

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

CITY OF OMAHA, A Municipal Corporation,	)	DOC. C-4	NO. 151
	)		
Condemnor,	)		
	)		
vs.	)	<u>REPORT OF APPRAISERS</u>	
	)		
MICHAEL F. WHEELER, et al.,	)		
	)		
Condemnees.	)		

Now on this 27 day of NOVEMBER, 1974, the undersigned, being the duly appointed, qualified and acting appraisers in the above-entitled matter, do hereby make and file this report, showing unto the Court that:

- 1) The undersigned were duly appointed appraisers in the above-entitled matter.
- 2) Before entering upon their duties as appraisers in the above-entitled matter, the undersigned duly took and subscribed an oath to support the Constitutions of the United States and of the State of Nebraska and to faithfully and impartially discharge their duties as required by law.
- 3) At the time and place designated in the "Notice of Intention to Acquire Property and of Time and Place of Meeting of Board of Appraisers to Have Damages Assessed" the undersigned appraisers carefully inspected and viewed the real estate hereinafter specified sought to be taken and also any other property of the condemnees damages thereby, and heard all parties interested therein in reference to the amount of damages while so inspecting and viewing the property.
- 4) At the time and place designated in the "Notice of Intention to Acquire Property and of Time and Place of Meeting of Board of Appraisers to Have Damages Assessed" said appraisers did meet to assess the damages that the condemnees sustain by the taking of the hereinafter specified property by the City of Omaha, at which time said appraisers did receive evidence relative to the amount of damages that will be sustained by the owners of said real estate.  
  
In part, said appraisers took into consideration: The value of property being taken, severance damages, any work to be done for ingress and egress over any remaining property of condemnees, any other property of any condemnee herein damaged by any taking herein, reasonable cost of any necessary removal of personal property from the real estate being taken, and condemnee's abstracting expenses.
- 5) The amount of damages that will be sustained by the owners of said real estate by reason of the taking thereof by the City of Omaha for sanitary outfall sewer purposes is as hereinafter found and assessed.

Now, therefore, the undersigned appraisers do hereby find and assess the damages that will be suffered by reason of the taking of the real estate for aforesaid purposes by the City of Omaha as follows:

TRACT NO. 2 as described in the Petition of Condemnor which is incorporated herein by reference as fully set forth herein.

MICHAEL F. WHEELER and JUDITH ANN WHEELER	}	\$	_____
JACK A. FISHER and CARL SCALETTA, d/b/a			
PAPIO VALLEY AUTO PARTS		\$	<u>1,490.00</u>
DOUGLAS COUNTY BANK OF OMAHA		\$	<u>0.00</u>
ALL OTHERS		\$	<u>0.00</u>

TRACT NO. 5 as described in the Petition of Condemnor which is incorporated herein by reference as fully set forth herein.

ANNA CHARLOTTE NIELSEN	}	\$	<del>_____</del>	<u>640.00</u>
JOHN PEDER CHARLES PEDERSEN		\$	<del>_____</del>	<u>640.00</u>
VIOLA MARGARET PEDERSEN		\$	<del>_____</del>	<u>640.00</u>
JESSIE G. PEDERSEN		\$	<del>_____</del>	<u>640.00</u>
ALL OTHERS		\$	<del>_____</del>	<u>0.00</u>

TRACT NO. 6 as described in the Petition of Condemnor which is incorporated herein by reference as fully set forth herein.

GLOBE REALTY COMPANY	}	\$	_____
MILTON H. ORDWAY and THERESA E. ORDWAY		\$	<u>4,030.00</u>
ALL OTHERS		\$	<u>0.00</u>

TRACT NO. 6A as described in the Petition of Condemnor which is incorporated herein by reference as fully set forth herein.

GLOBE REALTY COMPANY	}	\$	_____
NU-TREND MOBILE HOMES, INC.		\$	_____
SAM J. HOWELL,		\$	_____
ALL OTHERS		\$	_____

SETTLED  
WITH  
CITY

BOARD OF APPRAISERS

James A. Hogan  
Henry L. Stern  
V. Clare Smalley

Filed: Dec. 3, 1974.

ORDINANCE NO. 27233

AN ORDINANCE declaring the necessity of appropriating, for use of the City of Omaha, the necessary lands for the purpose of constructing the Benson-Westside Sanitary Outfall Relief Sewer, from 60th and Harrison Streets to "L" Street, Project No. S.O.S. 3608; providing that the City negotiate with the property owners for acquisitions and easements and make report of said negotiations to the City Council; providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That it is proper and necessary and it is hereby declared property and necessary to appropriate certain lands for the purpose of constructing the Benson-Westside Sanitary Outfall Relief Sewer, from 60th and Harrison Streets to "L" Street, Project No. S.O.S. 3608. Said property and lands necessary for such purposes are in Douglas County, Nebraska, and are more particularly described as follows:

Tract No. 2

Permanent Easement

A parcel of land located in the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 North, Range 12 East of the 6th P.M. more particularly described as follows: A strip of land 80 feet in width, 40 feet either side of the following described line and extension thereof. Beginning at the center of said Section 12, thence South 5 degrees 44 minutes 00 seconds East for a distance of 200 feet, thence South 32 degrees 46 minutes 00 seconds East for a distance of 310.4 feet to the point of termination, said point also being 188 feet East of and 460 feet South of the center of said Section 12. Said parcel being bounded on the North by the East-West center line of said Section 12 and bounded on the South by a line 460 feet South of and parallel to the East-West center line of said Section 12, and also a parcel of land located in the Southwest Quarter of the Northeast Quarter of said Section 12, more parti-

cularly described as follows: Beginning at the center of said Section 12, thence North along the North-South center line of said Section 12 for a distance of 207 feet, thence Easterly along the South R.O.W. line of the Chicago, Burlington and Quincy R.R. (now Burlington Northern R.R.) for a distance of 19.42 feet, thence along a line with a bearing of South 5 degrees 44 minutes 00 seconds East to a point on the East-West center line of said Section 12, said point being 40.2 feet East of the center of said Section 12, thence West for a distance of 40.2 feet to the point of beginning, Assuming the North-South center line of said Section 12 to be true North and South.

#### Temporary Easement

A parcel of land located in the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 North, Range 12 East of the 6th P.M., more particularly described as follows: The above parcel of land bordered on the West by the Big Papillion Creek R.O.W. and bordered on the East by a line 140 feet East of and parallel to the following described line and extension thereof. Beginning at the center of said Section 12, thence South 5 degrees 44 minutes 00 seconds East for a distance of 200 feet, thence South 32 degrees 46 minutes 00 seconds East for a distance of 310.4 feet to the point of termination, said point also being 128 feet East of and 460 feet South of the center of said Section 12. Said parcel being bounded on the North by the East-West center line of said Section 12 and bounded on the South by a line 460 feet South of and parallel to the East-West center line of said Section 12, except that part taken for Permanent Easement, and also beginning at a point on the East-West center line, 40.2 feet East of the center of said Section 12, thence due East along said East-West center line for a distance of 100.5 feet, thence on a bearing of North 5 degrees 44 minutes 00 seconds West to a point on the South R.O.W. line of the Chicago, Burlington and Quincy R.R. (now Burlington Northern R.R.), thence Westerly along the South line of said R.R. R.O.W. to a point, said point being 19.42 feet East of and 207 feet North of the center of said Section 12, thence on a bearing of South 5 degrees 44 minutes 00 seconds East to the point of beginning. Assuming the North-South center line of said Section 12 to be true North and South.

#### Tract No. 4

#### Temporary Easement

Beginning at a point 33 feet South of and 264 feet West of the Northeast corner of the Northwest Quarter of Section 12, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, thence West along the South R.O.W. line of "Q" Street, said line being 33 feet South of and parallel to the North line of the aforesaid

Tract No. 5

Permanent Easement

A strip of land 80 feet in width lying within the East half of the East half of the Northwest Quarter of Section 12, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as surveyed, platted and recorded, more particularly described as follows: The West 80 feet of that part of said East half of the East half of the Northwest Quarter of Section 12, lying ~~between the East line of the said Northwest Quarter, Sec-~~ tion 12 and the East line of that property conveyed to O.P.P.D. in a deed recorded in Book 1366, Page 567 in the office of Register of Deeds in Douglas County, Nebraska, said 80 foot strip being adjacent to said East line of O.P.P.D. property and bounded on the South by the North R.O.W. line of the Burlington Northern R.R. and bounded on the North by the South R.O.W. line of "Q" Street.

Tract No. 6

Permanent Easement

A parcel of land in Tax Lot 5, located in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 1, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as surveyed, platted and recorded, being 35 feet Easterly of and 40 feet Westerly of the following described line and extension thereof. Beginning at a point on the Northerly line of O.P.P.D. Right-of-Way, said point being 157 plus or minus feet North of and 340 plus or minus feet West of the Southeast corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 1, thence along a straight line Northwesterly to a point on the East line of Little Papillion Drainage Ditch Right-of-Way, said point being 438 plus or minus feet West of and 655 plus or minus feet South of the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, to the point of termination, and also a parcel of land in Tax Lot 5, located in part of the Southwest and Southeast Quarters of said Section 1, lying between the Little Papillion Drainage Ditch Right-of-Way and the following described line: Beginning at a point 400 plus or minus feet West of and 655 plus or minus feet South of the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northeasterly direction to a point, said point being 189 plus or minus feet North of and 220 plus or minus feet East of the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northeasterly direction to a point, said point being 642.03 feet South of and 781 plus or minus feet West of the Northeast corner of the Northwest  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$  of said Section 1, to the point of termination.

### Temporary Easement

A parcel of land in Tax Lot 5 located in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 1, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as surveyed, platted and recorded, being that part lying East of the Big Papillion Drainage Ditch and West of a line 135 feet East of and parallel to the following described line and extension thereof. Beginning at a point on the Northerly line of O.P.P.D. R.O.W., said point being 157 plus or minus feet North of and 340 ~~plus or minus feet West of the Southeast corner of the~~ Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northwesterly direction to a point on the East line of Little Papillion Drainage Ditch R.O.W., said point being 438 plus or minus feet West of and 655 plus or minus feet South of the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, to the point of termination, except that part taken for permanent easement and except parcel conveyed to O.P.P.D.

Also a parcel of land 100 feet in width lying Southeasterly of, adjacent to and parallel with the following described line. Beginning at a point 400 plus or minus feet West of and 655 plus or minus feet South of the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northeasterly direction to a point, said point being 189 plus or minus feet North of and 220 plus or minus feet East of the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northeasterly direction to a point, said point being 642.03 feet South of and 781 plus or minus feet West of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, to the point of termination.

### Tract No. 6A

### Permanent Easement

A parcel of land in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 1, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as surveyed, platted and recorded, more particularly described as follows: Being that part lying between the East R.O.W. line of the Little Papillion Drainage Ditch and the following described line: Beginning at a point 642.03 feet South of and 781 plus or minus feet West of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northeasterly direction to a point, said point being 532 plus or minus feet West of and 260 plus or minus feet South of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northerly direction to a point on the South line of "L" Street, said

point being 122 plus or minus feet South of and 538 plus or minus feet West of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, to the point of termination.

Temporary Easement

A parcel of land in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 1, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as surveyed, platted and recorded, more particularly described as follows:  
~~A parcel of land 100 feet in width, lying Southeasterly...~~  
of, adjacent to and parallel with the following described line: Beginning at a point 642.03 feet south of and 781 plus or minus feet West of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northeasterly direction to a point, said point being 532 plus or minus feet West of and 260 plus or minus feet South of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence along a straight line in a Northerly direction to a point on the South line of "L" Street, said point being 122 plus or minus feet South of and 538 plus or minus feet West of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, to the point of termination.

Section 2. That the Public Works Department of the City of Omaha be, and it hereby is, authorized, empowered and directed to negotiate, through either employees of the City of Omaha or through persons employed therefore or through any combination thereof, with the owners of the above described properties for the acquisition of said properties by the City of Omaha for aforesaid Sanitary Sewer purposes and said Department shall report on said negotiations to this Council. Upon failure to agree by negotiations with the owners of any of the above described properties for the acquisition thereof by the City of Omaha, the Public Works Department is authorized, empowered, and directed, together with the Law Department of the City of Omaha, to proceed forthwith to acquire any such property, not obtained by negotiation, for the City of Omaha for the aforesaid Sanitary Sewer purposes by condemnation proceedings in accordance with the Laws of the State of Nebraska under the power of eminent domain, and

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 "REPORT OF APPRAISERS"

In Re: CITY OF OMAHA, A Municipal Corporation,  
Condemner,

vs.  
MICHAEL F. WHEELER, et al,

Condemnees,  
in ~~the matter of~~ Condemnation Docket C4 - Page 151,

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 8th day  
of January A. D. 1975

DEAN HADORN, Clerk of the County Court

By *Dean Hadorn* Deputy



24.50