

BEFORE THE COUNTY JUDGE OF COUNTY, NEBRASKA

DOUGLAS BOOK 457 PAGE 279
Box 13

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Condemnee

RETURN OF APPRAISERS

ABRAHAM GENDLER, a/k/a A. B. GENDLER,
and FREDA GENDLER, husband and
wife, Holders of Interest; DOUGLAS
COUNTY TREASURER;

Condemnees

TO HONORABLE COUNTY JUDGE, COUNTY, NEBR.

We, the undersigned appraisers, do hereby certify that under
and by virtue of an "Appointment of Appraisers" duly served upon us by
, Sheriff or Deputy Sheriff of County,
Nebraska, on the 2 day of OCTOBER, 1967, and ~~DOUGLAS~~ 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 sus-
tain 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:

Land Owners: A. B. Goodier and Freda Goodier, Husband and Wife, Joint Tenants

Tenant: Missouri Valley Machinery Company

Project: T-469-9 (142) AFE: B-590 Douglas County, Nebraska

Fee Simple Title to a tract of land and all improvements thereon, if any, for Highway Right of Way Purposes located in Lot 4, Block 60, Original City of Omaha, Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Beginning at the Northwest Corner of Lot 4, said Block 60; thence easterly on the North Line of said Lot 4 a distance of 66.0 feet to the Northeast Corner of said Lot 4; thence southerly on the East Line of said Lot 4 a distance of 46.1 feet; thence northwesterly a distance of 68.3 feet to a point on the West Line of said Lot 4; thence northerly on said West Line a distance of 29.2 feet to the point of beginning, containing 2,484.9 square feet, more or less, to be secured in this action.

Also, Permanent Easement to a tract of land and all improvements thereon, if any, for Aerial Easement Purposes located in Lot 4, Block 60, Original City of Omaha, Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the Northeast Corner of Lot 4, said Block 60; thence southerly on the West Line of said Lot 4 a distance of 29.2 feet to the point of beginning, said point being on the southeasterly Highway Right of Way Line; thence southeasterly on said Highway Right of Way Line a distance of 68.3 feet to a point on the East Line of said Lot 4, said point being 46.1 feet southerly from the Northeast Corner of said Lot 4; thence southerly on said East Line a distance of 10.3 feet; thence northwesterly a distance of 68.3 feet to a point on said West Line; thence northerly on said West Line a distance of 10.3 feet to the point of beginning, containing 683.0 square feet, more or less, to be secured in this action.

(1) The Condemnees shall not construct or maintain any building, structure or facility within said easement area without first obtaining the written approval of the Condemner, in regard to:

(a) The nature and term of the proposed use;

(b) The general design, height of the proposed building or structure, or alteration of an existing building or structure; and such other plans or specifications as the Condemner deems necessary to review before granting approval for such construction.

(2) The Condemnees shall not store or permit the storage of any material of an explosive or inflammable nature within said easement area, nor permit the storage of any other use deemed by the Condemner to be a potential fire or other hazard to the facilities of the Condemner.

(3) The Condemnees shall not use or occupy the easement area or permit a use which will permit hazardous or unreasonably objectionable smoke, fumes, vapor or odors to rise above the grade line of the highway, or such as will subject the highway to hazardous or unreasonably objectionable drippings, drainage or discharge of any nature, including rain or snow.

(4) The Condemnees shall not use signs, displays or other devices in the said easement area unless authorized in writing by the Condemner, and any such devices must be restricted to indications of ownership and activity. Reasonable restrictions upon the number, size, location and design of such devices will be regulated by the Condemner.

(5) The Condemnees shall not under any circumstances, have the right of ingress or egress from Condemnees' adjacent lands to any elevated structure or

Land Owners: A.B. Goodler and Beoda Goodler, Husband and Wife, Joint Tenants

Tenant: Missouri Valley Sedition County

Project: 1-480-0 (147) AFE: LP-520 Douglas County, Nebraska

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structures that the Condemner may construct for highway or related purposes; provided however the Condemnees shall have the right of access to all existing structures for other uses in said easement area not inconsistent with the easement and provided further that any use of said easement area shall not extend above a horizontal plane which is equal to the roadbed elevation of the nearest Interstate Highway Structure.

(6) The Condemnees shall not

- (a) construct, reconstruct or maintain any structure or facility in said easement area that is not a fireproof construction
- (b) construct, reconstruct, or maintain any structure or facility which shall or will extend into the land owned in fee simple title by the Condemner or that would in any manner interfere with the maintenance, construction or reconstruction of any Interstate Highway facility or structure.

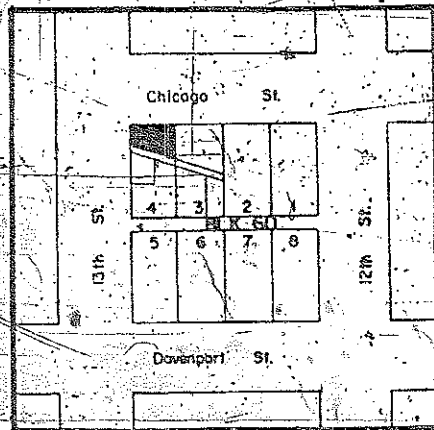
(7) The Condemnees shall in the construction, reconstruction or maintenance of any structure or facility in said easement area require all safeguards necessary to protect the public and said highway, and carry adequate insurance for the payment of any damages which may occur during such construction, reconstruction, or maintenance in said easement area and save the Condemner harmless from any claim for damages arising thereby.

And also, Temporary Easement to a tract of land and all improvements thereon, if any, for Demolition Purposes located on Lot 4, Block 60, Original City of Omaha, Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the Northwest corner of Lot 4, said Block 60; thence southerly on the West line of said Lot 4 a distance of 29.2 feet to the point of beginning; said point being on the southwesterly Highway Right of Way line; thence continuing southerly on said West line a distance of 37.8 feet; thence easterly 90 degrees 00 minutes left a distance of 34.0 feet; thence northerly 90 degrees 00 minutes left a distance of 49.1 feet to a point on said Highway Right of Way line; thence northerly on said Highway Right of Way line a distance of 35.1 feet to the point of beginning; containing 1,917.3 square feet, more or less, to be secured in this action.

The above described temporary easement shall be used to remove all structures from the designated area and to level the surface to correspond with the surrounding area. The right to use said easement shall terminate upon acceptance by the Department of Roads of the above mentioned Project: 1-480-0 (147)

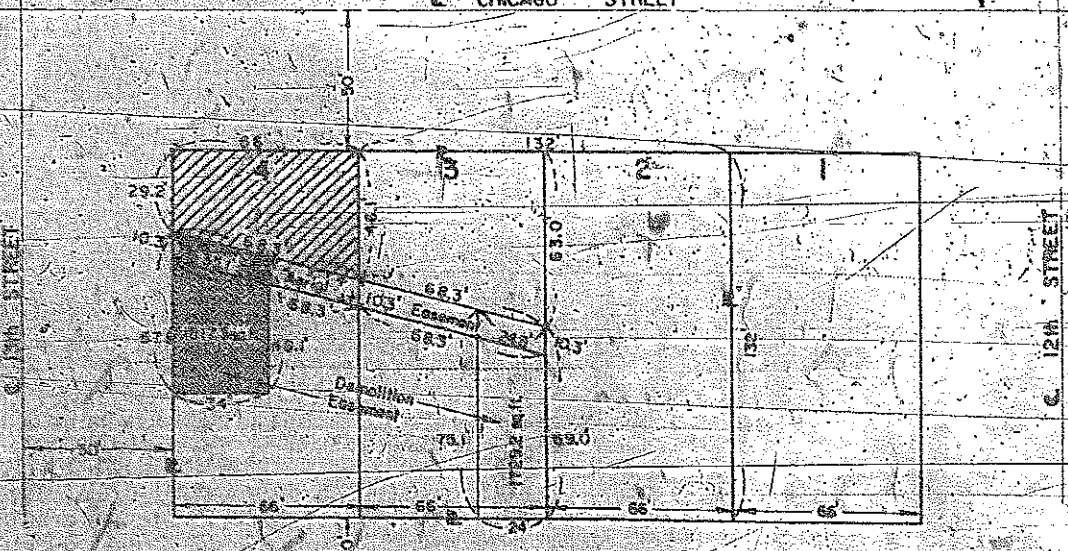
Lot



Scale 1"=200'



C - CHICAGO STREET



Scale 1"=50'

ROW _____ 2484.9 sq.ft.

Aerial Easement _____ 683.0 sq.ft.

Demolition Easement _____ 1817.3 sq.ft.

STATE OF NEBRASKA

Project: 1-480-9(142)

Tract 77 PLAT 1 of 2

DRAWN CPB 6/9/67

CHECKED P.L.Z.

DEPARTMENT OF ROADS

Land Owners: A. A. Gendler and Freda Gendler Husband and Wife

Tenant: Missouri Valley Machine Company

Project: 1-780-1 (143)

APC-520

Douglas County, Nebraska

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Free Stable TITLE to a tract of land and all improvements thereon, if any, for Highway Right of Way Purposes, located in Lots 2 and 3, Block 60, Original City of Omaha, Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Beginning at the Northwest corner of Lot 2, said Block 60, thence east on the West Line of said Lot 2 a distance of 132.0 feet to the Northwest corner of said Lot 3, thence southerly on the East Line of said Lot 3 a distance of 132.0 feet to the Southeast corner of said Lot 3, thence westerly on the South Line of said Lot 3 a distance of 68.0 feet to the Southwest corner of said Lot 3, thence northerly on the West Line of said Lot 3 a distance of 10.3 feet, thence northwesterly a distance of 68.3 feet to a point on the West Line of said Lot 3, thence northerly on said West Line of Lot 3 a distance of 46.1 feet to the point of beginning, containing 2,317.3 square feet, more or less, to be secured in this action.

Also, Permanent Easement to a tract of land and all improvements thereon for Aerial Easement Purposes located in Lot 3, Block 60, Original City of Omaha, Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Beginning at the Northwest corner of Lot 3, said Block 60, thence southerly on the West Line of said Lot 3 a distance of 46.1 feet to the point of beginning, said point being on the southeasterly Highway Right of Way Line; thence southeasterly on said Highway Right of Way Line a distance of 68.3 feet to a point on the East Line of said Lot 3; said point being 63.0 feet southerly from the Northwest corner of said Lot 3; thence southerly on said East Line a distance of 10.3 feet, thence northwesterly a distance of 68.3 feet to a point on said West Line; thence northerly on said West Line a distance of 10.3 feet to the point of beginning, containing 683.0 square feet, more or less, to be secured in this action.

(1) The Condonees shall not construct or maintain any building, structure or facility within said easement area without first obtaining the written approval of the Condemner, as required to:

(a) The nature and term of the proposed use;

(b) The general design, height of the proposed building or structure, or alteration of an existing building or structure, and such other plans or specifications as the Condemner deems necessary to review, before granting approval for such construction;

(c) The Condonees shall not store or permit the storage of any material of an explosive or inflammable nature, thin said easement area, nor permit the storage or any other use deemed by the Condemner to be a potential fire or other hazard to the facilities of the Condemner;

(d) The Condonees shall not use or permit the easement area or any portion thereof to permit hazardous or reasonably objectionable smoke, fumes, vapor or odors to rise above the grade level of the highway or such as will penetrate the highway to hazardous or unreasonable objectionable drainage, drainage or discharge of any nature, including rain or snow;

(e) The Condonees shall not use signs, advertisements or other devices in the said easement area unless authorized in writing by the Condemner, and any such devices must be restricted to indications of membership and activity, provided such restrictions upon the number, size, location and design of such devices shall be regulated by the Condemner.

Landowners: A.R. Gandler and Irene Gandler, Husband and Wife

Tenant: Missouri Valley Machinery Company

Project: I-480-9 (142)

AFF: R-520

Douglas County, Nebraska

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(5) The Condonees shall not under any circumstances, have the right of ingress or egress from Condonees' adjacent lands to any elevated structure or structures that the Condemners may construct for highway or related purposes, provided however the Condonees shall have the right of access to any elevated structures for other uses in said easement area not inconsistent with this easement, and provided further that any use in said easement area shall not extend above a horizontal plane which is equal to the roadway elevation of the nearest Interstate Highway Structure.

(6) The Condonees shall not

(a) construct, reconstruct or maintain any structure or facility in said easement area that is not of fireproof construction.

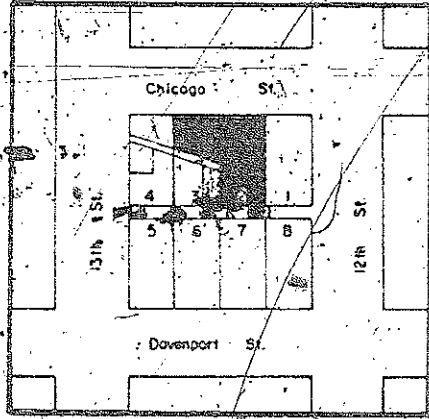
(b) construct, reconstruct, or maintain any structure or facility which shall or will extend into the land owned in fee simple title by the Condemner or that would in any manner interfere with the maintenance, construction or reconstruction of any Interstate Highway facility or structure.

(7) The Condonees shall, in the construction, reconstruction or maintenance of any structure or facility in said easement area require all safeguards necessary to protect the public and said highway, and carry adequate insurance for the payment of any damage which may occur during such construction, reconstruction, or maintenance in said easement area and save the Condemner harmless from any claim for damages arising thereby.

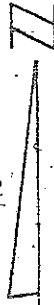
And also, a Temporary Easement to a tract of land and all improvements thereon, if any, for Demolition Purposes located in Lot 3, Block 60, Original City of Omaha, Douglas County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Beginning at the Southeast Corner of Lot 3, said Block 60; thence westerly on the South Line of said Lot 3 a distance of 24.0 feet; thence northerly on a line 24.0 feet westerly from and parallel to the East Line of said Lot 3 a distance of 75.1 feet to a point on the southeasterly Highway Right of Way Line; thence southeasterly on said Highway Right of Way Line a distance of 24.0 feet to a point on said East Line; thence southwesterly on said East Line a distance of 69.0 feet to the point of beginning, containing 1,729.2 square feet, more or less, to be secured in this action.

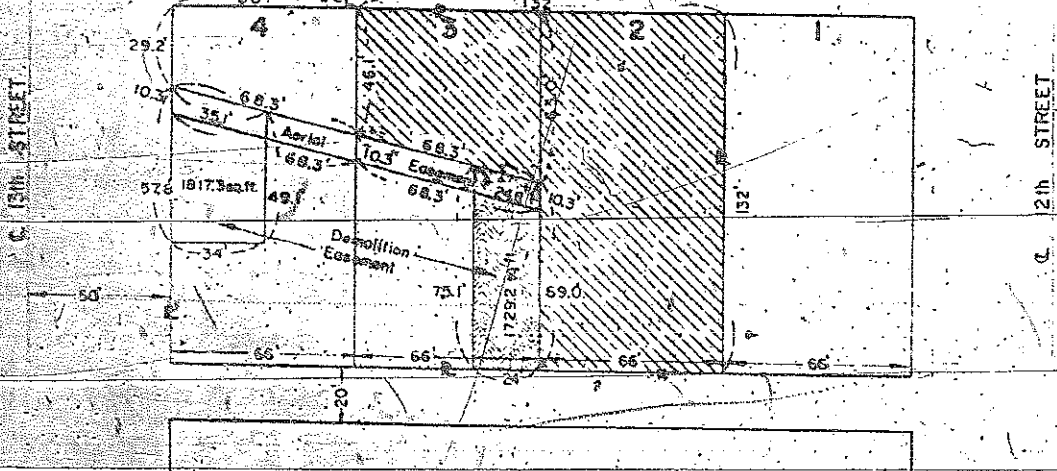
The above described Temporary Easement shall be used to remove all structures in the designated area and to level the surface to correspond with the surrounding area. The right to use said Easement shall terminate upon acceptance by the Department of Roads of the above mentioned Project: I-480-9 (142).



Scale 1" = 200'



CHICAGO STREET



Scale 1" = 50'

ROW 12,312.3 sq.ft.

Aerial Easement 683.0 sq.ft.

Demolition Easement 1729.2 sq.ft.

Project: 1-480-9(142)

Tract 77 PLAT 2 of 2

DRAWN CPB 6/9/67

CHECKED L.F.

DEPARTMENT OF ROADS

Now, therefore, we, as appraisers aforesaid, do hereby find and appraise the damages that will be suffered by reason of the deprivation 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: Abraham Gendler, a/k/a A. B. Gendler, and Freeda Gendler, husband and wife, holders of interest; Douglas County Treasurer;

Abraham Gendler
Freeda Gendler

\$30,500.00
\$30,500.00

All of which is hereby respectfully submitted.
Dated this 22 day of NOVEMBER, A.D., 1967.

William C. Sturt
Richard E. Steuser
Appraisers

Subscribed and sworn to before me this _____ day of _____

A.D., 19____
(SEAL)

Filed: November 24th, 1967. _____ County Judge

RECEIVED

DEC 13 AM 9 23

10
M. J. ...

9-163
140
Dept. of ...

4579
239
M. J. ...

STATE OF ...
COUNTY OF ...
before me, ...
to ...
there ...
that ...

this 27th day of November, 1967

d.w. ...

CLERK OF COURT

By *Joseph J. Delity*
Clerk of the County Court