



BK 1401 PG 616-623



MISC 2001 15853

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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ACKNOWLEDGMENT AND RELEASE

The undersigned, owner(s) of lot 96 in Farmington Woods, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby state as follows:

1. I/we acknowledge that the above-described property contains portions of or is adjacent to an existing 36-inch diameter underground storm sewer pipe and a surface drainage channel approximately 50 feet in width carrying storm water in a northerly direction within a 100' storm sewer and drainage easement through Farmington Woods as described and shown on Exhibit "A" attached hereto. I/we further acknowledge that Sanitary and Improvement District No. 206 of Douglas County, Nebraska (SID 206) is currently involved in attempts to narrow said easement to approximately 50' in width.
2. I/we acknowledge that said 36-inch diameter storm sewer pipe lies within a permanent storm sewer and drainageway easement as shown on Exhibit "B" attached hereto, which easement was granted to SID 206 and which easement is adjacent to or extends over a portion of the above-described property.
3. I/we acknowledge that, in accordance with the restrictions set forth on the final plat of Farmington Woods, no above-ground obstructions including structures, fences, landscaping and earthen fills are permitted within the boundaries of the said permanent storm sewer and drainageway easement.
4. Despite the restriction on earthen fills mentioned in paragraph 3 above, I/we acknowledge that certain lots adjacent to the drainageway have been graded for walk out basements with backyards adjacent to the drainageway excavated to the level of the 100-year storm path. This proposed pipe enlargement will not prevent ponding in these back yards. Ponding will occur whenever it rains, either from rain falling in the backyard and/or from excess flow in the drainageway that cannot be contained in the drainageway due to the excavation that has occurred on these lots.
5. I/we acknowledge that storm water presently runs over and upon the surface of the ground within and adjacent to the said permanent storm sewer and drainageway easement during and following periods of rainfall and that storm water shall continue from time to time to run over and upon the property within and adjacent to said drainageway even if the existing 36-inch storm sewer pipe is replaced with a 72-inch storm sewer pipe. The surface water will come from storm water in excess of the carrying capacity of the proposed larger pipe and from rain water and sprinkler systems in the backyards of adjacent properties.

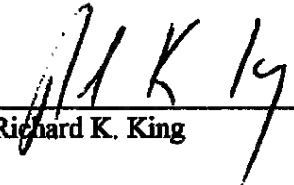
PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY SECTION SUITE 60
OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET
OMAHA, NEBRASKA 68183

6. I/we acknowledge that flooding of properties abutting the above-described drainageway may occur with the storm water system currently in place and that the possibility of flooding will continue even if the existing 36-inch storm sewer pipe is replaced with a 72-inch storm sewer pipe despite the fact that the larger pipe will have a capacity approximately six times as great as the existing pipe.
7. I/we acknowledge that the existing 36-inch storm sewer pipe was designed to carry low flow storm water and that the drainageway within the above-described permanent storm sewer and drainageway easement was originally graded to accommodate additional storm flows up to the amounts generated by a 100-year storm. The low flow pipe was installed to minimize erosion within the backyards of the abutting properties.
8. I/we acknowledge that replacement of the existing 36-inch storm sewer pipe with a storm sewer pipe larger than 72 inches in diameter is not viable given the limitations on the existing storm sewer system at or near the northern boundary of SID 206.
9. I/we acknowledge that no placement of earthen fill or excavation within the boundaries of the above-described permanent storm sewer drainageway easement is or has been permitted or authorized by SID 206 or the City of Omaha.
10. I/we state that, in the interest of safety and minimization of the hazards inherent in the present situation, replacement of the 36-inch storm sewer pipe with a 72-inch storm sewer pipe appears preferable to various alternative solutions previously discussed including: (a) removal of the existing 36-inch pipe and creation of a stabilized open channel to carry all storm drainage; (b) retention of the existing 36-inch pipe and installation of fence along the outer boundaries of the permanent storm sewer drainageway easement; (c) restoring of earthen fill excavated without authorization from the backyards of lots containing dwellings with walk-out basements.
11. I/we understand that SID 206 has requested that the City of Omaha allow the replacement of the existing 36" storm sewer pipe with a 72" storm sewer pipe within the above-described permanent storm sewer and drainageway easement using general obligation funds of SID 206.
12. I/we understand that, provided SID 206 submits a plan to the City of Omaha Finance Director in accordance with which repayment of the general obligation debt incurred in connection with the above-referenced project is structured in a prudent manner considering current outstanding debt and projected revenues, the City shall grant permission to SID 206 to pay the costs of said project with construction (bond) fund monies which are general obligation of the District rather


than with general fund monies or construction fund monies specially assessed against those properties to be deemed benefitted by the project.

13. In consideration of the replacement by SID 206 of the existing 36-inch diameter storm sewer pipe with a 72-inch diameter storm sewer pipe within the above-described permanent storm sewer and drainageway easement, and in consideration of the approval of said undertaking by the City of Omaha and the granting by the City of Omaha to SID 206 of permission to pay the costs of said project with construction (bond) fund monies rather than general fund monies, I/we hereby release SID 206, all members (past and present) of its Board of Trustees, Lamp, Rynearson & Associates, Inc. and the City of Omaha from any and all claims, demands or causes of action I/we may have as of the date hereof against said parties or any of them for damages to persons and/or property relating to or in any way associated with storm sewer facilities (including pipes, structures, inlets and drainageways) existing as of the date hereof in or adjacent to Farmington Woods and storm drainage flowing in, around, over, under or adjacent to such storm sewer facilities and the above-described property.
14. The provisions of this document shall be binding on the party or parties executing the same and his, her or their respective heirs, personal representatives, successors and assigns and shall enure to the benefit of the parties released in accordance with Paragraph 11 and their respective heirs, personal representatives, successors and assigns and shall run with the land described hereon.

IN WITNESS WHEREOF, I/we have executed this document this 27th day of April, 2001.



Richard K. King



Teresa A. King

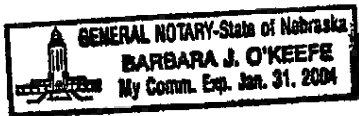
Owner(s) of Lot 96
in Farmington Woods

INDIVIDUAL(S)

STATE OF NEBRASKA)
)ss:
COUNTY OF DOUGLAS)

Before me, a Notary Public, qualified for said county, personally came Richard K. King, known to me to be the identical person(s) who signed the foregoing document and acknowledged the execution thereof to be a voluntary act and deed.

WITNESS my hand and notarial seal on the 27th day of April, 2001.



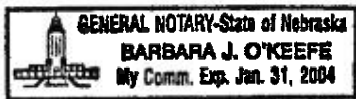
Barbara J. O'Keefe
Notary Public

INDIVIDUAL(S)

STATE OF Nebraska)
)ss:
COUNTY OF Douglas)

Before me, a Notary Public, qualified for said county, personally came Teresa A. King, known to me to be the identical person(s) who signed the foregoing document and acknowledged the execution thereof to be a voluntary act and deed.

WITNESS my hand and notarial seal on the 27th day of April, 2001.



Barbara J. O'Keefe
Notary Public

CORPORATION, LLC, PARTNERSHIP

STATE OF)
)ss:
COUNTY OF)

Before me, a Notary Public qualified for said county, personally came _____
Name

_____, _____ of _____
Name Title Entity Name

_____, a _____
Entity Name Type of Entity

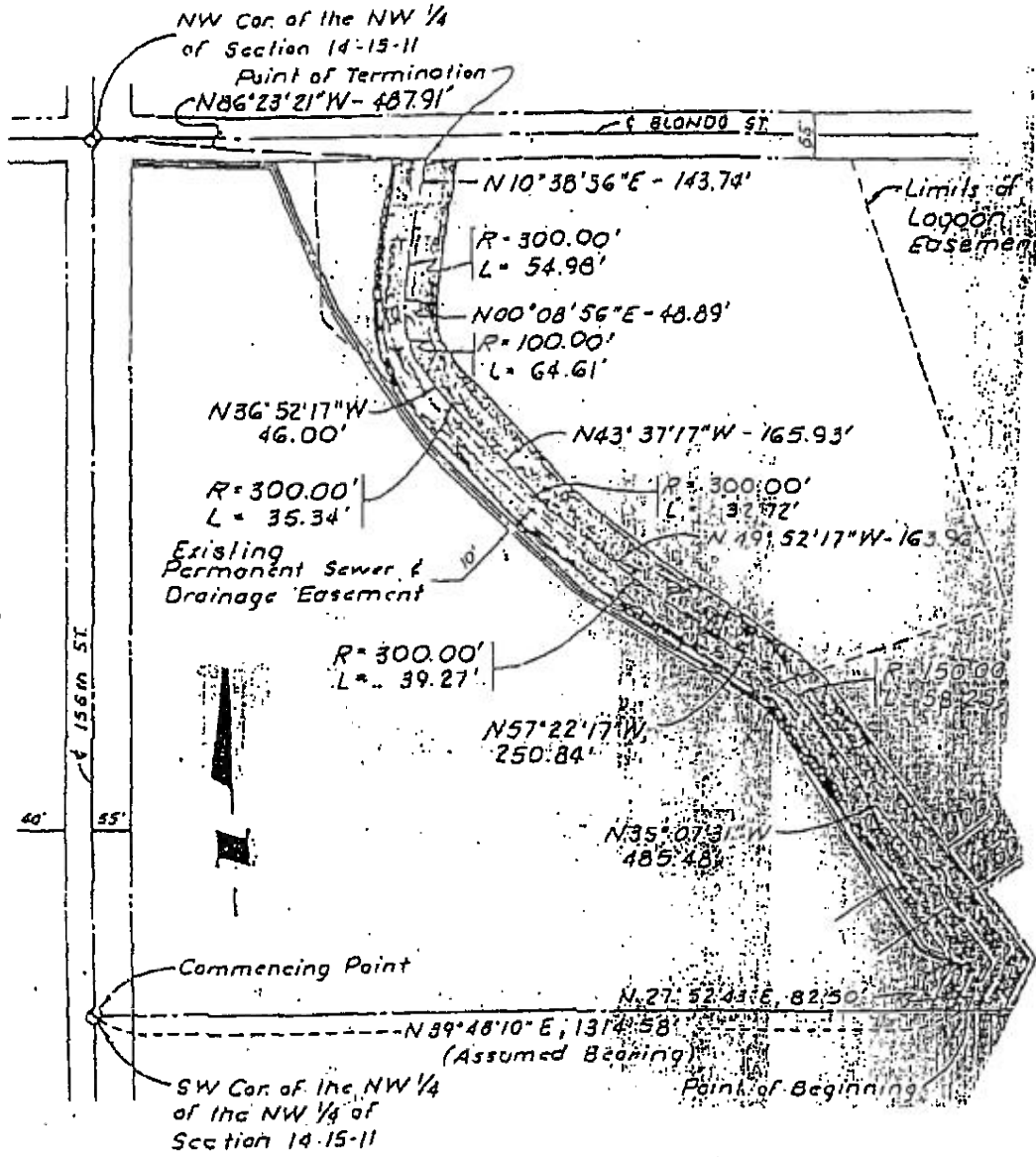
known to me to be the identical person who signed the foregoing instrument as such officer, and
acknowledged the execution thereof to be his or her voluntary act and deed as such officer and
the voluntary act and deed of the _____

Type of Entity

Notary Public

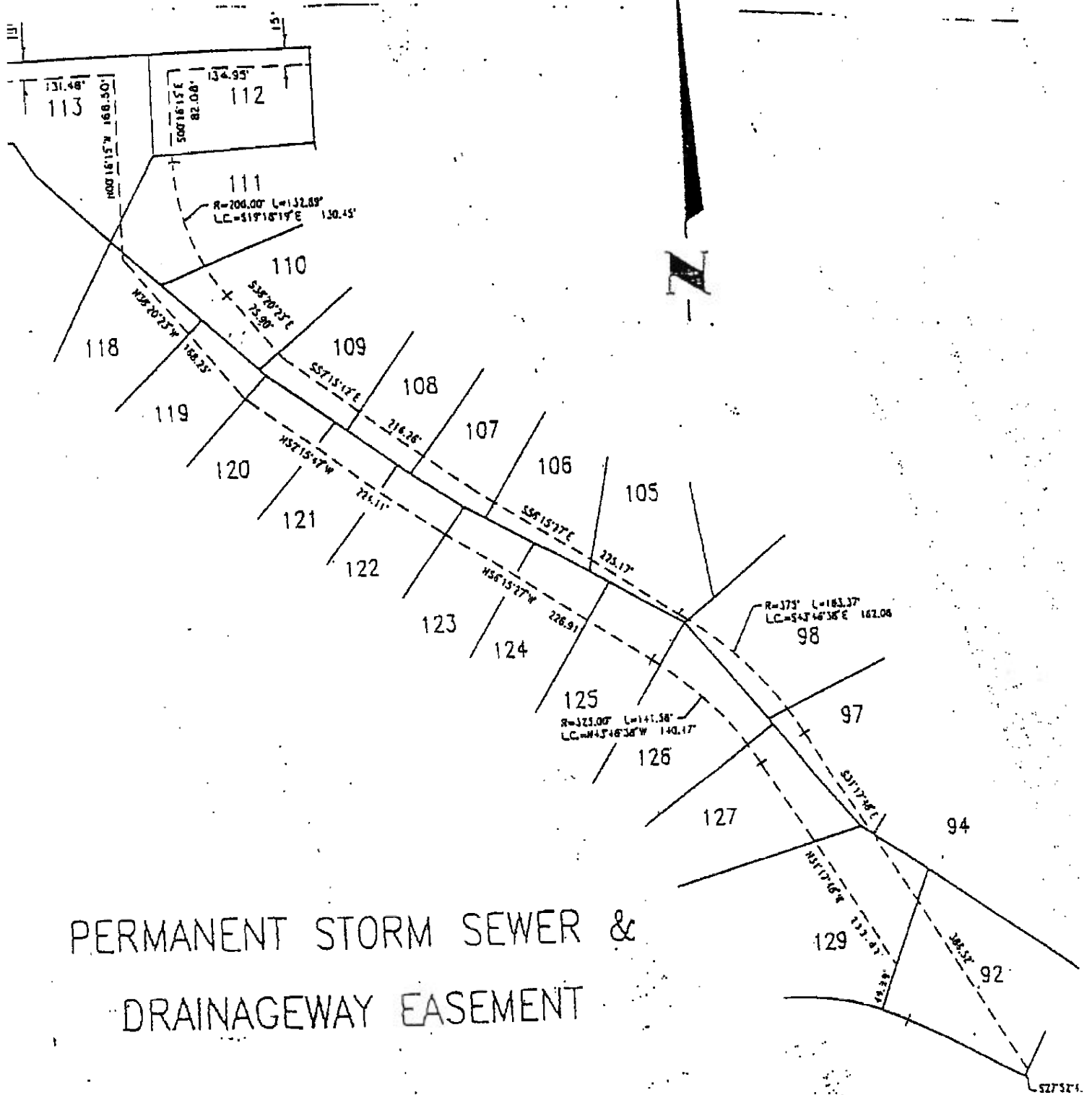
**NOTE: ALL OWNERS OF RECORD MUST SIGN THIS
ACKNOWLEDGMENT FOR THE ABOVE-DESCRIBED LOT(S).
SPOUSES MUST SIGN WHETHER OR NOT THEY ARE OWNERS OF
RECORD.**

SEWER AND DRAINAGE EASEMENT



A 100 foot wide permanent sewer and drainage easement located in the N 1/2 of the NW 1/4 of Section 14, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, 50 feet either side of the following described centerline:

Commencing at the Southwest corner of the NW 1/4 of the NW 1/4 of said Section 14, thence N89°48'10"E (assumed bearing) along the South line of said N 1/2 of the NW 1/4 of Section 14 a distance of 1314.58 feet to the Point of Beginning; thence N27°52'43"E a distance of 82.50 feet; thence N35°07'31"W a distance of 485.40 feet; thence Northwesterly on a curve to the left with a radius of 150.00 feet, a distance of 58.25 feet, said curve having a long chord which bears N46°14'47"W a distance of 57.89 feet; thence N57°22'17"W a distance of 250.84 feet; thence Northwesterly on a curve to the right with a radius of 300.00 feet, a distance of 39.27 feet, said curve having a long chord which bears N53°37'17"W a distance of 39.24 feet; thence N49°52'17"W a distance of 163.96 feet; thence Northwesterly on a curve to the right with a radius of 300.00 feet, a distance of 32.72 feet, said curve having a long chord which bears N46°46'05"W a distance of 32.72 feet; thence N43°37'17"W a distance of 165.93 feet; thence Northwesterly on a curve to the right with a radius of 300.00 feet, a distance of 35.34 feet, said curve having a long chord which bears N40°14'48"W a distance of 35.32 feet; thence N36°52'17"W a distance of 46.00 feet; thence Northerly on a curve to the right with a radius of 100.00 feet a distance of 64.61 feet, said curve having a long chord which bears N18°21'40"W a distance of 63.50 feet; thence N00°08'56"E a distance of 48.89 feet; thence Northerly on a curve to the right with a radius of 300.00 feet a distance of 54.98 feet, said curve having a long chord which bears N05°23'56"E a distance of 54.91 feet; thence N10°38'56"E a distance of 143.74 feet to the Point of Termination, on the South right-of-way line of Blando Street, and located N86°23'21"W a distance of 487.91 feet from the Northwest corner of said Section 14.



PERMANENT STORM SEWER &
DRAINAGEWAY EASEMENT

EXHIBIT "B"