



MISC 2016091179



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Fee amount: 22.00  
FB: 07-05673  
COMP: MB

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
11/01/2016 17:04:53.00



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### MEMORANDUM OF PARKING LICENSE AGREEMENT

THIS MEMORANDUM OF PARKING LICENSE AGREEMENT (this "Memorandum") dated as of October 28<sup>th</sup>, 2016, by and between Capitol District Parking, LLC, a Nebraska limited liability company ("Licensor"), and Capitol District Hotel, LLC, a Nebraska limited liability company ("Licensee").

#### WITNESSETH:

By that certain Parking License Agreement dated September 18, 2015, as amended by that certain First Amendment to Parking License Agreement dated September 19, 2016, each between Licensor and Licensee (the "License Agreement"), Licensor, the owner of that certain real property legally described as Lot 1, The Capitol District, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska (the "Licensor Property"), granted Licensee, the owner of that certain real property legally described as Lot 2, The Capitol District Replat 1, an Addition to the City of Omaha, as surveyed, platted, and recorded in Douglas County, Nebraska (the "Licensee Property") a license for the exclusive use of two hundred twelve (212) reserved parking spaces within the parking facility to be constructed on the Licensor Property (collectively, the "Licensed Premises"), subject to the conditions and limitations therein contained. Licensee's rights to utilize the Licensed Premises, as set forth in the License Agreement, commences as of the Parking Commencement Date (as defined in the License Agreement, but which is anticipated to occur between June 1 and October 1 of 2017) and expires thirty-five (35) years from the Parking Commencement Date. In the event of any inconsistency between the terms and conditions of the License Agreement and of this Memorandum, the terms of the License Agreement shall in all respects govern and control. This Memorandum shall be recorded and indexed against the Licensor Property and the Licensee Property.

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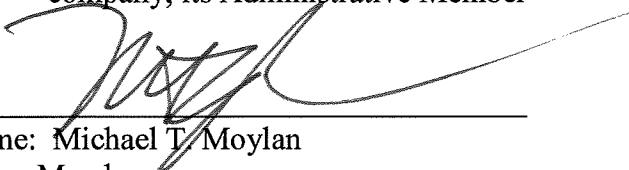
IN WITNESS WHEREOF, Licensor and Licensee have executed this Memorandum as of the day and year first above written.

LICENSOR:

CAPITOL DISTRICT PARKING, LLC, a  
Nebraska limited liability company

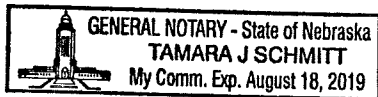
By: The Capitol District, LLC, a  
Nebraska limited liability company,  
its Sole Member

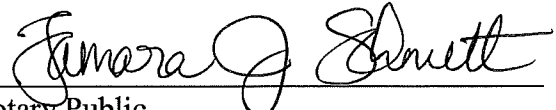
By: MTM Capitol District, LLC,  
a Nebraska limited liability  
company, its Administrative Member

By:   
Name: Michael T. Moylan  
Title: Member

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of October, 2016, by Michael T. Moylan, Member of MTM Capitol District, LLC, a Nebraska limited liability company, the administrative member of The Capitol District, LLC, a Nebraska limited liability company, the sole member of Capitol District Parking, LLC, a Nebraska limited liability company, on behalf of the company.



  
Notary Public

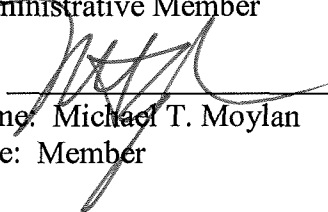
LICENSEE:

CAPITOL DISTRICT HOTEL, LLC, a  
Nebraska limited liability company

By: Capitol District Hotel Manager,  
LLC, a Nebraska limited liability  
company, its Managing Member

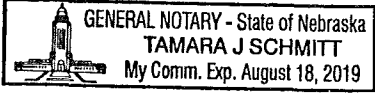
By: The Capitol District, LLC, a  
Nebraska limited liability  
company, its Sole Member

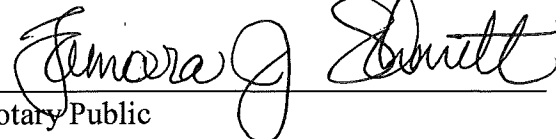
By: MTM Capitol  
District, LLC, a Nebraska  
limited liability company, its  
Administrative Member

By:   
Name: Michael T. Moylan  
Title: Member

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of October, 2016, by Michael T. Moylan, Sole Member of MTM Capitol District, LLC, a Nebraska limited liability company, the administrative member of The Capitol District, LLC, a Nebraska limited liability company, the sole member of Capitol District Hotel Manager, LLC, a Nebraska limited liability company, the managing member of Capitol District Hotel, LLC, a Nebraska limited liability company, on behalf of the company.



  
Notary Public