

7960707
COUNTY
DOCUMENT NUMBER
97-000414

97 JAN -7 PM 4: 34

Glenn J. ...
REGISTER OF DEEDS

Counters
Verify *He*
D.E. *He*
Proof *He*
Fee \$ *2600*
Ck *20.50*
Cash
Chg *5.50 - FNMC*

AFFIDAVIT

STATE OF NORTH DAKOTA }
 } SS
COUNTY OF STUTSMAN }

Affiant, being duly sworn and under oath, verily states:

1. That Affiant is DANIEL BARLOW, Chief Executive Officer of CELLULOSE INSULATION OF NEBRASKA, INC., P. O. Box 1946, Jamestown, North Dakota 58402;
2. That pursuant to a Condemnation Award dated December 11, 1865, which is recorded in the records of the Sarpy County Recorder's Office in Book 5 on Page 229, Union Pacific Railroad Company, or its predecessor in interest, acquired a 100 foot wide right of way (hereinafter the "Right of Way") across a portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 27, Township 14 North, Range 12 East of the Sixth Principal Meridian in Sarpy County, Nebraska;
3. That such Right of Way is legally described in Exhibit A, which is attached hereto and hereby made a part hereof;
4. That pursuant to the Interstate Commerce Commission's Decision dated September 18, 1991, under Docket No. AB - 33 (Sub-No. 69X), Union Pacific Railroad Company was authorized to and did abandon its rail operations over the Right of Way effective October 18, 1991;
5. That Union Pacific Railroad Company subsequently removed the trackage, ballast and other track material from the Right of Way and abandoned such Right of Way on or about March 10, 1992;
6. That under Nebraska Case Law, upon abandonment of railroad use, title to the land contained within a railroad right of way acquired by condemnation, reverts to the adjoining landowner from the center line of such abandoned right of way;
7. That at all times during the period from September 18, 1991 through March 31, 1992, CELLULOSE INSULATION OF NEBRASKA, INC., was the owner of record of the adjacent real property, which is legally identified in the records of the Sarpy County Assessor and Recorder's Offices as shown in Exhibit B, which is attached hereto and hereby made a part hereof;

8. That Affiant hereby makes official notice that CELLULOSE INSULATION OF NEBRASKA, INC., claims that portion of the Right of Way (hereinafter the "Property") lying adjacent to the CELLULOSE INSULATION OF NEBRASKA, INC. 's real property described in subparagraph 7 above, such Property being more particularly described in Exhibit C, which is attached hereto and hereby made a part hereof, and

9. Affiant further sayeth not.

The foregoing Affidavit is executed by the Affiant at Jamestown, North Dakota, on this

23 day of December, 1996.

Daniel L Barlow
Daniel Barlow, Affiant

Before me, a notary public qualified for said county, personally came DANIEL BARLOW, Chief Executive Officer of CELLULOSE INSULATION OF NEBRASKA, INC. known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal on December 23rd, 1996.

Norma Morlock
(Notary Public)

NORMA MORLOCK
Notary Public, State of North Dakota
My Commission Expires August 10, 1999

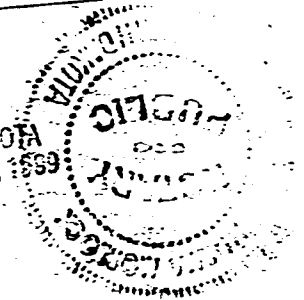


EXHIBIT "A"

RIGHT OF WAY

A strip of land 100.0 feet wide situate in the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 27, Township 14 North, Range 12 East of the Sixth Principal Meridian in Sarpy County, Nebraska, said strip being 50.0 feet distant on each side, measured at right angles, from the hereinafter described centerline of abandoned main track of the Old Main Line of the Union Pacific Railroad Company, as formerly constructed and operated, and extending southeasterly from the north line of said Section 27 to a straight line drawn at right angles to said centerline of abandoned main track at a point thereon that is 2,207 feet distant southeasterly, measured along said centerline of abandoned main track, from said north line of said Section 27.

Containing an area of 5.07 acres, more or less.

Said centerline of abandoned main track, hereinabove referred to, is described as follows:

Beginning at a point in the north line of said Section 27 that is 277.0 feet distant west, measured along said north line, from the north quarter corner thereof,
thence southeasterly along a straight line which forms an angle of 25°45'30" from east to southeast with said north line, a distance of 2,500 feet to a point beyond the southeasterly limits of the strip of land hereinabove described.

97-00414 C

EXHIBIT "B"

ADJACENT REAL PROPERTY - CELLULOSE INSULATION OF NEBRASKA, INC.

Lot 8, Papillion Industrial Park, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

Sarpy County Assessor's Tax Lot 8.

Sarpy County Assessor's Tax I.D. No. 010761861.

LAND SURVEYOR'S CERTIFICATE

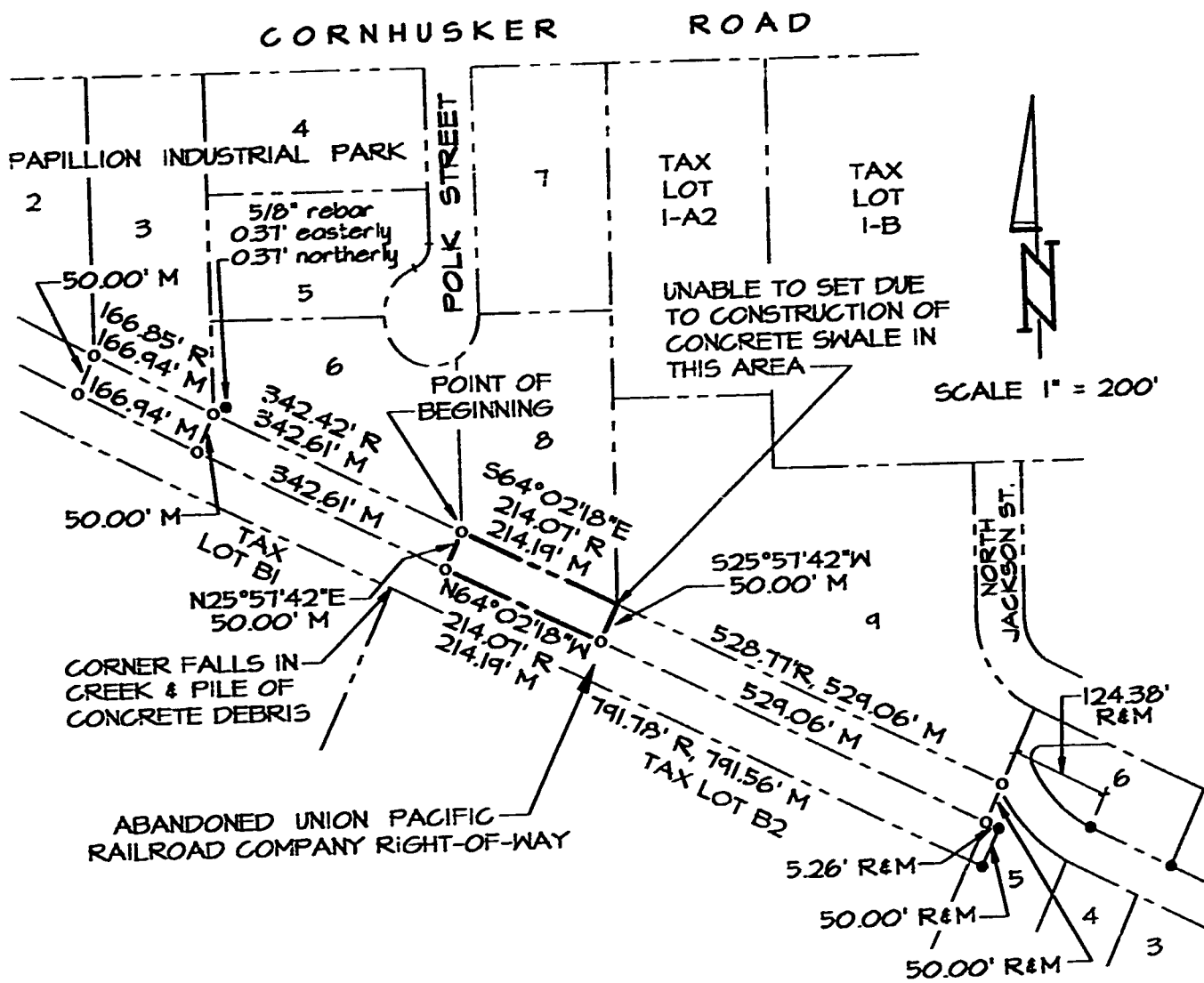
97-00414 D

HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

LEGAL DESCRIPTION

THAT PART OF THE ABANDONED UNION PACIFIC RAILROAD COMPANY RIGHT-OF-WAY LYING WITHIN THE NW 1/4 OF THE NE 1/4 OF SECTION 27, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF LOT 8, PAPIILLION INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SAID SARPY COUNTY; THENCE S64°02'18"E (ASSUMED BEARING) 214.07 FEET ON THE SOUTHWESTERLY LINE OF SAID LOT 8 TO THE SE CORNER THEREOF; THENCE S25°57'42"W 50.00 FEET TO THE CENTERLINE OF SAID ABANDONED RAILROAD; THENCE N64°02'18"W 214.07 FEET ON THE CENTERLINE OF SAID ABANDONED RAILROAD; THENCE N25°57'42"E 50.00 FEET TO THE POINT OF BEGINNING.

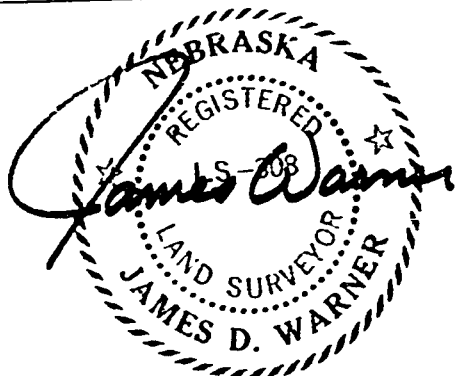
CONTAINING 0.25 ACRES MORE OR LESS



ADDRESS _____

BUILDING PERMIT NO. _____

Date: NOV. 6, 1996 Reg. No. 308



LEGEND

- corners found (3/4" otp unless noted)
- O corners set (3/4" otp)
- R recorded distance
- M measured distance
- otp open top pipe
- ctp crimped top pipe

TD2 FILE NO. 200-233-64

BOOK PAP. BK. 9 PAGE 56 - 58

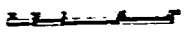
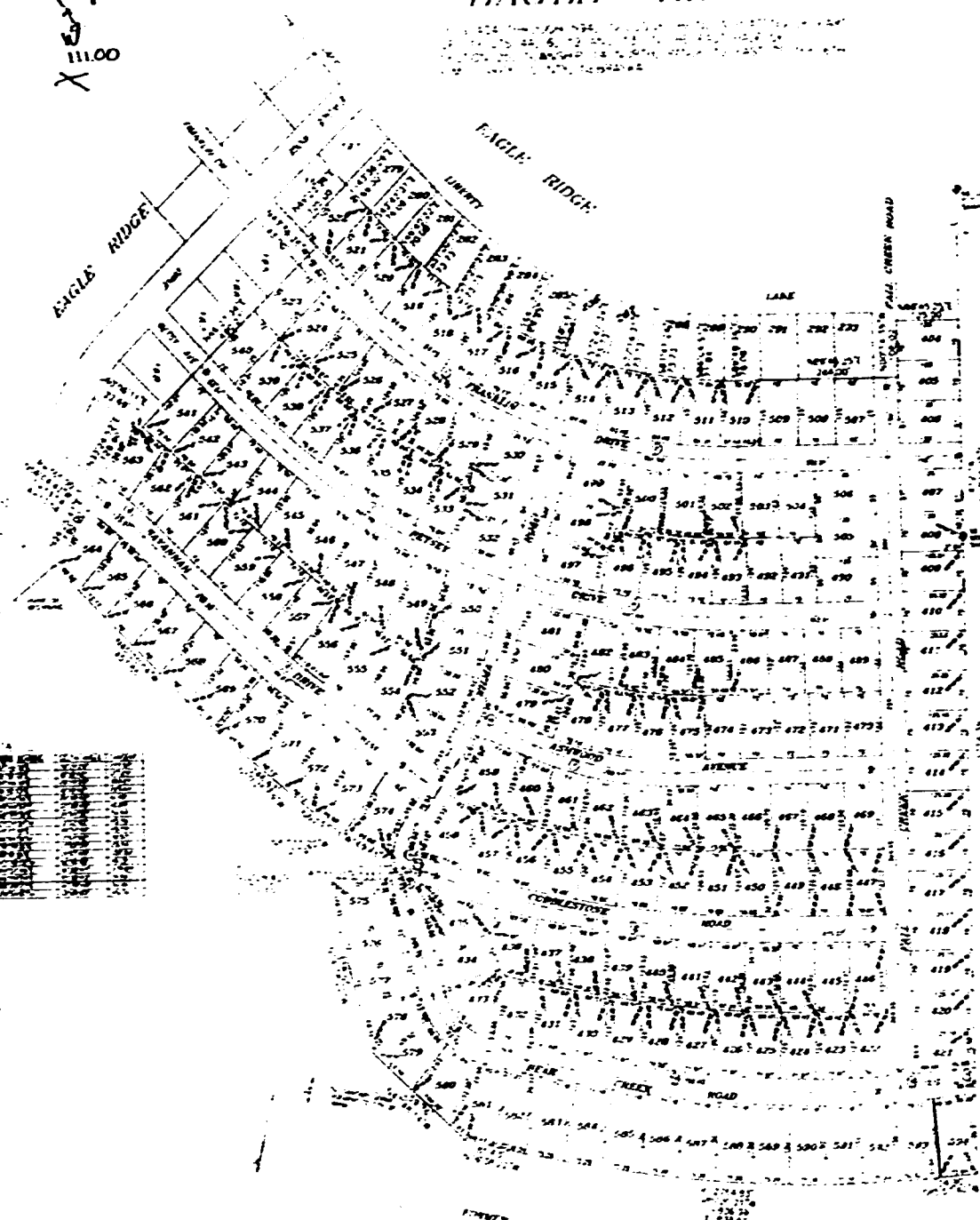
77-000412
97 JX-7 PM 4-39

Sp
11.00
X

EAGLE RIDGE

EAGLE RIDGE

EAGLE RIDGE



PROPERTY OWNERS	
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]
[Illegible]	[Illegible]

- Lots shown in green are in the City of Eagle Ridge.
- Lots shown in yellow are in the County of Eagle Ridge.
- Lots shown in blue are in the State of Eagle Ridge.
- Lots shown in red are in the Federal Government.
- Lots shown in black are in the National Government.
- Lots shown in white are in the private ownership.
- Lots shown in gray are in the public ownership.
- Lots shown in light gray are in the state ownership.
- Lots shown in dark gray are in the federal ownership.
- Lots shown in very dark gray are in the national ownership.
- Lots shown in medium gray are in the county ownership.
- Lots shown in light blue are in the city ownership.
- Lots shown in medium blue are in the state ownership.
- Lots shown in dark blue are in the federal ownership.
- Lots shown in very dark blue are in the national ownership.

FEDERAL LAND PROJECT NUMBER 14