

31-540

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

KELLY McMAHON CONSTRUCTION, INC.,
a Nebraska Corporation, Owner;
Also CARL J. CAMENZIND and MARY
B. CAMENZIND, Mortgagees.

Doc. 1 Page 332 No. 8417

Plaintiffs,

v.

STIPULATION

THE STATE OF NEBRASKA
DEPARTMENT OF ROADS,

Defendant.

It is hereby stipulated and agreed by and between the plaintiffs through their attorney, John W. Elehant, and the Defendant through its attorney, Richard L. Dunning;

I.

That the attached plat and description be substituted for that plat and description filed in the County Court of Sarpy County, Nebraska, in the above captioned case and transmitted to the District Court of Sarpy County, Nebraska.

II.

That a certified copy of this stipulation with the attached plat and description be transmitted to the County Court of Sarpy County, Nebraska, and also to the Register of Deeds of Sarpy County, Nebraska, by the Clerk of the District Court of Sarpy County, Nebraska.

III.

That the attached plat and description be the basis for the verdict rendered in the above captioned case.

IV.

That the Defendant has a right of entry upon the land specified in the attached plat and description for the reconstruction of State Highway No. 85.

KELLY McMAHON CONSTRUCTION,
INC., a Nebraska Corporation,
Owner

STATE OF NEBRASKA
DEPARTMENT OF ROADS
CLARENCE A. H. MEYER
Attorney General

By John W. Elehant
Their Attorney

By Richard L. Dunning
Special Assistant Attorney General

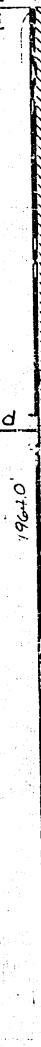
FILED FOR RECORD IN SARPY COUNTY NEBRASKA May 13 1963 AT 4:30 O'CLOCK P.M.
AND RECORDED IN BOOK 31 OF 185, PAGE 540 (Phone Number) REGISTER OF DEEDS

1106+95.8 137.7'±
 Prop. Line 143.5'±

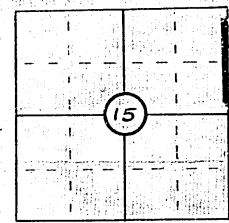
Center Line
 Sec. Line



± Park View Road



ALL PARKVIEW HEIGHTS EXCEPT
 LOTS 1, 13, & 19
 SARY COUNTY
 TOTAL R.O.W. 5.22 AC.
 PREV. R.O.W. 2.11
 NEW R.O.W. 4



1087+31.9
 120.6'±

132.4'
 350.0'

1084+01.9

1/4 Sec. Line

SKETCH SHOWING

**RIGHT OF WAY
 TO BE ACQUIRED
 FROM LAND OWNED
 BY**

KELLY McMAHON CONSTRUCTION INC.

SCALE 1" = 200'
 TRACT 115

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

PROJ. F-237(6)
 A.F.E. R-56b

LEGEND

PREV. R.O.W. 4.11 ACRES
 NEW R.O.W. ACRE
 CONTROLLED ACCESS

COMPUTED BY I.B.M.
 DRAWN BY G.B. 12-62
 CHECKED BY D.N.M. 12-62
 WRITTEN BY C.E.S. 12-62
 CHECKED BY W.D.E. 12-62

31-5-44

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

Land Owner: Kelly McMahon Construction Inc., a corporation.

Mortgagees: Carl J. Camenzind and Mary B. Camenzind.

Existing Easement: Omaha Public Power District.

Project: F-237 (6) AFE: R-56b Sarpy County, Nebraska

Fee simple title to a tract of land and all improvements thereon, if any, for highway right of way purposes located in Parkview Heights excepting Lots 1, 13, and 19, Sarpy County, Nebraska, as illustrated on the attached plat and being more particularly described as follows:

Referring to the east quarter corner of Section 15, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska; thence northerly on the East line of the Northeast Quarter of said Section 15 a distance of 330.0 feet to the point of beginning; thence continuing northerly on said East line a distance of 1,963.9 feet; thence westerly 90 degrees 00 minutes left and on the northerly property line a distance of 143.5 feet; thence southerly a distance of 1,964.0 feet to a point on the southerly property line, said point being 132.4 feet westerly from said East line; thence easterly on said southerly property line a distance of 132.4 feet to the point of beginning, containing 6.22 acres, more or less, which includes 2.11 acres, more or less, previously occupied as a public highway, the remaining 4.11 acres, more or less, being the additional acreage to be secured in this action.

There will be no ingress or egress from the above described tract of land onto the remainder of said Parkview Heights, except over the existing Parkview Road as illustrated on the attached plat.

All mineral rights in the above described tract shall be retained and reserved to the Condemnee, its heirs, successors or assigns. The Condemnee, its heirs, successors or assigns shall have no right to use or enter the surface of the above described tract for any purpose concerning the reserved mineral rights; nor shall the Condemnee, its heirs, successors or assigns in extracting such minerals, damage or in any way impair the use of the above described tract.

31-542

STATE OF NEBRASKA }
COUNTY OF SARPY, } ss.

I, Caroline Beerlage, Clerk of the District Court, in and for Sarpy County in the Second Judicial District of Nebraska, do hereby certify that the above and foregoing is a true copy of stipulation, Plat & Description entered in a cause in said court wherein Kelley McMahon Construction, Inc., a Nebr. Corporation, Owner; also Carl J. & Mary B. Cumentz, Mortgagee plaintiffs and The State of Nebraska, Department of Roads, defendant s, Docket 1, Page 332 Case No. S417, as the same appear fully upon the records of said Court now in my charge remaining as Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Papillion, this 13th day of May, A.D. 19 63

Caroline Beerlage
CLERK