



BK 1388 PG 415-430

RICHARD M. LARSEN
REGISTER OF DEEDS
DOUGLAS COUNTY, NE.

2001 JUL -5 PM 3:16



MISC 2001 09929

REGISTERED

Misc
A 16/18

FEE	<i>8900</i>	FB	<i>See back</i>
RKP		C/O	<i>COMP</i>
DEL		SCAN	<i>CP</i>

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FIRST AMENDMENT TO
COMMERCIAL FEDERAL BUSINESS PARK
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This First Amendment to the Declaration of Covenants, Conditions and Restrictions ("First Amendment") is made this 25th day of June, 2001, by Commercial Federal Bank, a federal savings bank ("Declarant").

RECITALS:

WHEREAS, the Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions ("Declaration") dated December 26, 2000, was recorded on December 26, 2000, at Book 1363, Page 112, of the Register of Deeds of Douglas County, Nebraska; and

WHEREAS, Declarant holds more than two-thirds (2/3) of the votes entitled to be cast pursuant to the Operating Agreement of Commercial Federal Business Park Association, L.L.C., and, therefore, pursuant to Section 11 of the Declaration, may amend the Declaration as provided in this First Amendment; and

WHEREAS, Lot 13, Commercial Federal Business Park Replat 1, Douglas County, Nebraska ("Lot 13"), was subdivided into Lots 1 and 2, Commercial Federal Business Park Replat 2; Douglas County Nebraska ("Lots 1 and 2, Replat 2") and

WHEREAS, the Mixed Use Agreement between the City of Omaha and Declarant dated September 28, 2000, was amended to reflect the subdivision of Lot 13 into Lots 1 and 2, Replat 2; and

WHEREAS, Declarant desires to amend the Declaration to reflect the subdivision of Lot 13 into Lots 1 and 2, Replat 2, and to incorporate the amendments to the Mixed Use Agreement.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

RETURN: Mike Matejka
1100 Woodmeadow Tower
Omaha, Ne 68102

✓ 76726

1. **Maximum Gross Building Square Footage.** The table in Section 2(b) of the Declaration is hereby amended as follows:

<u>Lot #</u>	<u>Maximum Gross Building Square Footage</u>
1	40,000
2	80,000
3	70,000
4	30,000
5	80,000
6	46,000
7	19,000
8	100,000
9	80,000
10	415,000
11	100,000
12	50,000
Lot 1, Replat 2	10,800
Lot 2, Replat 2	<u>9,200</u>
Total	1,130,000

2. **Property Owners Association Voting Rights.** The table in Section 4(c) of the Declaration is hereby amended as follows:

<u>Lot #</u>	<u>Votes</u>
Lot 1	1 Vote
Lot 2	3 Votes
Lot 3	4 Votes
Lot 4	2 Votes
Lot 5	4 Votes
Lot 6	4 Votes
Lot 7	1 Vote
Lot 8	5 Votes
Lot 9	4 Votes
Lot 10	16 Votes
Lot 11	6 Votes
Lot 12	2 Votes
Lot 1, Replat 2	1 Vote
<u>Lot 2, Replat 2</u>	<u>1 Vote</u>
Total	54 Votes

3. **Property Owners Association Assessments.** The table in Section 4(i) is hereby amended as follows:

Lot 1	3.07%
Lot 2	5.61%
Lot 3	6.51%
Lot 4	3.95%
Lot 5	7.15%
Lot 6	7.08%
Lot 7	2.91%
Lot 8	8.43%
Lot 9	7.57%
Lot 10	26.80%
Lot 11	10.59%
Lot 12	4.72%
Lot 1, Replat 2	3.04%
Lot 2, Replat 2	<u>2.57%</u>
Total	100.00%

4. **Mixed Use Agreement.** The pages attached hereto marked as Exhibit "B" are the amended exhibits to the Mixed Use Agreement which are hereby incorporated into the Declaration by this reference.

5. **Legal Description.** The legal description of the property subject to the Declaration is hereby amended as described on Exhibit "A" attached hereto.

EXECUTED this 25th day of June, 2001.

DECLARANT:

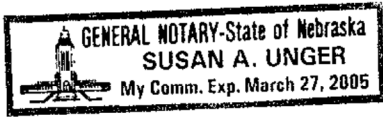
COMMERCIAL FEDERAL BANK, a
federal savings bank

By: 
Its: EVP & CFO

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 25th day of June, 2001, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came David S Fisher, EVP & CFO of Commercial Federal Bank, a federal savings bank, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed on behalf of Commercial Federal Bank.

Susan A Unger
Notary Public



When recorded, return to:

Michael D. Matejka
Fitzgerald, Schorr, Barmettler
& Brennan, P.C., L.L.O.
1100 Woodmen Tower
Omaha, NE 68102-2002

EXHIBIT "A"
LEGAL DESCRIPTION

MC-07102 Lots 1 through 12, inclusive, and Outlots 1 through 4, inclusive,
Commercial Federal Business Park Replat 1, and Lots 1 and 2,
MC-07103. Commercial Federal Business Park Replat 2, as surveyed, platted and
recorded in Douglas County, Nebraska.

EXHIBIT "B"
AMENDED EXHIBITS TO MIXED USE AGREEMENT



City of Omaha
Mike Fahey, Mayor

June 12, 2001

Planning Department
Omaha/Douglas Civic Center
1819 Farnam Street, Suite 1100
Omaha, Nebraska 68183-0601
(402) 444-5150
Telefax (402) 444-6140

Robert C. Peters
Acting Planning Director

Michael D. Matejka
1100 Woodman Tower
1700 Farnam Street
Omaha, NE 68102-2002

Dear Mr. Matejka:

RE: Commercial Federal Business Park

The Planning Department has received and completed its review of the application for amendment, the revised development agreement exhibits and the associated plans for the referenced property. It was found that the changes relate to modifications of the floor area ratio (FAR) allocation and sign budget for Lots 1 and 2, Commercial Federal Business Park Replat 1.

The amendments are acceptable and are hereby approved. A copy of the agreement amendment is enclosed for your record. Only those changes related to Lots 1 and 2, Commercial Federal Business Park Replat 1, are included or implied for approval by this action.

You are authorized to proceed with the development of the property consistent with this amendment.

If you have any further questions, please contact Rod Phipps, Manager-Current Planning, at 444-5166.

Sincerely
OMAHA CITY PLANNING DEPARTMENT

Robert C. Peters
Acting Planning Director

COMMERCIAL FEDERAL BUSINESS PARK REPLAT 1

Lots 1 through 13, inclusive, being a replatting of COMMERCIAL FEDERAL BUSINESS PARK, Lots 1 through 11, inclusive and Outlots 1 through 6, inclusive, a subdivision, as surveyed, plotted and recorded in Douglas County, Nebraska

Drawn by
Checked by
Reviewed by
Approved by
Date

Job number-1888
Drawing number-1888
Book
Date
Scale 1/2" = 100'

Lamp, Rynearson & Associates, Inc.
Engineers
1472 West Dodge Road, Suite 100
Omaha, Nebraska 68134-2020
PH 402.482.4488
FAX 402.482.2730
COMMERCIAL FEDERAL BUSINESS PARK REPLAT 1
DOUGLAS COUNTY, NEBRASKA

FINAL
PLAT
1 of 1

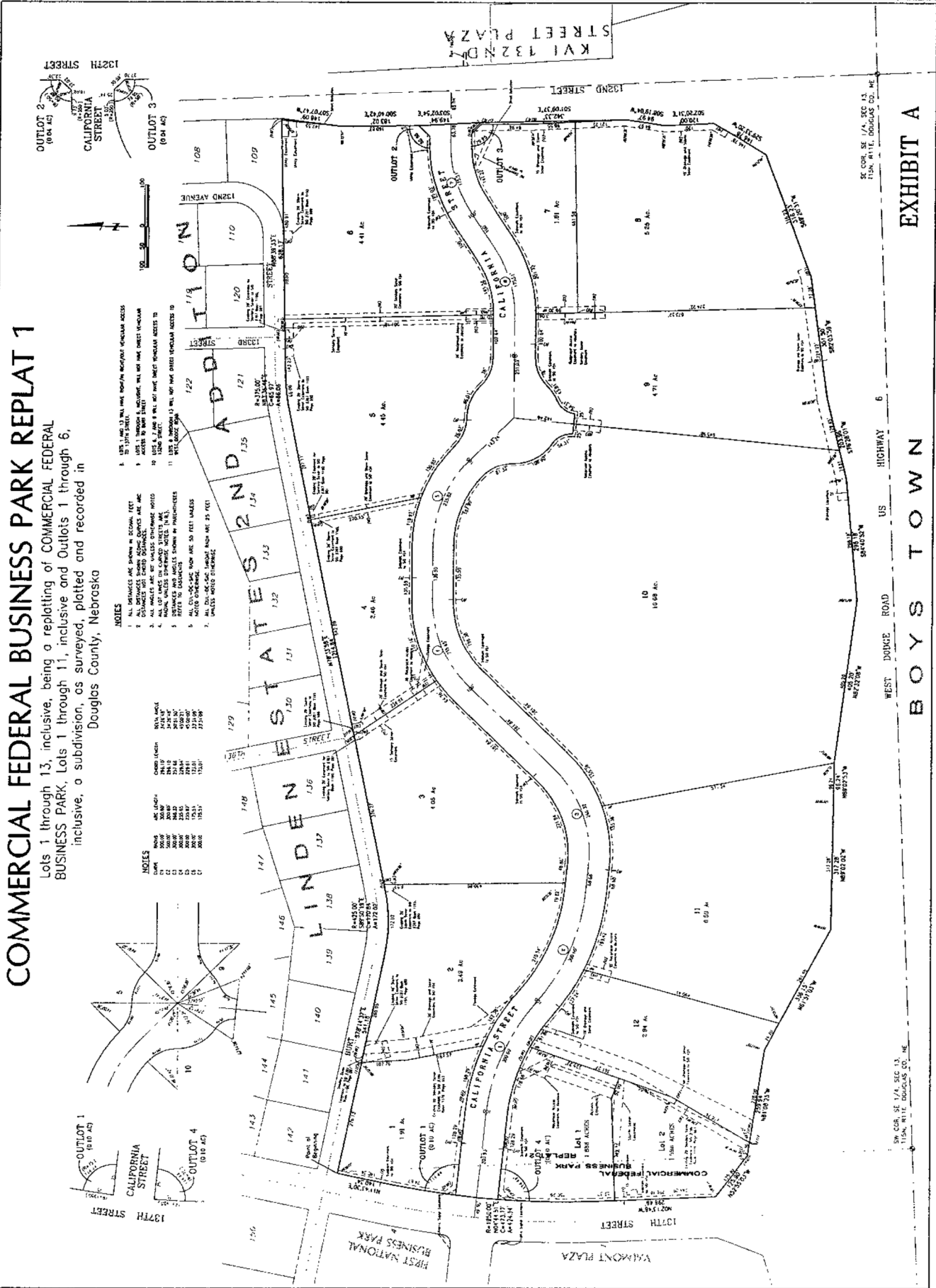
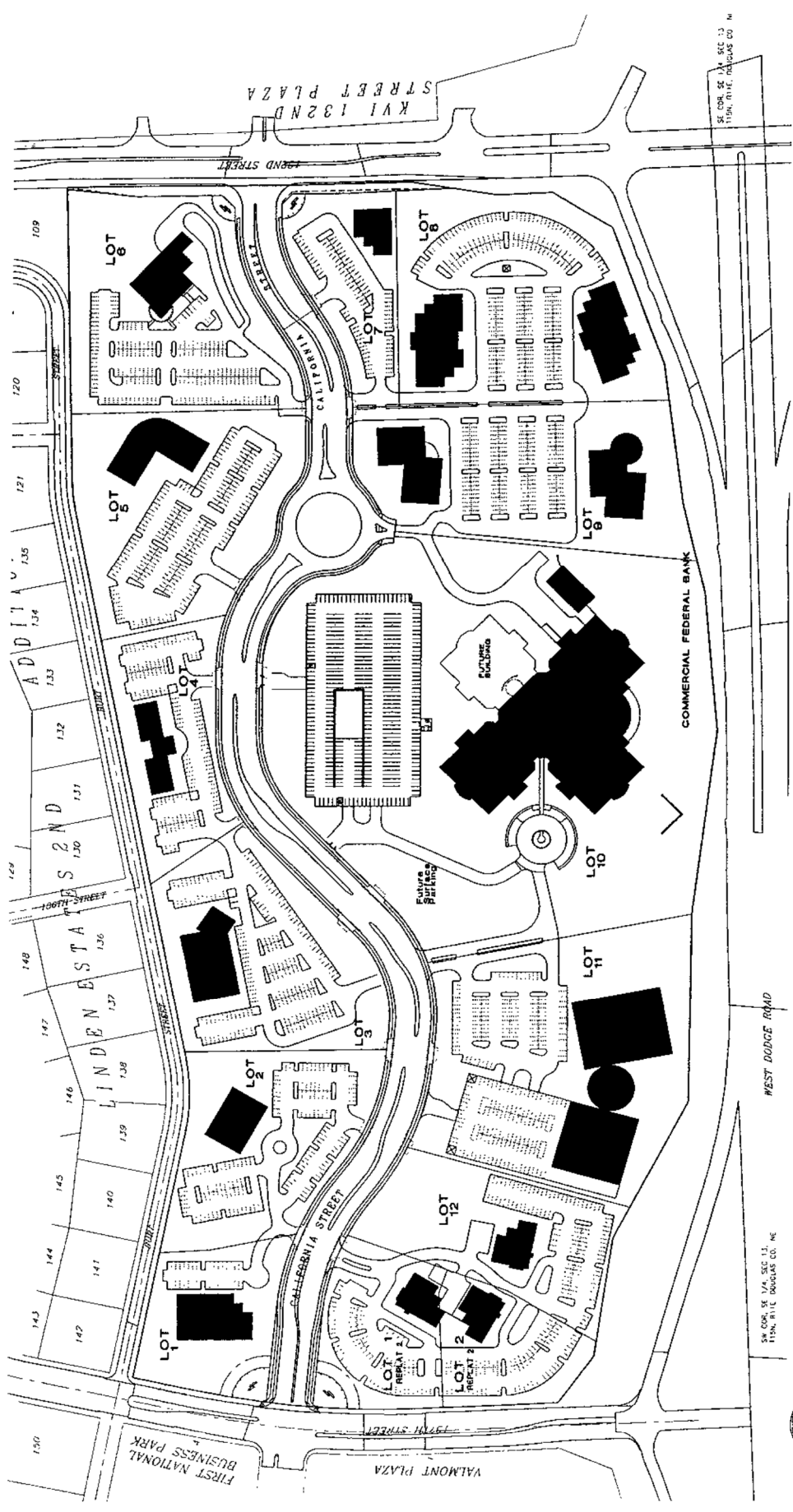


EXHIBIT A

BOYS TOWN

WEST DODGE ROAD US HIGHWAY 6

SE COR. SE 1/4, SEC. 13, T18N, R11E, DOUGLAS CO., NE



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VALMONT PLAZA
197TH STREET
LINDEN STREET
CALLESANIA STREET
WEST DODGE ROAD
COMMERCIAL FEDERAL BANK
KVI 132ND STREET PLAZA

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11

BUSINESS BUILDING
SUBS. BUILDING

100' 200' 300'

Commercial Federal Bank

12 June 2000

SITE DEVELOPMENT PLAN

EXHIBIT B

LAND PLANNERS & ASSOCIATES, INC.
14 B A
1501 S. 10TH ST.
DENVER, CO 80202
303-733-0000

HOLLAND BASHAM ARCHITECTS
14 B A
1501 S. 10TH ST.
DENVER, CO 80202
303-733-0000

SW COR. OF 1/4 SEC 13,
115N. R11C DOUGLAS CO. NE

EXHIBIT "C"

**COMMERCIAL FEDERAL BUSINESS PARK
SITE DEVELOPMENT REGULATIONS**

Lot No.	Size		No. of Buildings	Max. Bldg. Ht (FT)	Total Gross Bldg. ⁽¹⁾ Area (Sq. Ft.)		Minimum F.A. R.	Maximum F.A.R.	
	Acres	Square Feet			Minimum	Maximum			
1	1.91	83,394	1	100	10,000	50,000	.120	.600	
2	3.49	152,203	1-2	100	45,000	85,000	.296	.558	
3	4.05	176,627	1-2	100	45,000	95,000	.255	.538	
4	2.46	106,997	1-2	100	20,000	55,000	.124	.514	
5	4.45	193,873	1-2	100	40,000	100,000	.206	.516	
6	4.41	192,271	1-2	100	40,000	60,000	.208	.312	
7	1.81	78,789	1-2	100	5,000	34,000	.063	.432	
8	5.25	228,775	1-3	100	65,000	120,000	.284	.525	
9	4.71	205,243	1-2	100	50,000	100,000	.244	.487	
10	16.68	726,491	1-3	100	300,000	450,000	.413	.619	
11	6.59	287,193	1-3	100	70,000	135,000	.244	.470	
12	2.94	127,990	1-3	60	25,000	50,000	.195	.39	
R E P L A T E 2	1	1.89	82,223	1	60	5,400	16,200	.066	.198
	2	1.60	69,616	1	60	4,600	13,800	.066	.198
O U T L O T S	1	0.10	4,356						
	2	0.04	1,791						
	3	0.04	1,791						
	4	0.10	4,356						
Cumulative	62.52	2,723,979	13-29	--	725,000	1,364,000	.267	.503	

Lot No.	Max. Impervious Coverage Ratio	Minimum ⁽²⁾ Off-Street Parking Ratio	Minimum Building Setbacks (Ft.) ⁽³⁾	
			Public Rights-of-Way	Other Lot Lines
1	80%		35	10
2	80%		35	10
3	80%		35	10
4	80%		35	10
5	80%		35	10
6	80%		35	10
7	80%		35	10
8	80%		35	10
9	80%		35	10
10	80%		35	10
11	80%		35	10
12	80%		35	10
R e p l a c e m e n t s	1	80%		10
	2	80%		10
O u t l o t s	1	50%		5
	2	50%		5
	3	50%		5
	4	50%		5

(1) Includes primary use buildings only. Does not include above grade parking structures, which may be in addition to these requirements/restrictions.

(2) May be accounted for in surface parking lots, in-building parking, parking structures or any combination of these.

(3) Applies to primary use buildings only. Set-back requirements for above-grade parking structures, or above-grade portions of parking structures, shall be one-half (½) of these amounts. There are no set-back requirements for below-grade or below-grade portions of parking structures.

(4) Restricted to signs and structural improvements that are accessory to the passive recreation activities.

EXHIBIT "D"

MINIMUM LANDSCAPING STANDARDS

1. All landscaping will be in general conformance with the Commercial Federal Business Park Development Plan and the Zoning Regulations of the City for the GO - General Office district.
2. Landscaping will consist of plant materials, paving materials, ground cover, and other appropriate landscape features.
3. Detailed landscaping plans for each building to be developed must be submitted and approved by the designated Administrative Office prior to issuance of a building permit for such building.
4. Property abutting any street right-of-way, except for West Dodge Road and its entrance and exit ramps and 132nd Street, shall be landscaped to a minimum depth of 15 feet.
5. Medians exceeding 10 feet in width in any public street right-of-way, parking lot or entrance drive shall be landscaped. Such landscaping must be approved by the designated Administrative Official prior to installation.
6. All landscaped areas, including outlots and public street rights-of-way, will be installed and maintained by Developer or its successors and assigns, and neither the District nor the City will be required or obliged to maintain such areas.

EXHIBIT "E"

COMMERCIAL FEDERAL BUSINESS PARK SIGN REGULATIONS AND BUDGET

SECTION 1. PERMITTED SIGN TYPES.

- 1.1 Permitted signs in the Commercial Federal Business Park are restricted to non-commercial flags, business center identification, directional, electronic information, ground/monument, and wall type signs.

SECTION 2. BUSINESS PARK IDENTIFICATION SIGNS.

- 2.1 The Developer of the Commercial Federal Business Park will be permitted to erect up to five (5) Business Center Identification signs located on 132nd Street, 137th Street, and West Dodge Road as shown on the Plan attached as Attachment 1. All such signs will be ground monument signs. No single sign will exceed 150 square feet in area and the cumulative total of all such signs will not exceed 750 square feet in area. All such signs will be set back a minimum of ten (10) feet from street rights-of-way, except outlots 2 and 3 which will be set back a minimum of five (5) feet, and will not exceed twenty (20) feet in height and six (6) feet in height from the bottom of the sign panel. These signs will be limited to the name of the Business Park only.

SECTION 3. SIGN BUDGET.

- 3.1 A sign budget for individual lots within the Commercial Federal Business Park is attached hereto as Attachment 2. The permitted sign area for each lot is based upon size of each lot in relation to the total net lot area in the Business Park. The total sign budget for the Business Park is 6,895 square feet. The owner of each lot may allocate its pro-rata share of this sign budget for each lot between and among the various permitted sign types, and between and among separate structures located or to be located on each lot.

Directional and information signs within parking lots, parking structures, and outlots that do not exceed for (4) square feet per sign face in size, and Business Park identification signs are exempt from the sign budget.

SECTION 4. TRANSFER OF SIGN BUDGET.

- 4.1 Transfer of any permitted maximum Gross Building Area between lots, made in accordance with Section 2.2.4 of this Agreement, may also permit transfer of a corresponding portion of each lot's sign budget.

- 4.2 In addition, up to 10% of the sign budget for any lot may be transferred to any other lot, on a square foot to square foot basis, by written notice from each lot owner identifying and describing the lots involved and the square footage of increase and corresponding decrease in each lot's sign budget.
- 4.3 Any transfer of sign budget, or change in sign budget due to replatting, must have a corresponding amendment to Exhibit "E", Attachment 2, submitted by the Developer before a sign permit can be issued.

SECTION 5. HEIGHT, SET-BACK, AND AUXILIARY REGULATORS.

- 5.1 Except as otherwise provided in this Sign Regulation and Budget, the maximum height, required minimum set-backs, and auxiliary design elements, including types of permitted illumination, for any sign shall be governed by the requirements of the local jurisdiction exercising zoning authority as applied in the following manner:
 - a. For lots 1, 6, 7, 8, 9, 12, and Lots 1 and 2 of Replat 2, the regulations for GO - General Office district shall apply, except that wall signs may be erected to the height of the wall.
 - b. For lots 2, 3, 4, 5, 10, and 11 and outlots 1 through 4, the regulations for GO - General Office district shall apply.
 - c. Ground/monument signs will not exceed 8 feet in height.
 - d. Directional signs shall not exceed 3.5 feet in height.
 - e. Electronic information signs shall be limited to time and temperature only.
 - f. Flags shall be limited to countries, states, governmental entities, corporate logo or decorative with no advertising.

SECTION 6. APPLICATION PROCEDURES.

- 6.1 All signs will be installed subject to a sign permit from the jurisdiction exercising zoning authority. Unless specifically provided for in this Sign Regulations and Budget, all other sign provisions and regulations of such local jurisdiction in effect at the date hereof will apply.

COMMERCIAL FEDERAL BUSINESS PARK REPLAT 1

Lots 1 through 13, inclusive, being a replatting of COMMERCIAL FEDERAL BUSINESS PARK, Lots 1 through 11, inclusive and Outlots 1 through 6, inclusive, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska

Drawn by
Designed by
Reviewed by
Revisions

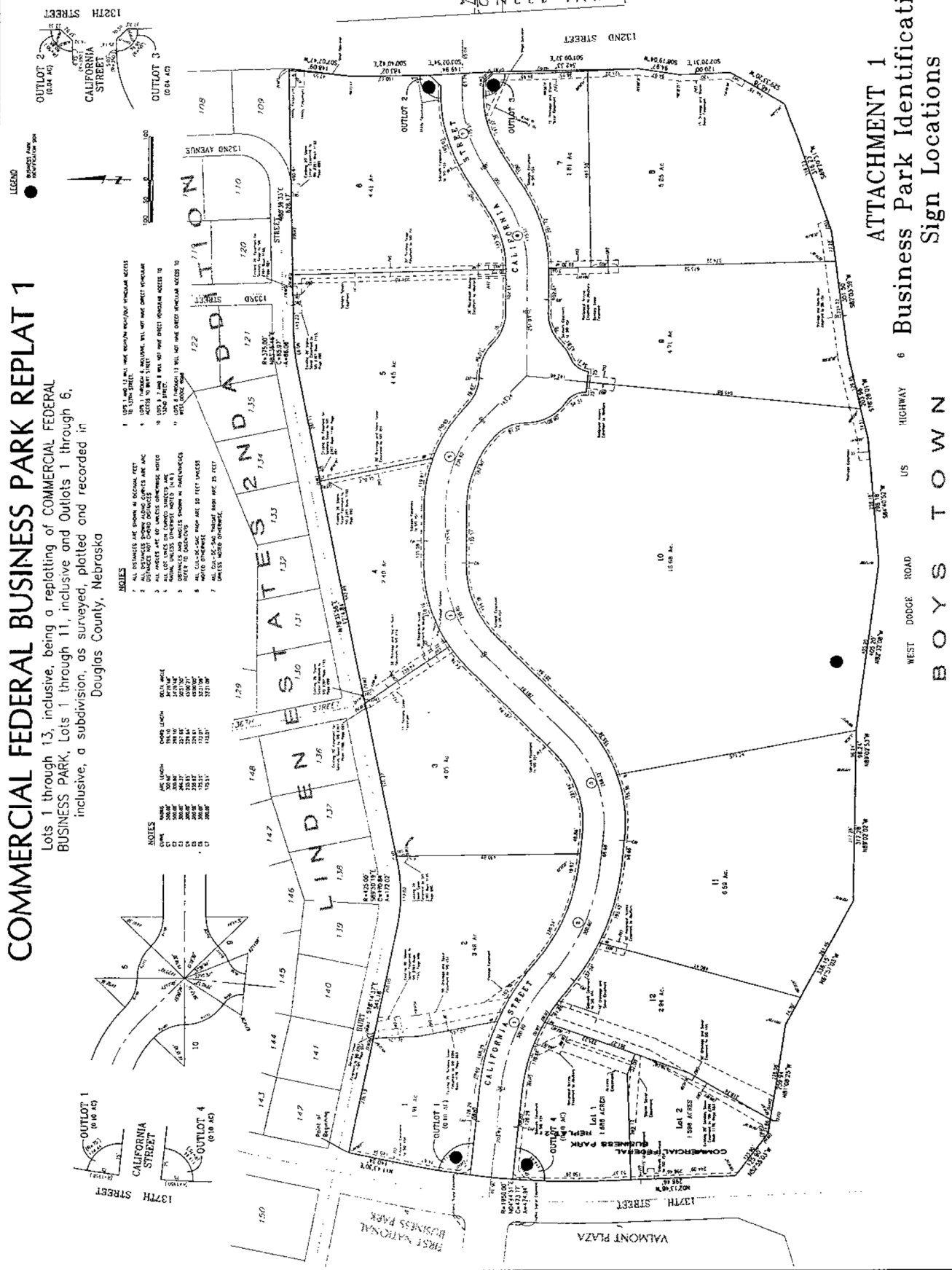
DATE/FILENAME
PROJECT NUMBER
SUBDIVISION

Lamp, Lynearson & Associates, Inc.
SURVEYORS
1710 West Dodge Road, Suite 100
Omaha, Nebraska 68102
PH 402.466.2498
FAX 402.466.2710
COMMERCIAL FEDERAL BUSINESS PARK REPLAT 1
DOUGLAS COUNTY, NEBRASKA

FINAL
PLAT
JOB NUMBER/ISSUE
39015-00-004
SHEET PAGE
1 OF 1
DATE
JUNE 17, 2000

ATTACHMENT 1 Business Park Identification Sign Locations

US HIGHWAY 6
WEST DODGE ROAD
BOYS TOWN



LEGEND
● SIGN LOCATION
● SECTION AND SUBDIVISION

NOTES
1. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
2. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
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NOTES
1. LOT 1 AND 13 WILL HAVE SEPARATE EGRESS ACCESS TO 132ND STREET.
2. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
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7. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.

ATTACHMENT 2

**COMMERCIAL FEDERAL BUSINESS PARK
SIGN BUDGET**

LOT NUMBER	PERMITTED SIGN TYPES
6, 10	Flag, Electronic Information, Ground Monument, Center Identification, and Wall
1, 2, 3, 4, 5, 7, 8, 9, 11, 12 (Replat 2, Lots 1 & 2)	Flag, Ground Monument, and Wall

LOT NUMBER	SIGN BUDGET (SQ. FT.)
1	300
2	275
3	275
4	275
5	500
6	540
7	300
8	500
9	500
10	2,210
11	620
12	300
Replat 2, Lot 1	162
Replat 2, Lot 2	138
TOTAL BUDGET	6,895 (Sq. Ft.)