

23-15-13

BOOK 507 PAGE 363

DEPARTMENT OF THE ARMY

PERMIT NO. 71-4

Corps of Engineers, Omaha District, Omaha, Nebraska

City of Omaha
Public Works Department
City Hall
Omaha, Nebraska

PROJECT ST.S. No. 3388

Located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$
of Section 23, Township 15 North, Range 13
East, of the 6th P.M. in Douglas County,
Nebraska

Gentlemen:

Referring to written request received 6 October 1970, signed by
Kenneth J. Schulte, upon the recommendation of the Chief of Engineers,
and under the provisions of Section 10 of the Act of Congress approved
March 3, 1899 (33 U.S.C. § 403), entitled "An act making appropriations
for the construction, repair, and preservation of certain public works
on rivers and harbors, and for other purposes," you are hereby authorized
by the Secretary of the Army to construct and maintain an outfall
structure for a storm sewer on the right (Nebraska) bank of the Missouri
River at approximate river mile 615.9 (1960 mileage). This location is
immediately downstream from Pier No. 2 of Interstate No. 480 bridge.
The outfall structure is to be located landward of the Corps of Engineers
structure azimuth line and is to be used for discharging storm water
run-off from the northern portion of downtown Omaha. This outfall is to
be used with the existing system to completely separate storm run-off
from sanitary. The presently existing system is to be used for sanitary
only, in accordance with the plans and drawings/^{marked in red}attached hereto, titled
(Revised) Proposed Storm Sewer Outlet into Missouri River, at Omaha,
County Douglas, State Nebraska, Application by, City of Omaha, subject
to the following conditions:

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the ~~Federal Water Quality Administration~~ **United States Environmental Protection Agency** and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the ~~Federal Water Quality Administration~~ **United States Environmental Protection Agency** and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before 31st day of December , 1973 , this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.


(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

* A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

16 March 1971
Date


B. P. PENDERGRASS
~~Colonel, Corps of Engineers~~
District Engineer Date

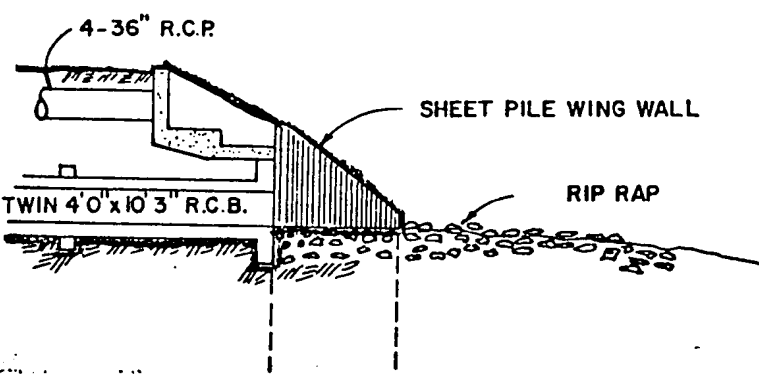
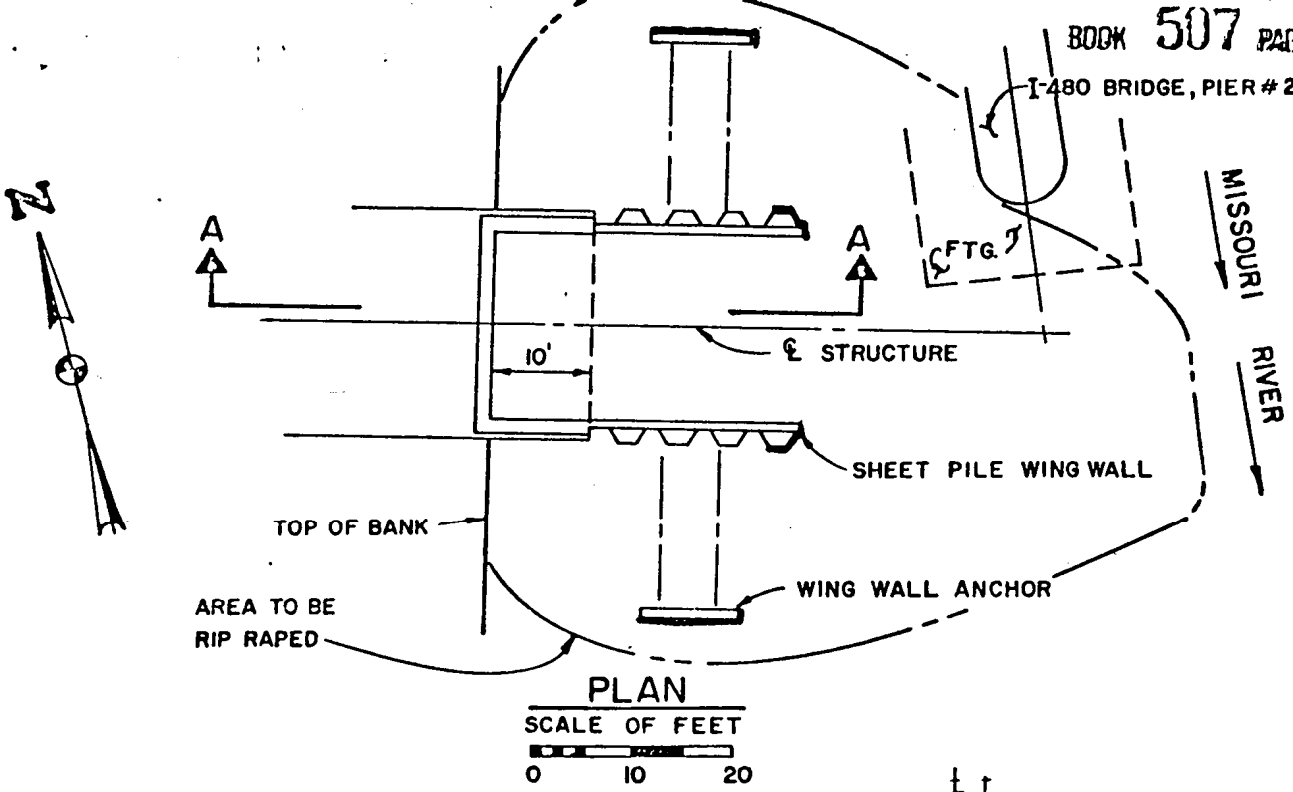
BY Authority of the Secretary of the Army:

Permittee hereby accepts the terms and conditions of this permit.

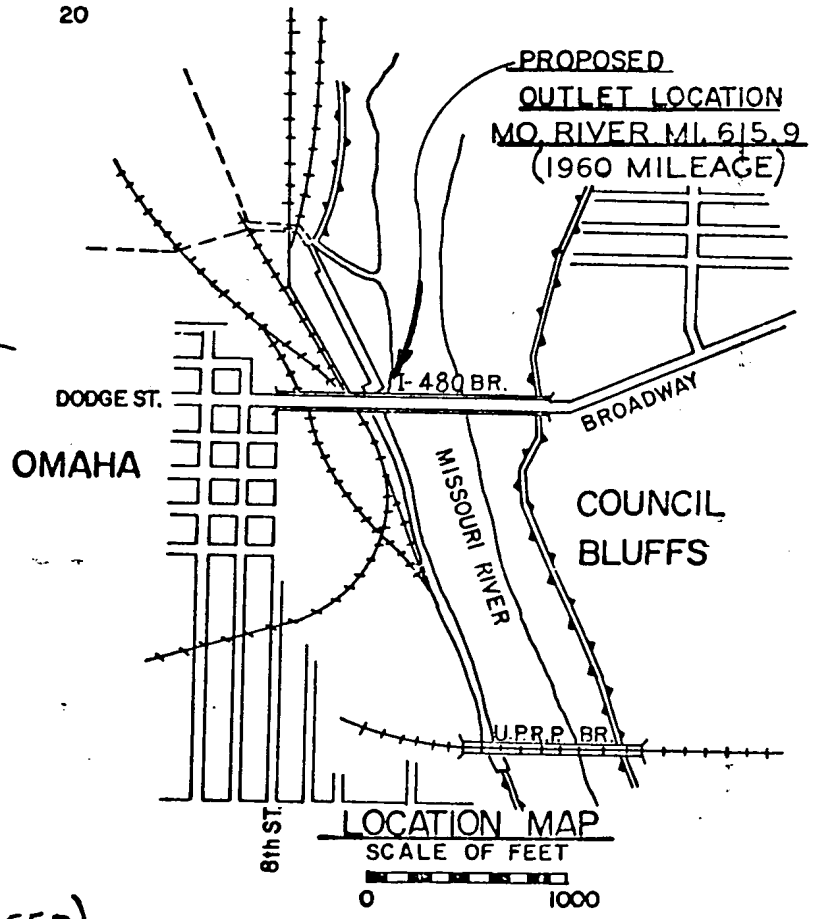
 22 March 1971
Permittee Date

SPECIAL CONDITION

That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States, at the direction of the Secretary of the Army and in such time and manner as the Secretary or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.



SECTION A-A



(REVISED)
 PROPOSED STORM SEWER OUTLET
 INTO MISSOURI RIVER

AT OMAHA
 COUNTY, DOUGLAS
 STATE, NEBRASKA

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 25 DAY OF February 19 72 AT 10:26 A.M. G. HAROLD OSTLER, REGISTER OF DEEDS

APPLICATION BY, CITY OF OMAHA 21.25