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Inst. 2002 - 04804

RECORDED  
SCOTTS BLUFF COUNTY, NE

'02 JUN 20 AM 11 24

*Jean A. Bauer*

REGISTER OF DEEDS

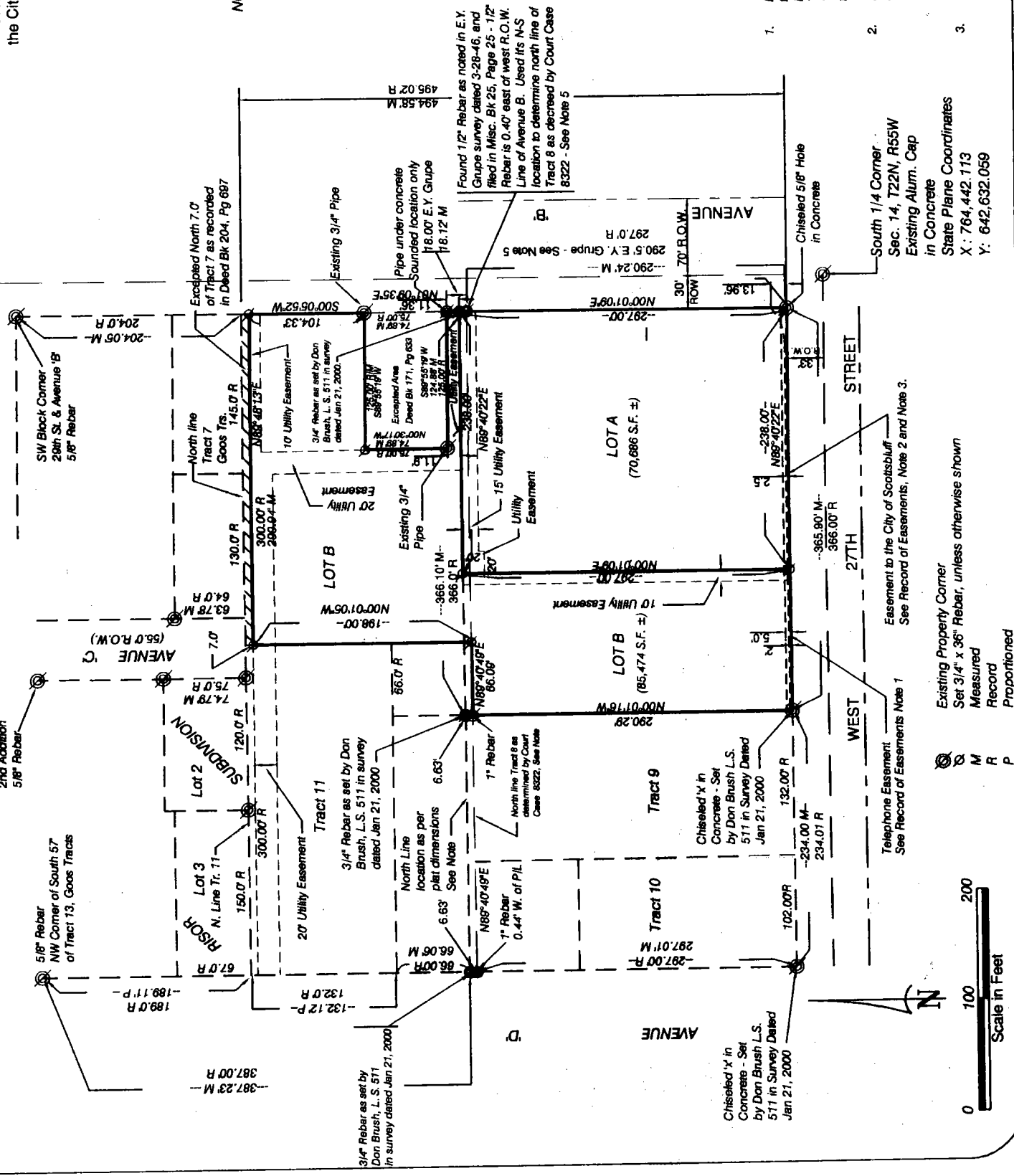
NUM PAGES 4  
DOC TAX \_\_\_\_\_ PD \_\_\_\_\_ CHG \_\_\_\_\_ RET \_\_\_\_\_  
FEES 22.00 PD \_\_\_\_\_ CHG  RET \_\_\_\_\_  
TOTAL \_\_\_\_\_  
CK NUM \_\_\_\_\_ BY \_\_\_\_\_  
BY \_\_\_\_\_  
REC'D Kelly Beatty

NUM INDEX B-J  
COMPUTER J  
PICTURED J  
IMAGED \_\_\_\_\_

**THIS PAGE INCLUDED FOR INDEXING**

LOTS A AND B,

A Replat of Part of Tract 7 and all of Tract 8, Goos Tracts, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.



NOTE:

The location of the north line of Tract 8, Goos Tracts has been a subject of dispute as stated in Case No. 8322, District Court of Scotts Bluff County, Nebraska. The original plat of Goos Tracts was surveyed by C.L. Hurstley, dated May 10, 1919. The dimensions for Tract 8 showed the north and south lines to be 366 feet in length, and the east and west lines to be 287 feet in length.

In November, 1937, Vernon Schick, owner of Tract 8, filed a petition in District Court of Scotts Bluff County, Nebraska, disputing the location of an existing fence which Mr. Schick claimed was encroaching on his property 8 feet south of the north line and for a distance of 78 feet from the west line of Tract 8. He asked the court to determine the location of the northwest corner, north line, and west line of Tract 8, and that the defendants remove the existing fence.

The defendants claimed the fence was located on the lines established by earlier surveys, and that the boundaries and corners have been recognized and acquiesced for a period of ten consecutive years.

In July 1938, the court ruled in favor of the defendants and stated that the true boundary line between Tract 8 and 11 is along the existing fence and that the fence line shall be extended east and west to locate the true north line of Tract 8, 9, and 10.

In March 1946, E. Y. Grupe surveyed a 75 foot by 125 foot tract of land in Tract 7 of Goos Tracts. In his survey, recorded in Miscellaneous Book 25, Page 25, he called out the Northeast corner of Tract 8, and said corner being on an east-west fence line as Southeast corner of Tract 8, and said corner being on the east-west fence line as referred to in Case No. 8322 in the District Court of Scotts Bluff County, Nebraska.

Our field survey found the 1 1/2\" rebar on the southeast corner of Tract 8. We also found a 1\" rebar on the west right of way line of Avenue D. It measured 290.34 feet from the southwest corner of Tract 10.

An existing east-west chain link fence delineating the ownership line between Tract 11 and Tracts 9 and 10 was found to be on the line between these two corners. Therefore, it is our opinion that the north line of Tract 8, Goos Tracts, is located on a line from the 1 1/2\" rebar on the east to the 1\" rebar on the west, as marked by the existing east-west chain link fence, and that this line is the same line as decreed by the Court in Case 8322 to be the true north line of Tracts 8, 9 and 10, Goos Tracts.

RECORD OF EASEMENTS

- Easement granted to United Telephone Company of the West, dated February 13, 1988, filed March 26, 1988 in Book 73 at Page 435 of the Miscellaneous Records of Scotts Bluff County, Nebraska. This easement refers to a perpetual two (2) feet easement in the south five (5) feet of the two (2) feet wide easement is located. This easement is shown on survey.
- Easement granted to the City of Scottsbluff dated November 3, 1994, filed November 23, 1994 in Book 135 at Page 633 of the Miscellaneous Records of Scotts Bluff County, Nebraska. This easement refers to a 2.50 foot wide easement along the south line of Tract 8, Goos Tracts, and a curved radius easement at the southeast corner of property. This easement is shown on survey.
- Easement granted to the City of Scottsbluff dated November 3, 1994 in Book 135 at Page 635 of the Miscellaneous Records of Scotts Bluff County, Nebraska. This easement refers to a Two (2) feet wide easement as being the south Two (2) feet of Tract 8, Goos Tracts. This easement is shown survey.

South 1/4 Corner  
Sec. 14, T22N, R55W  
Existing Alum. Cap  
in Concrete  
State Plane Coordinates  
X: 764,442.113  
Y: 642,632.059

Telephone Easement  
See Record of Easements Note 1

Easement to the City of Scottsbluff  
See Record of Easements, Note 2 and Note 3.

Existing Property Corner  
Set 3/4\" x 36\" Rebar, unless otherwise shown  
Measured  
Record  
Proportioned



LOTS A AND B,  
A REPLAT OF PART OF TRACT 7  
AND ALL OF TRACT 8, GOOS TRACTS  
SCOTTSBLUFF, NEBRASKA  
SHEET 2 OF 3

SURVEYOR'S CERTIFICATE

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify that I have surveyed and prepared a plat of Lots A and B, Replat of part of Tract 7, and all of Tract 8, Goos Tracts, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, EXCEPT that part of Tract 7, described as the North Seven (7) feet thereof, and EXCEPT for that part of Tract 7 as described in Deed Book 171, Page 633, and more particularly described by Deed as follows:

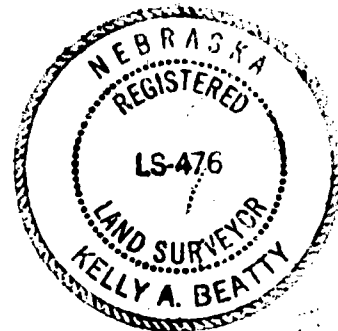
Beginning at a point marked with a 3/4" pipe on the east line of Tract 7, Goos Tracts, located 341.5 feet north of the north line of Section 23, Township 22 North, Range 55 West of the 6th P. M., (said point being 18 feet north of a 1/2" iron pin located on the east and west fence line as referred to in Case No. 8322 in the District Court of Scotts Bluff County, Nebraska, said fence being 323.5 feet north of the north line of Section 23, Township 22 North, Range 55 West of the 6th P. M.), thence north 75 feet along the east line of Tract 7, thence west 125 feet, thence south 75 feet, thence east 125 feet to the Point of Beginning.

That the accompanying plat is a true delineation of said survey and replat drawn to a scale of 100 feet to the inch. That all dimensions are in feet and decimals and that all corners found or set are marked as shown. That the dashed lines shown on the plat are for orientation purposes only.

WITNESS MY HAND AND SEAL this 31<sup>st</sup> day of May, 2002.

FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Kelly A. Beatty  
Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476



OWNER'S STATEMENT

We, the undersigned, being the owners of that part of Tract 7 and all of Tract 8, Goos Tracts, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as LOTS A AND B, a Replat of part of Tract 7 and all of Tract 8, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners. We hereby dedicate the easements shown on the plat to the use and benefit of the public.

Dated this 5 day of June, 2002.

Vernon Morgan  
Vernon Morgan

Judy Morgan  
Judy Morgan

LOTS A AND B  
A REPLAT OF PART OF TRACT 7  
AND ALL OF TRACT 8, GOOS TRACTS  
SCOTTSBLUFF, NEBRASKA  
SHEET 3 OF 3

ACKNOWLEDGEMENT

STATE OF COLORADO )  
COUNTY OF SUMMIT )

Before me, a Notary Public, qualified and acting in said county, personally came Vernon Morgan and Judy Morgan, husband and wife, to me known to be the identical persons whose signatures are affixed to the foregoing "Owner's Statement" and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS MY NOTARIAL SEAL THIS 5 DAY OF June, 2002

*Kathleen E Rada*  
Notary Public

My Commission Expires: 07-03-05



APPROVAL AND ACCEPTANCE

The foregoing plat of LOTS A AND B, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska is hereby approved and accepted by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, by resolution dated this 17<sup>th</sup> day of June, 2002.

*David Beckner*  
Mayor

Attest: Bruno Otto  
City Clerk

