reconstructing a part of State Highway No. 31 and also for damages due to limitation of access to said highway, to the locations hereinafter described; that we did inspect the real estate herein described at the time and place designated and did at said time and place sit as a Board of Appraisers and did receive evidence relative to the amount of damages that will be sustained by the owners of said real estate by reason of the taking thereof by the Department of Roads and Irrigation of The State of Nebraska, for right-of way purposes, and also damages due to limitation of access to said highway; the real estate referred to above being described as follows:

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

Land Owner: Elizabeth J. Poppleton, et al

Tenant: Don Fitzgibbons

Project: F-183 (10) AFE R-622a Douglas County, Nebr.

Right of Way:

A strip of land for highway right of way lying across the southern and eastern parts of the West Half of the Southwest Quarter of Section 6, Township 15 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the southwest corner of said Section 6; thence easterly on the South line of the West Half of the Southwest Quarter of said Section 6 a distance of 33.0 feet; thence northerly on a line 33.0 feet easterly from and parallel to the West line of said West Half of the Southwest Quarter a distance of 33.0 feet to the point of beginning; thence continuing northerly on the last described course produced a distance of 2,610.7 feet to a point on the North line of said West Half of the Southwest Quarter; thence easterly on said North line a distance of 9.4 feet; thence southerly a distance of 2,543.9 feet to a point 75.7 feet easterly from said West line and 100.0 feet northerly from said South line; thence easterly on a line 100.0 feet northerly from and parallel to said South line a distance of 1,244.3 feet, more or less, to a point on the East line of said West Half of the Southwest Quarter; thence southerly on said West line a distance of 67.0 feet; thence westerly on a line 33.0 feet northerly from and parallel to said South line a distance of 1,287 feet, more or less, to the point of beginning containing 3.50 acres, more or less.

There will be no right of access from the above described tract of land on to the remaining property of the condemnee along the southern part of said West Half of the Southwest Quarter and between the South line of said West Half of the Southwest Quarter and a point 1,075.0 feet northerly therefrom.

Also, a strip of land for highway right of way lying across the eastern part of the Southeast Quarter of Section 1, Township 15 North, Range 10 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the southeast corner of said Section 1; thence westerly on the South line of the Southeast Quarter of said Section 1 a distance of 33.0 feet; thence northerly on a line 33.0 feet westerly from and parallel to the East line of said Southeast Quarter a distance

CONDEMNATION (CONT)  
 F-183 (13) R-622a  
 Page 2

of 33.0 feet to the point of beginning; thence continuing northerly on the last described course produced a distance of 2,610.7 feet to a point on the North line of said Southeast Quarter; thence westerly on said North line a distance of 44.6 feet; thence southerly a distance of 2,543.9 feet to a point 44.3 feet westerly from said East line and 100.0 feet northerly from said South line; thence westerly on a line 100.0 feet northerly from and parallel to said South line a distance of 240.0 feet; thence southerly 90 degrees left a distance of 67.0 feet; thence easterly on a line 33.0 feet northerly from and parallel to said South line a distance of 250.4 feet to the point of beginning containing 2.02 acres, more or less.

There will be no right of access from the above described tract on to the remaining property of the condemnee between the South line of said Southeast Quarter and a point 1,075 feet northerly therefrom.

Also, a strip of land for highway right of way lying across the western part of the Northeast Quarter of Section 1, Township 15 North, Range 10 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the Northeast corner of said Section 1; thence westerly on the North line of the Northeast Quarter of said Section 1 a distance of 33.0 feet; thence southerly on a line 33.0 feet westerly from and parallel to the East line of said Northeast Quarter a distance of 33.0 feet to the point of beginning; thence continuing southerly on the last described course produced a distance of 2,610.1 feet to a point on the South line of said Northeast Quarter; thence westerly on said South line a distance of 44.6 feet; thence northerly a distance of 756.8 feet to a point 105.8 feet westerly from said East line; thence continuing northerly a distance of 1,836.9 feet to a point 97.4 feet westerly from said East line; thence westerly a distance of 215.7 feet to a point 33.0 feet southerly from said North line; thence easterly on a line 33.0 feet southerly from and parallel to said North line a distance of 278.6 feet to the point of beginning containing 3.96 acres, more or less.

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

Land Owner: Fred Winterburn and Gertrude Winterburn, husband and wife; and Lyle Winterburn and Elaine Winterburn, husband and wife.

Project: F-183 (10) AFE R-622a Douglas County, Nebraska.

A strip of land for highway right of way lying across the western and northern parts of the West Half of the Northwest Quarter of Section 7, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the northwest corner of said Section 7; thence easterly on the North line of the West Half of the Northwest Quarter of said Section 7 a distance of 33.0 feet; thence southerly on a line 33.0 feet easterly from and parallel to the West line of said Northwest Quarter a distance of 33.0 feet to the point of beginning; thence continuing southerly on the last described course produced a distance of 2,614.7 feet to a point on the South line of said West Half of the Northwest Quarter; thence easterly on said South line a distance of 32.8 feet; thence northerly a distance of 1,247.7 feet to a point 82.0 feet easterly from said West line; thence continuing northerly on a line 82.0 feet easterly from and parallel to said West line a distance of 1,340.8 feet to a point 60.0 feet southerly from said North line; thence easterly on a line 60.0 feet southerly from and parallel to said North line a distance of 1,238 feet, more or less, to a point on the East line of said West Half of the Northwest Quarter; thence northerly on said East line a distance of 27.0 feet; thence westerly on a line 33.0 feet southerly from and parallel to said North line a distance of 1,287 feet, more or less, to the point of beginning, containing 3.44 acres, more or less.

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

Land Owner: Matt H. Neu and Anna C. Neu, husband and wife

Mortgagee: The Federal Land Bank of Omaha

Project: F-183 (10) AFE R-622a Douglas County, Nebraska.

A strip of land for highway right of way located in the South Half of the Southeast Quarter of Section 24, Township 16 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the southeast corner of said Section 24; thence westerly on the South line of the South Half of the Southeast Quarter of said Section 24 a distance of 33.0 feet; thence northerly on a line 33.0 feet westerly from and parallel to the East line of said South Half of the Southeast Quarter a distance of 33.0 feet to the point of beginning; thence continuing northerly on the last described course produced a distance of 1,289.0 feet to a point on the North line of said South Half of the Southeast Quarter; thence westerly on said North line a distance of 69.9 feet; thence southerly a distance of 1,261.7 feet to a point 60.8 feet westerly from said East line and 61.0 feet northerly from said South line; thence westerly on a line 61.0 feet northerly from and parallel to said South line a distance of 335.0 feet; thence southerly 90 degrees left a distance of 28.0 feet; thence easterly on a line 33.0 feet northerly from and parallel to said South line a distance of 362.8 feet to the point of beginning, containing 1.65 acres, more or less.

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

Land Owner: Arthur Kursawe, a widower

Tenant: Fred Puls

Project: F-183 (10)

AFE R-622a

Douglas County, Nebr.

Right of Way:

A strip of land for highway right of way lying across the western part of the West Half of the Southwest Quarter of Section 18, Township 16 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the southwest corner of said Section 18; thence easterly on the South line of the West Half of the Southwest Quarter of said Section 18 a distance of 33.0 feet; thence northerly on a line 33.0 feet easterly from and parallel to the West line of said West Half of the Southwest Quarter a distance of 33.0 feet to the point of beginning; thence continuing northerly on the last described course produced a distance of 2,609.1 feet to a point on the North line of said West Half of the Southwest Quarter; thence easterly on said North line a distance of 24.7 feet; thence southerly a distance of 2,609.1 feet to a point 33.0 feet northerly from said South line; thence westerly on a line 33.0 feet northerly from, and parallel to said South line a distance of 23.1 feet to the point of beginning containing 1.43 acres, more or less.

Also, a strip of land for highway right of way lying across the western part of the South 10.22 acres of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the west quarter quarter corner of the Northwest Quarter of said Section 18; thence easterly on the South line of the South 10.22 acres of the Northwest Quarter of said Northwest Quarter a distance of 33.0 feet to the point of beginning; thence northerly on a line 33.0 feet easterly from and parallel to the West line of said South 10.22 acres a distance of 453.3 feet to a point on the North line of said 10.22 acres; thence easterly on said North line a distance of 29.1 feet; thence southerly a distance of 453.3 feet to a point on said South line; thence westerly on said South line a distance of 27.5 feet to the point of beginning containing 0.29 acre, more or less.

CONDEMNATION (CONT)  
F-183 (10) R-622a  
Page 2

There will be no right of access from the above described tract on to the remaining property of the condemnee between the North line of the South 10.22 acres of the Northwest Quarter of the Northwest Quarter and a point 247 feet southerly therefrom.

A triangular tract of land for channel change located in the southwestern part of the Southwest Quarter of the Northwest Quarter of Section 18, Township 16 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the west quarter corner of said Section 18; thence easterly on the South line of the Southwest Quarter of the Northwest Quarter of said Section 18 a distance of 57.7 feet; thence northerly a distance of 27.3 feet to the point of beginning, said point being 57.8 feet easterly from West line of said Southwest Quarter of the Northwest Quarter; thence continuing northerly on the last described course produced a distance of 150.0 feet; thence southeasterly a distance of 212.2 feet to a point 207.8 feet easterly from said West line; thence westerly a distance of 150.0 feet to the point of beginning containing 0.26 acre.

Also, a strip of land for rounding back slopes located in the western part of the West Half of the Southwest Quarter of Section 18, Township 16 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the west quarter corner of said Section 18; thence easterly on the North line of the West Half of the Southwest Quarter of said Section 18 a distance of 57.7 feet; thence southerly a distance of 872.7 feet to the point of beginning, said point being 57.2 feet easterly from the West line of said West Half of the Southwest Quarter; thence continuing southerly on the last described course produced a distance of 300.0 feet to a point 57.0 feet easterly from said West line; thence easterly 90 degrees left a distance of 10.0 feet; thence northerly 90 degrees left a distance of 300.0 feet; thence westerly 90 degrees left a distance of 10.0 feet to the point of beginning containing 0.069 acre, more or less.

CONDEMNATION (CONT.)  
F-183 (10) R-622a  
Page 3

Also, a strip of land for rounding back slopes located in the western part of the Southwest Quarter of the Northwest Quarter of Section 18, Township 16 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the west quarter quarter corner of the Northwest Quarter of said Section 18; thence easterly on the North line of the Southwest Quarter of said Northwest Quarter a distance of 60.5 feet; thence southerly a distance of 143.7 feet to the point of beginning, said point being 60.2 feet easterly from the West line of said Southwest Quarter of the Northwest Quarter; thence continuing southerly on the last described course produced a distance of 100.0 feet to a point 60.0 feet easterly from said West line; thence easterly 90 degrees left a distance of 10.0 feet; thence northerly 90 degrees left a distance of 100.0 feet; thence westerly 90 degrees left a distance of 10.0 feet to the point of beginning containing 0.023 acre, more or less

Right of Way:

Also a strip of land for highway right of way lying across the western part of the Southwest Quarter of the Northwest Quarter of Section 18, Township 16 North, Range 11 East of the 6th P. M., Douglas County, Nebraska, described as follows:

Referring to the west quarter corner of said Section 18; thence easterly on the South line of the Southwest Quarter of the Northwest Quarter of said Section 18 a distance of 33.0 feet to the point of beginning; thence northerly on a line 33.0 feet easterly from and parallel to the West line of said Southwest Quarter of the Northwest Quarter a distance of 1,321.0 feet to a point on the North line of said Southwest Quarter of the Northwest Quarter; thence easterly on said North line a distance of 27.5 feet; thence southerly a distance of 1,321.0 feet to a point on said South line; thence westerly on said South line a distance of 24.7 feet to the point of beginning containing 0.79 acre, more or less.



Now, therefore, we, as Appraisers aforesaid, do hereby find and appraise the damages that will be suffered by reason of the taking of said lands for right of way purposes by the Department of Roads and Irrigation of The State of Nebraska, and also damages due to limitation of access to said Highway, in amounts of:

- 1. Elizabeth J. Poppleton, single; William Sears Poppleton, single; and Samuel Knox Poppleton, single and a minor, jointly \$5,375.00
- 2. Fred Winterburn and Gertrude Winterburn, husband and wife; and Lyle Winterburn and Elaine Winterburn, husband and wife, jointly 2,580.00
- 3. Matt H. Neu and Anna C. Neu, husband and wife, jointly 660.00
- 4. Arthur Kursawe, widower 5,650.00
- 5. Don Fitzgibbons, tenant (Poppleton land) 100.00
- 6. The Federal Land Bank of Omaha, mortgagee, Neu land None
- 7. Fred Puls, tenant (Kursawe land) 900.00

The above appraisal includes allowance of damages to Fred Winterburn et al for loss of right of access to the Winterburn land, excepting present and existing entrance to said tract from the west, as shown on attached proposed right of way sketch.

All of which is hereby respectfully submitted.

Dated this 6th day of July, A.D., 1956.

/s/ Robert D. Mullin  
/s/ G. E. Shukert  
/s/ Frank H. Binder  
 Appraisers

STATE OF NEBRASKA }  
 COUNTY OF DOUGLAS } SS. I, Robert R. Troyer, County Judge of Douglas County, Nebraska, do hereby certify the foregoing copy, consisting of 9 pages, to be a full, true and correct copy of the original record thereof, now remaining on file in said court; that I have the legal custody and control of said original record; and that the seal of said court is hereto affixed.

WITNESS my hand and the seal of said Court at Omaha this 14th day of September 1956

ROBERT R. TROYER, County Judge  
 BY Joseph J. Belitz  
 Clerk of the County Court

