

FILED SARPY CO. NE.
INSTRUMENT NUMBER
98-027771
98 OCT -2 AM 8:26
Glenn J. Lowrey
REGISTER OF DEEDS

98-27771

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Verify DJS
D.E. _____
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Fee \$ 20.00
Ck Cash Chg STS

**FIRST AMENDMENT TO
PRELIMINARY SUBDIVISION AGREEMENT
Sarpy County Industrial Park Subdivision**

THIS AMENDMENT to that certain Preliminary Subdivision Agreement entered into February 24, 1998, by and between the CITY OF LA VISTA, a Municipal corporation in the State of Nebraska (therein and herein referred to as "City") and HARLAN and MILDRED OTTE, husband and wife (therein and herein collectively referred to as "Ottes"), and the OMAHA DEVELOPMENT FOUNDATION, a Nebraska not for profit corporation (herein "ODF"). Said agreement being herein referred to as the "Subdivision Agreement."

WITNESSETH:

WHEREAS, in order to facilitate a swap of land originally platted as Lot 1 of the Subdivision for a portion of what had been originally platted as Lot 2 of the Subdivision, Ottes have applied for a replat of the original Sarpy County Industrial Park Subdivision, as more fully shown on Exhibit "A" to this Amendment, with the effect of replatting the original Lots 1 and 2, less area taken for 126th Street right-of-way, leaving a net of 53.811 acres, into different Lots 1 and 2, consisting of 53.811 acres, to be known as Sarpy County Industrial Park Replat 1, as shown on Exhibit "A" to this Amendment (herein referred to as "Replat 1"); and

WHEREAS, ODF has applied for a platting of 2.561 acres of land owned by it to be added to and included within the Subdivision, said 2.561 acres as platted to be known as Sarpy County Industrial Park Phase 2, and to be platted as Lots 3 and 4 of the Subdivision, as shown on Exhibit "B" to this Amendment (herein referred to as "Phase 2"); and

WHEREAS, such Replat 1 of the original Subdivision and addition of Phase 2 requires an Amendment to the Subdivision Agreement.

NOW, THEREFORE, in consideration of the mutual agreements and covenants of the parties hereto, it is agreed by and between them that in respect to the Subdivision that:

1. The original 55.887 acres of the Subdivision, less area taken for 126th Street right-of-way, as replatted into "Sarpy County Industrial Park Replat 1" shall continue to be subject in all respects to the rights, restrictions and obligations of the Subdivision Agreement. Provisions applicable to Lot 1 of the original plat shall hereafter be applicable to Lot 1 of Replat 1. Provisions applicable to Lot 2 of the original plat shall hereafter be applicable to Lot 2 of Replat 1.
2. The provisions of the Subdivision Agreement shall be applicable to Lots 3 and 4 (being all of Phase 2) in the same manner and to the same extent as applicable to the original 55.887 acres of the Subdivision, except those uniquely applicable to Lot 1 of Replat 1.
3. Lots 3 and 4 of Phase 2 shall be subject to the same restrictions, rights and obligations as are applicable to Lot 2 of Replat 1.
4. The requirement of Section 4 requiring replat prior to subdivision, sale or lease is deemed satisfied as to Lot 1 of Replat 1.
5. Except as specifically amended hereby, all terms and conditions of the Subdivision Agreement shall remain in full force and effect as originally written.

027771

STS

98-277771A

IN WITNESS WHEREOF, we, the parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

ATTEST:

CITY OF LA VISTA.

Rita M. Ramirez
Rita Ramirez, City Clerk

By Terrilyn Quick
Terrilyn Quick, Acting Mayor

Harlan Otte
Harlan Otte

Mildred Otte
Mildred Otte

OMAHA DEVELOPMENT FOUNDATION

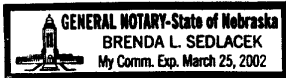
By Pat R. Leupin
President

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARASOTA)

On this 24 day of September, 1998, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Terrilyn Quick, personally known by me to be the Acting Mayor of the City of La Vista and Rita Ramirez, to me personally known to be the City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing First Amendment to Preliminary Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.



Brenda L. Sedlacek
Notary Public

98-27771B

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF Sarpy)

On this 22 day of September, 1998, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Harlan and Mildred Otte, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing First Amendment to Preliminary Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.



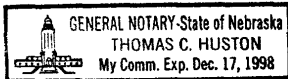
[Signature]
Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF Douglas)

On this 23 day of September, 1998, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Bruce R. Lawitzon, personally known by me to be the President of the Omaha Development Foundation, to me personally known to be the President of the Omaha Development Foundation, and the identical person whose name is affixed to the foregoing First Amendment to Preliminary Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

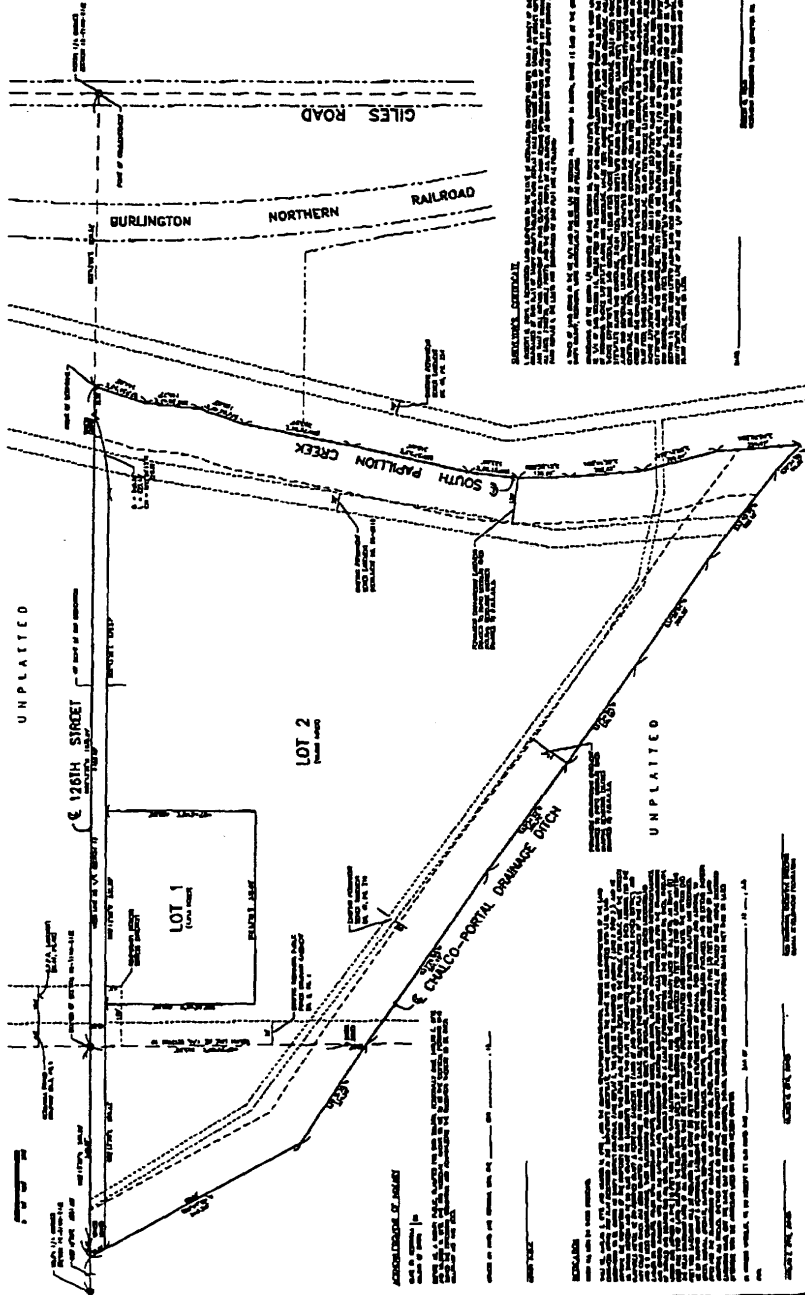


[Signature]
Notary Public

SARPY COUNTY INDUSTRIAL PARK REPLAT 1

LOT 1 AND LOT 2

A TRACT OF LAND BEING IN THE NE 1/4 AND THE SE 1/4 OF SECTION 19, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 8TH P.M., IN SARPY COUNTY, NEBRASKA



REPLAT
 This replat is a subdivision of land owned by the State of Nebraska, and is being replatted for the purpose of creating industrial lots. The replat is subject to all laws, rules and regulations of the State of Nebraska relating to the subdivision of land. The replat is being filed for the purpose of creating industrial lots, and is not intended to create any new rights or interests in the land. The replat is being filed for the purpose of creating industrial lots, and is not intended to create any new rights or interests in the land.



KIRKHAM MICHAEL
 CONSULTING ENGINEERS
 1401 S. 14TH STREET, SUITE 100
 LINCOLN, NEBRASKA 68502
 PHONE: (402) 426-1111
 FAX: (402) 426-1112
 SHEET 1 OF 1
 JAN 07/1992

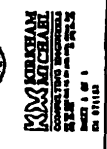
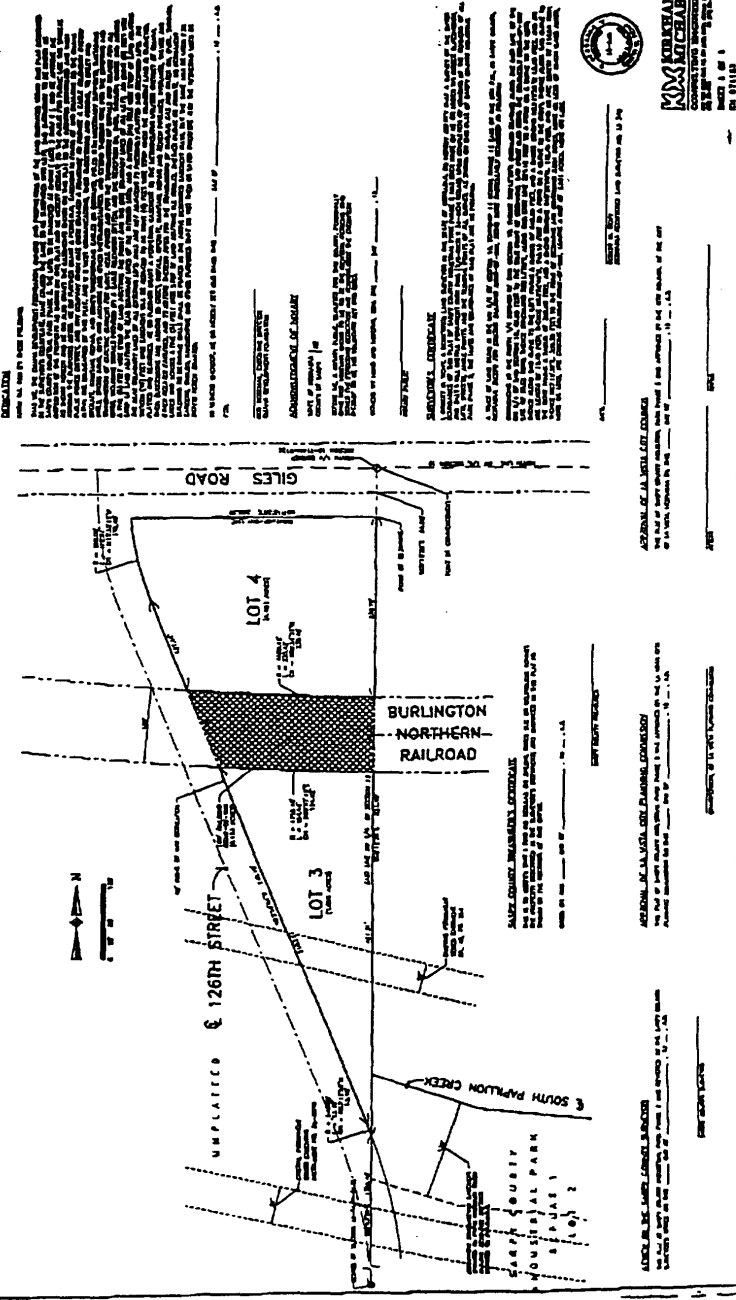
NOTICE TO CONTRACTORS
 The undersigned hereby certifies that the above described plat is a true and correct copy of the original as filed in the office of the County Clerk of Sarpy County, Nebraska, and that the same has been approved by the undersigned as being correct and conforming to the laws of the State of Nebraska relating to the subdivision of land.

NOTICE TO CONTRACTORS
 The undersigned hereby certifies that the above described plat is a true and correct copy of the original as filed in the office of the County Clerk of Sarpy County, Nebraska, and that the same has been approved by the undersigned as being correct and conforming to the laws of the State of Nebraska relating to the subdivision of land.

SARPY COUNTY INDUSTRIAL PARK PHASE 2

LOTS 3 THRU LOT 4

A TRACT OF LAND BEING IN THE NW 1/4 OF SECTION 8, TOWNSHIP 14 NORTH,
RANGE 12 EAST, THE 6TH P.M., IN SARPY COUNTY, NEBRASKA



GENERAL NOTES:

1. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES INTO ACCORDANCE WITH THE PUBLIC ACTS OF CONGRESS RELATIVE TO THE SURVEYING OF PUBLIC LANDS.

2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PUBLIC ACTS OF CONGRESS RELATIVE TO THE SURVEYING OF PUBLIC LANDS.

3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PUBLIC ACTS OF CONGRESS RELATIVE TO THE SURVEYING OF PUBLIC LANDS.

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9. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PUBLIC ACTS OF CONGRESS RELATIVE TO THE SURVEYING OF PUBLIC LANDS.

10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PUBLIC ACTS OF CONGRESS RELATIVE TO THE SURVEYING OF PUBLIC LANDS.