

10365

BEFORE THE COUNTY JUDGE OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA
DEPARTMENT OF ROADS,

Condemner,

v.

SALLY A. HAYS, a single person,
Owner; CITIZENS STATE BANK,
Mortgagee;

PEARLE F. FINIGAN, a single
person, and EDWIN J. FINIGAN,
a single person, Tenants in
Common;

Condemnees.

Docket 93 Page 88 Case _____

RETURN
OF
APPRAISERS

TO THE COUNTY JUDGE OF LANCASTER COUNTY, NEBRASKA.

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 Lancaster County, Nebraska, on the _____ day of _____, 1973, 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:

70365

CONDEMNATION

Owner: Sally A. Hays, single

PROJECT F- 155(6) TRACT 15

THE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN LOTS 16 AND 12, IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTHERLY ON AN ASSUMED AZIMUTH OF 120 DEGREES, 00 MINUTES, A DISTANCE OF 690.06 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY ON AN AZIMUTH OF 262 DEGREES, 40 MINUTES, A DISTANCE OF 130.29 FEET ALONG THE SOUTH LINE OF SAID LOT 16; THENCE NORTHERLY ON AN AZIMUTH OF 022 DEGREES, 00 MINUTES, A DISTANCE OF 694.81 FEET TO A POINT ON THE NORTH LINE OF SAID QUARTER SECTION; THENCE EASTERLY ON AN AZIMUTH OF 089 DEGREES, 56 MINUTES, A DISTANCE OF 105.85 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING CONTAINING 1.36 ACRES, MORE OR LESS, WHICH INCLUDES 0.79 ACRES, MORE OR LESS PREVIOUSLY OCCUPIED AS PUBLIC HIGHWAY.

THERE WILL BE NO INGRESS OR EGRESS OVER THE FOLLOWING DESCRIBED CONTROLLED ACCESS LINE LOCATED IN LOTS 16 AND 12, IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA:

BEGINNING TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY ON AN ASSUMED AZIMUTH OF 262 DEGREES, 56 MINUTES, A DISTANCE OF 105.85 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE SOUTHERLY ON AN AZIMUTH OF 122 DEGREES, 00 MINUTES, A DISTANCE OF 694.81 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 16; THENCE WESTERLY ON AN AZIMUTH OF 263 DEGREES, 40 MINUTES, A DISTANCE OF 20.04 FEET ALONG THE SOUTH LINE OF SAID LOT 16 TO THE POINT OF TERMINATION; 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, 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 329.20 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 3-HOUR PERIOD DURING THE HOURS OF 7 AM TO 9 AM, 10 AM TO 1 PM, 3 PM TO 5 PM, AND, IN ADDITION, FOR ANY OTHER PEAK HOUR'S REGULAR 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-YEAR 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.

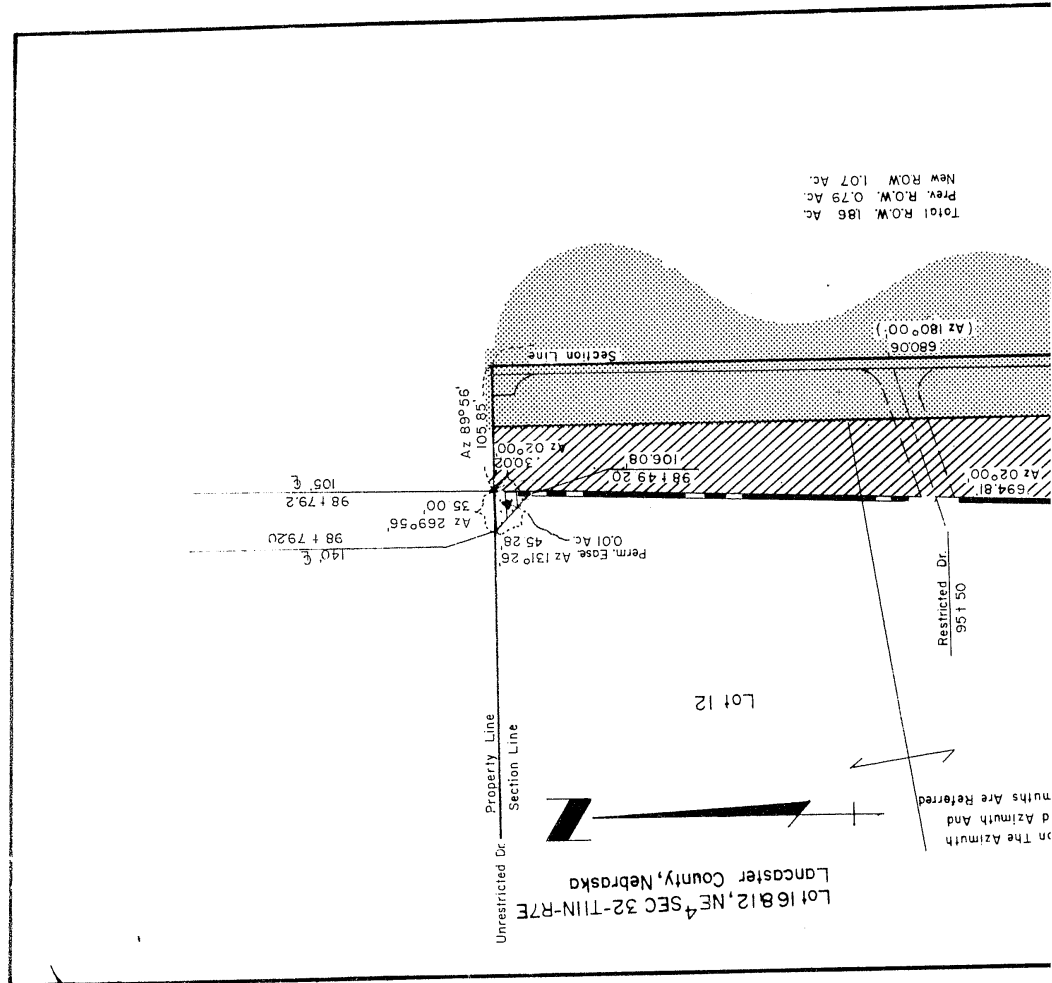
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C O N D E M N A T I O N

Owner: Sally A. Hays, single

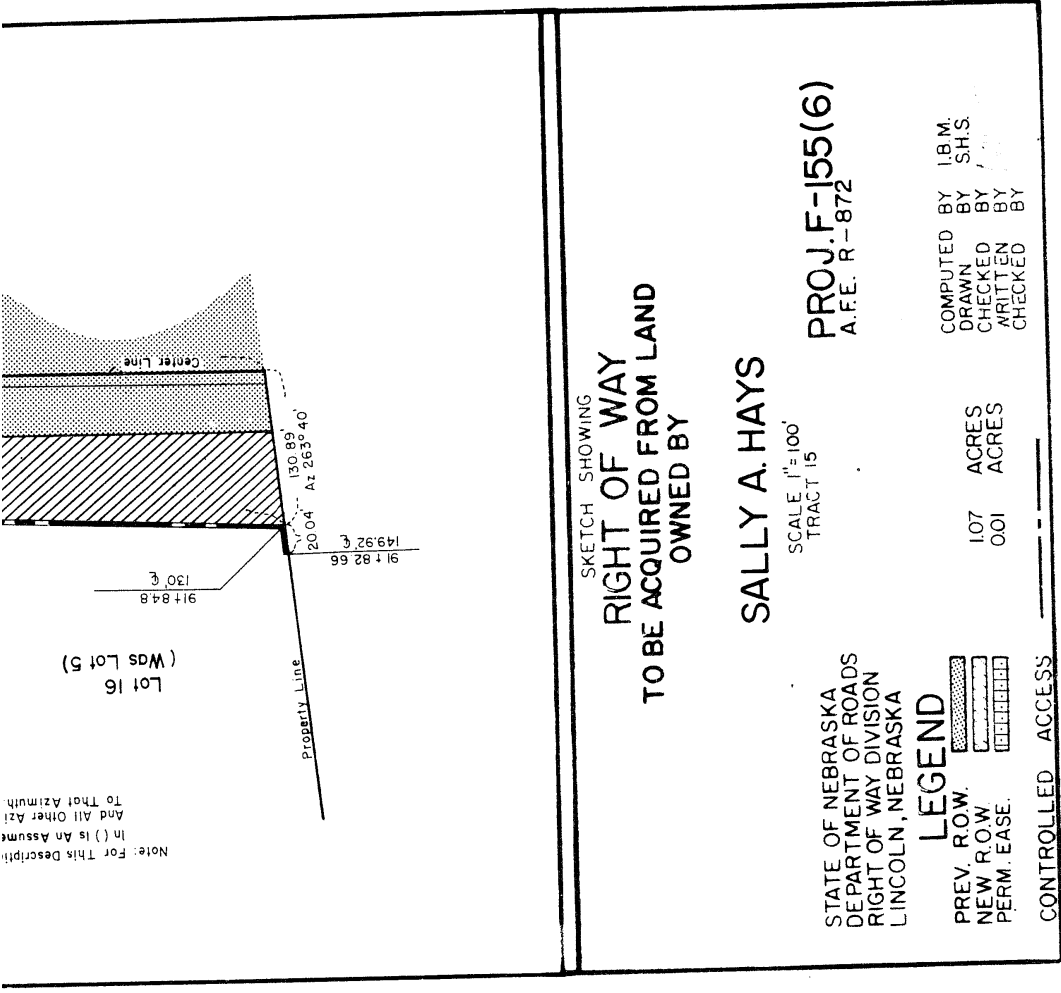
AND ALSO, PERMANENT EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR DRIVE PURPOSES, LOCATED IN LOT 12, IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTEPLY ON AN ASSUMED AZIMUTH OF 260 DEGREES, 56 MINUTES, A DISTANCE OF 105.85 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE WESTEPLY ON AN AZIMUTH OF 272 DEGREES, 52 MINUTES, A DISTANCE OF 35.00 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION; THENCE SOUTHEASTERLY ON AN AZIMUTH OF 131 DEGREES, 24 MINUTES, A DISTANCE OF 45.28 FEET; THENCE NORTHERLY ON AN AZIMUTH OF 002 DEGREES, 00 MINUTES, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING CONTAINING 0.01 ACRES, MORE OR LESS.



73-10

365



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

SALLY A. HAYS

SCALE 1" = 100'
 TRACT 15
PROJ. F-155(6)
 A.F.E. R-872

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

LEGEND

PREV. R.O.W.	[Hatched Pattern]	1.07	ACRES
NEW R.O.W.	[Dotted Pattern]	0.01	ACRES
PERM. EASE.	[Horizontal Line Pattern]		

CONTROLLED ACCESS

COMPUTED BY	IBM
DRAWN BY	SHS
CHECKED BY	
WRITTEN BY	
CHECKED BY	

10365

CONDEMNATION

Owners: Pearle F. Finigan and Edwin J. Finigan, both single, Tenants in Common

PROJECT F- 155(6) TRACT 16

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN LOT 14, IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER 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 ON AN ASSUMED AZIMUTH OF 000 DEGREES, 00 MINUTES, A DISTANCE OF 2209.55 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY ON AN AZIMUTH OF 270 DEGREES, 33 MINUTES, A DISTANCE OF 103.40 FEET TO A POINT ON THE WESTERLY EXISTING HIGHWAY RIGHT OF WAY LINE; THENCE SOUTHERLY ON AN AZIMUTH OF 179 DEGREES, 06 MINUTES, A DISTANCE OF 890.38 FEET; THENCE SOUTHERLY ON AN AZIMUTH OF 180 DEGREES, 43 MINUTES, A DISTANCE OF 1320.19 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EASTERLY ON AN AZIMUTH OF 090 DEGREES, 06 MINUTES, A DISTANCE OF 105.85 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING CONTAINING 4.93 ACRES, MORE OR LESS, WHICH INCLUDES 3.06 ACRES, MORE OR LESS PREVIOUSLY OCCUPIED AS PUBLIC HIGHWAY.

THERE WILL BE NO INGRESS OR EGRESS OVER THE FOLLOWING DESCRIBED CONTROLLED ACCESS LINE LOCATED IN LOT 14, IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY ON AN ASSUMED AZIMUTH OF 270 DEGREES, 06 MINUTES, A DISTANCE OF 105.85 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE NORTHERLY ON AN AZIMUTH OF 000 DEGREES, 43 MINUTES, A DISTANCE OF 1320.19 FEET; THENCE NORTHERLY ON AN AZIMUTH OF 359 DEGREES, 06 MINUTES, A DISTANCE OF 890.38 FEET TO THE POINT OF TERMINATION; EXCEPT, OVER THE UNRESTRICTED DRIVE(S) NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINE(S) OF WHICH (IS, ARE) LOCATED ON THE SOUTH LINE AND 1315.05 FEET FROM THE SOUTH LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE CENTERLINE OF THE HIGHWAY.

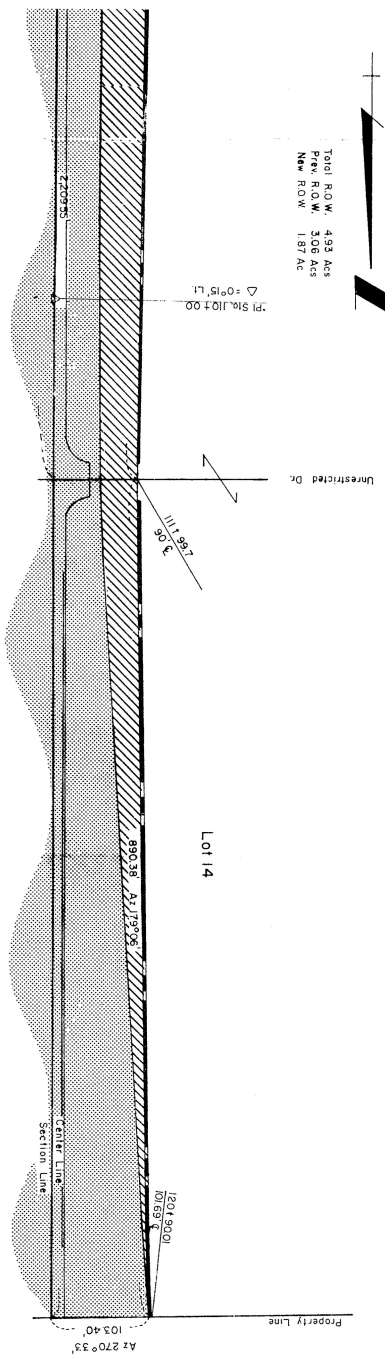
AND ALSO, PERMANENT EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR DRIVE PURPOSES, LOCATED IN LOT 14, IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY ON AN ASSUMED AZIMUTH OF 270 DEGREES, 06 MINUTES, A DISTANCE OF 105.85 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE WESTERLY ON AN AZIMUTH OF 270 DEGREES, 06 MINUTES, A DISTANCE OF 35.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTHEASTERLY ON AN AZIMUTH OF 049 DEGREES, 45 MINUTES, A DISTANCE OF 46.34 FEET; THENCE SOUTHERLY ON AN AZIMUTH OF 180 DEGREES, 43 MINUTES, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.01 ACRES, MORE OR LESS.

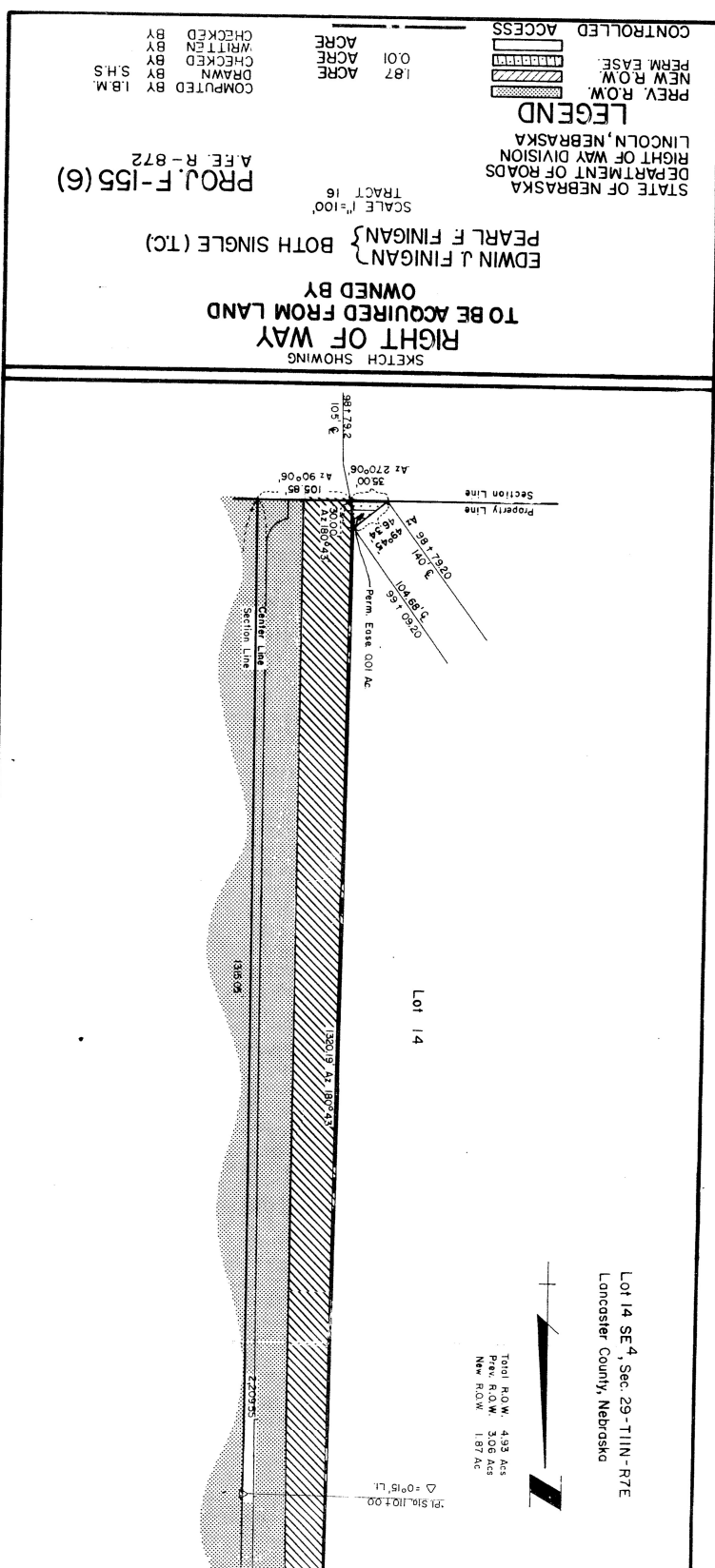
2011

Lot 14 SE 4, Sec. 29-T11N-R7E
Lancaster County, Nebraska

Total R.O.W. 483.40
P.R.O.W. 306.40
Net R.O.W. 187.00



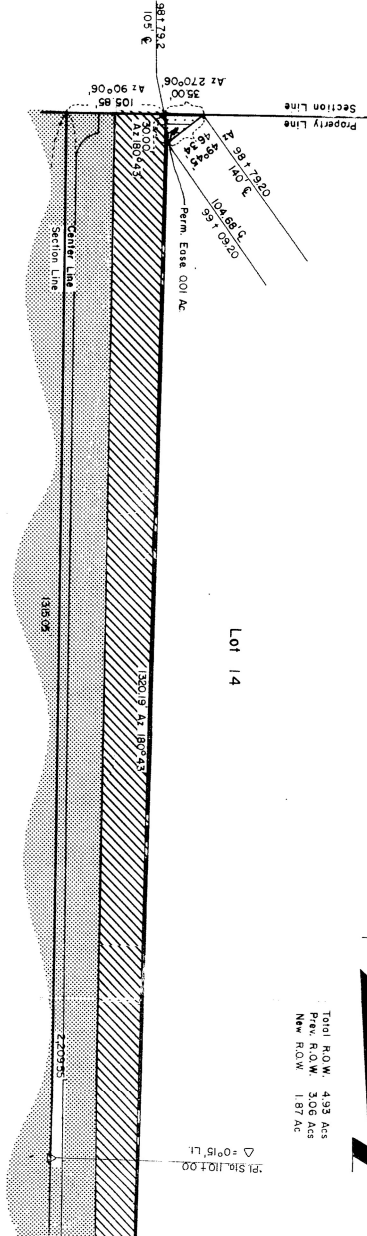
312011



Lot 14 SE 4, Sec. 29-T11N-R7E
Lancaster County, Nebraska

Total R.O.W. 4.93 Ac
Prev. R.O.W. 3.06 Ac
New R.O.W. 1.87 Ac

± 318.110±.00
Δ = 0°15' Lt.



SKETCH SHOWING

RIGHT OF WAY
TO BE ACQUIRED FROM LAND
OWNED BY

EDWIN J FINIGAN }
PEARL F FINIGAN } BOTH SINGLE (TC)

SCALE 1"=100'
TRACT 16

PROJ. F-155 (6)
A.E.E. R-872

COMPUTED BY I.B.M.
DRAWN BY S.H.S.
CHECKED BY

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

LEGEND

PREV. R.O.W.
NEW R.O.W.
PERM. EASE

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: Sally A. Hays, a single person, Owner;
Citizens State Bank, Mortgagee; \$ 5540⁰⁰

To: Pearle F. Finigan, a single person, and
Edwin J. Finigan, a single person, Tenants
in Common; \$ 11,744⁰⁰

All of which is hereby respectfully submitted.

Dated this 23 day of MAY, A.D. 1973.

Robert M O'GARA
Stephen J. Keenan
Vernon C. [unclear]
Appraisers

Subscribed and sworn to before me this 23 day of

May, A.D. 1973.

(SEAL)

[Signature]
County Judge

93-88

IN THE COUNTY COURT OF LANCASTER COUNTY NEBRASKA

STATE OF NEBRASKA)
LANCASTER COUNTY) ss. CERTIFICATE

I, RALPH W. SLOOM, Judge of the County Court of Lancaster County, do hereby certify that the foregoing is a full and correct copy of the original instrument duly filed and of record in this Court.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County Court of said County at Lincoln, Nebraska this 30th day of May 1923



Jeffre G. Chavron
County Judge
By Dan Nichol
Clerk County Court

INDEXED
MICRO-FILED
GENERAL

7 1/2 - 581 - 569
IT

LANCASTER COUNTY NEBRASKA
Kenneth L. Engstrom
REGISTER OF DEEDS

1923 MAY 31 AM 8:20

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 73- 10365

\$30 = 50

mae

J