

04-41

MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C. FILED
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2004 MAY 21 P 3:13

CITY OF LINCOLN
NEBRASKA
RECEIVED
MAY 24 2004
LAW DEPT.

W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI
JOSEPH E. DALTON
KELLY N. TOLLEFSEN

May 20, 2004

Ms. Joan Ross
City Clerk
555 South 10th Street
Room 103
Lincoln, NE 68508

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Notice of Defect Pursuant to Neb. Rev. Stat. §76-2,110

Dear Ms. Ross:

Please be advised that I represent Jeffrey J. and L. Denise Fredrick, the current titleholders of a parcel of property in Lincoln, Lancaster County, Nebraska, pursuant to a Deed originally executed by Larry and Joann Maciejewski and recorded with the Register of Deeds of Lancaster County, Nebraska, at Instrument No. 2001-6245 and filed on the 9th day of February, 2001. A copy of said Deed is attached hereto as **Exhibit "A"** and incorporated herein as if fully set forth. The Deed specifically identifies the property in question.

For reference, I have also included as **Exhibit "B"** a copy of the original Deed from Calla Corporation, a Washington Corporation, to Maciejewski on June 5, 2000, and filed with the Register of Deeds of Lancaster County, Nebraska, on June 15, 2000, at Instrument No. 2000-025327.

I have also included, as **Exhibit "C"** a copy of the original Quitclaim Deed from Trillium Corporation, a Washington corporation, to Calla signed February 27, 1997, and recorded with the Register of Deeds of Lancaster County on March 24, 1997, as Instrument No. 97-010371, which I believe was the original Deed purporting to subdivide the real estate.

Attached as **Exhibits "D" and "E"** are copies of the Lancaster County property information mini-sheet and GIS site map of the subject property.

Ms. Joan Ross
Page 2
May 20, 2004

Please consider this notice that the conveyance of the subject property was originally made notwithstanding the failure to comply with the subdivision ordinances of Lincoln and that there is a defect in said approval by the City of Lincoln which has subdivision approval jurisdiction over the real estate. This notice is given to you pursuant to Neb. Rev. Stat. §76-2,110.

Additionally, please consider this our request that the City of Lincoln waive the 120 notice period in the form of a resolution adopted after public hearing.

Thank you for your consideration. Please let me know if you have any questions.

Sincerely,

MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.

By:


Robert R. Otte

RRO/bc

Enclosures

- c Gage Diers, Investor's Title Company
- c Jeffrey and Denise Fredrick
- c Rick Peo, Assistant City Attorney
- c Ray Hill, Planning Department

\$10.50

48619

BLOCK

NEBRASKA DOCUMENTARY
STAMP TAX

Dan Jolte

FEB 09 2001

REGISTER OF DEEDS

INST. NO 2001

2001 FEB -9 P 3:37

006245

CODE

CHECKED

ENTERED

EDITED

\$ *0.55* BY *DM*

LANCASTER COUNTY, NE

JOINT TENANCY WARRANTY DEED

Larry Maciejewski and Joann Maciejewski, husband and wife

One Dollar (\$1.00) and other good and valuable consideration Grantor, whether one or more, in consideration of receipt of which is hereby acknowledged, conveys to Jeffrey J. Fredrick and L. Denise Fredrick, as husband and wife

joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in Lancaster County, Nebraska: See Attached Exhibit "A"

STS PD

Grantor covenants (jointly and severally, if more than one) with the Grantees that Grantor:

- (1) is lawfully seized of such real estate and that it is free from encumbrances subject to easements, reservations, covenants and restrictions of record
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: December 27, 2000

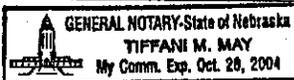
Larry Maciejewski
Larry Maciejewski

Joann Maciejewski
Joann Maciejewski

STATE OF Nebraska
COUNTY OF Lancaster

} ss:
December 29, 2000

The foregoing instrument was acknowledged before me on December 29, 2000 by Larry Maciejewski and Joann Maciejewski, husband and wife



Tiffany M. May
Notary Public

STATE OF Nebraska
COUNTY OF Lancaster

} ss:
December _____, 2000

The foregoing instrument was acknowledged before me on December _____, 2000 by _____

Notary Public

11 11
A

NEBRASKA DOCUMENTARY
STAMP TAX

JUN 15 2000

REGISTER OF DEEDS

JUN 15 P 1:27

LANCASTER COUNTY, NE

\$10.50

INST. NO 2000

025327

BLOCK 6
CODE
IT
CHECKED
ENTERED
EDITED
C92268

\$192.50 BY M.A.

WARRANTY DEED

CALLA CORPORATION, A WASHINGTON CORPORATION, GRANTOR, in consideration of One Dollar and other valuable consideration received from GRANTEE, conveys to GRANTEE, LARRY MACIEJEWSKI, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except any easements and restrictions now of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.

Executed on this 5th day of June, 2000.

CALLA CORPORATION

Sheryl J. Case
BY: Sheryl J. Case
TITLE: Secretary/Treasurer

State of WASHINGTON)
) ss
County of Whatcom)

The foregoing instrument was acknowledged before me on the 5th day of June, 2000, by Sheryl J. Case, as Secretary/Treasurer of CALLA CORPORATION, A WASHINGTON CORPORATION, on behalf of the corporation



Valerie Raines
Notary Public
Comm. Exp. 072902

NTC

EXHIBIT D

NTC

1090

EXHIBIT "A"

A tract of land out of and a part of Lot 98 Irregular Tracts in the Northeast Quarter of Section 27, Township 10 North, Range 6 East, of the 6th P.M., and being more particularly described by metes and bounds as follows to-wit; Beginning at a 5/8 inch x 30 inch rebar for the Northeast corner of the tract herein described on the South right-of-way line of West "O" Street, said point also being the Northeast corner of said Lot 98 Irregular Tracts, and being South 89 degrees 28 minutes 18 seconds West 754.10 feet, and South 00 degrees 31 minutes 42 seconds East 92.32 feet from the Northeast corner of the aforesaid Section 27; thence; South 00 degrees 09 minutes 09 seconds East (assumed bearing), a distance of 79.10 feet along and with the East line of said Lot 98 Irregular Tracts, to the point of curvature of a curve to the right, having a central angle of 07 degrees 40 minutes 00 seconds, a radius of 2172.01 feet, an arc length of 290.63 feet, and a chord bearing South 03 degrees 41 minutes 00 seconds West 290.42 feet; thence; Southwesterly along and with the arc of said curve, a distance 290.63 feet to the point of tangency thereof; thence; South 07 degrees 31 minutes 00 seconds West, continuing along the aforesaid East line of Lot 98 Irregular Tract, a distance of 150.79 feet, to a point thereon for the Southeast corner of the tract herein described; thence; North 89 degrees 54 minutes 00 seconds West, a distance of 708.04 feet, to the Southeast corner of Lot 70 Irregular Tracts, and being the Southwest corner of the tract herein described; thence; North 00 degrees 06 minutes 00 seconds East, a distance of 518.50 feet along and with the East line of said Lot 70 Irregular Tracts, to the Northeast corner thereof and the Northwest corner of the tract herein described, on the South right-of-way line of "O" Street; thence; South 89 degrees 53 minutes 55 seconds East, a distance of 745.31 feet along and with the said South right-of-way line to the place of beginning.

EXHIBIT "A"

A tract of land out of and a part of LOT 98 I.T. in the Northeast Quarter of Section 27, Township 10 North, Range 6 East, of the 6th. P. M., and being more particularly described by Metes and Bounds as follows to-wit; Beginning at a 5/8 inch X 30" Rebar for the Northeast corner of the Tract herein described on the South Right-of-Way line of West "O" Street, said point also being the Northeast corner of said Lot 98 I.T., and being S.89°28'18"W. 754.10 feet, and S.00°31'42"E. 92.32 feet from the Northeast corner of the aforesaid Section 27; THENCE: S.00°09'09"E. (assumed bearing), a distance of 79.10 feet along and with the East line of said Lot 98 I.T., to the point of Curvature of a Curve to the right, having a Central Angle of 07°40'00", a Radius of 2172.01 feet, an Arc length of 290.63 feet, and a Chord Bearing S.03°41'00"W. 290.42 feet; THENCE: Southwesterly along and with the Arc of said Curve, a distance 290.63 feet to the point of Tangency thereof; THENCE: S.07°31'00"W., continuing along the aforesaid East line of Lot 98 I.T., a distance of 150.79 feet, to a point thereon for the Southeast corner of the Tract herein described; THENCE: N.89°54'00"W., a distance of 708.04 feet, to the Southeast corner of Lot 70 I.T., and being the Southwest corner of the Tract herein described; THENCE: N.00°06'00"E., a distance of 518.50 feet along and with the East line of said Lot 70 I.T., to the Northeast corner thereof and the Northwest corner of the Tract herein described, on the South Right-of-Way line of "O" Street; THENCE: S.89°53'55"E., a distance of 745.31 feet along and with the said South Right-of-Way line to the PLACE OF BEGINNING, and containing in all 8.741 Acres of Land, subject to any Easements, Reservations, or Restriction.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTIES:

Those portions of Sections 28 and 29, T10N, R6E, 6th P.M., City of Lincoln, Lancaster County, Nebraska, described as follows, to-wit:

A strip of land located in the W1/4 of said Section 29, described as follows:

Beginning at the Northwest corner of said SW1/4; thence Southerly along the West line of said SW1/4 a distance of 353.0 feet; thence deflecting left 86°09' a distance of 1319.83 feet to a point on the East line of said W1/4; thence deflecting left 93°48' North along said East line a distance of 447.6 feet to a point on the North line of said SW1/4; thence deflecting left 90°18' West along said North line a distance of 1317.27 feet to the Point of Beginning; also,

A strip of land located in the E1/4 of said Section 29, described as follows:

Beginning at the Northeast corner of said SW1/4; thence Westerly along the North line of said SW1/4 a distance of 1317.27 feet to the West line of said E1/4; thence deflecting left 89°42' South along said West line a distance of 447.6 feet; thence deflecting left 86°12' a distance of 1319.7 feet to a point on the East line of said SW1/4; thence deflecting left 93°45' North along said East line a distance of 542.2 feet to the Point of Beginning; also,

A strip of land located in the NW1/4 of said Section 29, described as follows:

Beginning at the Northwest corner of said SE1/4; thence Southerly along the West line of said SE1/4 a distance of 542.2 feet; thence deflecting left 86°15' a distance of 1321.0 feet to a point on the East line of said NW1/4; thence deflecting left 94°01' North along said East line a distance of 636.7 feet to a point on the North line of said SE1/4; thence deflecting left 90°04' West along said North line a distance of 1315.45 feet to the Point of Beginning; also,

The S1/2NW1/4 of said Section 29;

EXCEPTING THEREFROM that portion of Opelt Avenue lying Westerly of a line drawn parallel with and distant 33.0 feet Easterly of, as measured at right angles to, the Westerly line of said Section 29;

ALSO EXCEPTING THEREFROM all that portion of the hereinabove described parcels lying Northerly of a line drawn parallel with and distant 100.0 feet Southerly of, as measured radially and at right angles to, the track centerline of the B-2 Route, being the most Southerly trackage of the Lincoln Yard of the Burlington Northern Railroad Company (formerly the Chicago, Burlington and Quincy Railroad Company), as now located and constructed;

ALSO

The ~~N~~W~~1~~/~~4~~ of said Section 28; and Lot 82, Irregular Tract, in the ~~N~~W~~1~~/~~4~~ of said Section 28.

EXCEPTING THEREFROM all that portion of the hereinabove described parcel lying Northerly of a line drawn parallel with and distant 100.00 feet Southerly of, as measured at right angles to, the track centerline of said B-2 Route, as now located and constructed.

ALSO

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

A 150.00' WIDE STRIP OF A LAND SITUATED IN THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6th PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, LYING BETWEEN TWO LINES DRAWN PARALLEL AND CONCENTRIC WITH AND DISTANT 100.0 FEET AND 250.0 FEET TO SOUTHERLY OF BURLINGTON NORTHERN RAILROAD COMPANY'S CENTERLINE OF TRACK OF THE B-2 ROUTE, AS NOW LOCATED AND CONSTRUCTED AND BEING THE MOST SOUTHERLY TRACKAGE OF SAID RAILROAD COMPANY'S LINCOLN YARD, EXCEPTING THEREFROM THAT PORTION OF OPELT AVENUE (SOUTHWEST 40TH STREET) LYING WESTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 33.0 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID SECTION 29, AND BEING PART OF LOTS 12, 58, 98 AND 100 IRREGULAR TRACTS, LOCATED IN THE WEST HALF OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, TO BEAR N 0°00'00"E AND ALL OTHER BEARINGS LISTED HEREIN AFTER, RELATIVE THERETO;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29; THENCE ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, N 0°00'00"E 222.16'; THENCE N 89°59'28"E 33.00', TO THE POINT OF BEGINNING; THENCE PARALLEL TO SAID WEST LINE, N 0°00'00"E 150.00'; THENCE N 89°59'28"E 4.49', TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 2397.30', A CENTRAL ANGLE OF 2°31'24" AND A CHORD DISTANCE OF 105.57'; THENCE ON THE CHORD OF SAID CURVE S 88°44'50"E 105.57', TO THE POINT OF TANGENCY; THENCE ON THE TANGENT OF SAID CURVE, S 87°29'08"E 355.71', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1548.33', A CENTRAL ANGLE OF 19°33'19" AND A CHORD DISTANCE OF 525.88'; THENCE ON THE CHORD OF SAID CURVE, S 77°42'29"E 525.89', TO THE POINT OF TANGENCY; THENCE ON THE TANGENT OF SAID CURVE S 67°55'49"E 585.88', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 2013.43', A CENTRAL ANGLE OF 22°10'37" AND A CHORD DISTANCE OF 744.45'; THENCE ON THE CHORD OF SAID CURVE S 79°01'08"E 774.46', TO THE POINT OF TANGENCY; THENCE ON THE TANGENT OF SAID CURVE N 89°53'34"E 318.60', TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE ON SAID WEST LINE S 0°07'09"W 150.00'; THENCE S 89°53'34"W 318.01', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2163.43', A CENTRAL ANGLE OF 22°10'37" AND A CHORD DISTANCE OF 832.16'; THENCE ON THE CHORD OF SAID CURVE, N 79°01'08"W 832.16', TO THE POINT OF TANGENCY; THENCE ON THE TANGENT OF SAID CURVE, N 67°55'49"W 585.88', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1398.33', A CENTRAL ANGLE OF 19°33'19" AND A CHORD DISTANCE OF 474.94'; THENCE ON THE CHORD OF SAID CURVE N 77°42'29"W 474.94', TO THE POINT OF TANGENCY; THENCE ON THE TANGENT OF SAID CURVE N 87°29'08"W 355.71', TO A POINT OF CURVATURE OF CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 2247.30', A CENTRAL ANGLE OF 2°31'24" AND A CHORD DISTANCE OF 98.96'; THENCE ON THE CHORD OF SAID CURVE, N 88°44'50"W 98.96', TO THE POINT OF TANGENCY; THENCE ON THE TANGENT OF SAID CURVE, S 89°59'28"W 4.52', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 9.22 ACRES, MORE OR LESS



Lancaster County
County Assessor/Register of Deeds
Property Information

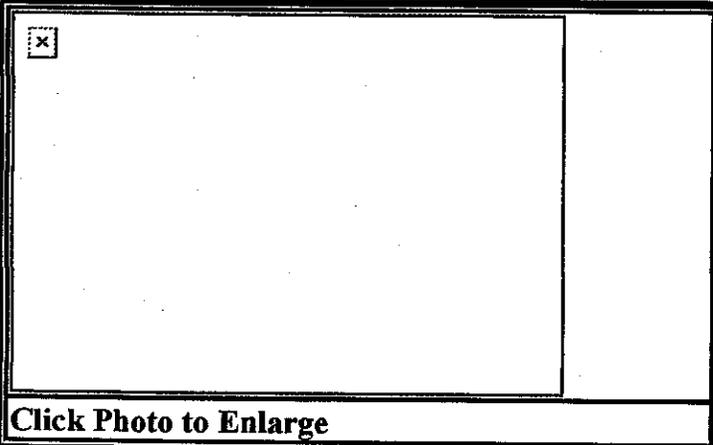
InterLinc

Parcel Identification No: 10-27-200-012-000

Taxing District:	0001 LINCOLN	Property Owner:	
Property Class:	I URBAN INDUSTRIAL	FREDRICK, JEFFREY J & L DENISE	
Neighborhood:	WCI01 W. CENT.; INDUST; INC MOD 01	14700 COUNTRY LN	
Situs Address:	99999 **NO SITUS** ST LINCOLN	LINCOLN NE 68520	
Final Value Summary for Tax Year 2003			
Land Value:	205,800		
Improvement Value:	0		
Total Value:	205,800		

Legal Description:

IRREGULAR TRACT 8.87 ACRES IN NORTHEAST CORNER LOT 98 NE
(BEING 518.5' ON WEST & 746' ON NORTH) 27-10-6
(DESCRIBED IN INST #89-25736)



Sale History:

Instrument #	Sale Date	Sale Price
97-010371	02/27/1997	173,989
91-032971	09/30/1991	11,000
01-006245	12/29/2000	380,000
00-025327	06/06/2000	110,000

Click Photo to Enlarge

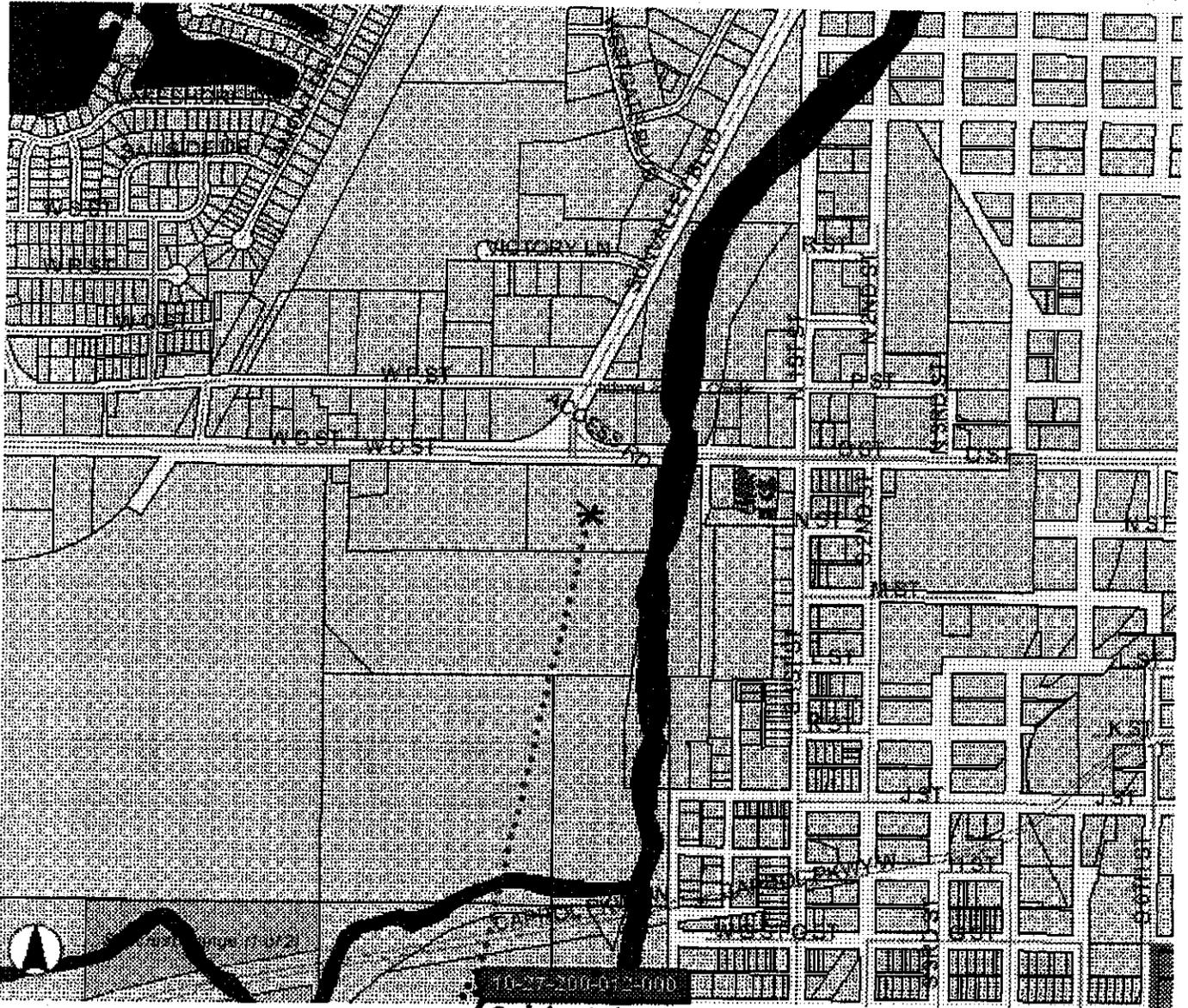
Land and Miscellaneous

Map

Treasurer's Information

County Assessor Property Information

EXHIBIT



10-27-2004-00000
(Subject Property.)

1" = 100'
EXHIBIT E