

NO. ... 2601

Resolution by
Res. that the Mayor is authorized to execute,
and the City Clerk to attest, the Amendment to
Redevelopment Covenants in connection with
the Riverfront Redevelopment Plan and John
Q. Hammans Hotels Project.

PLAW362.MAF



Presented to City Council

OCT 17 1995 19.....

Adopted 6-0

Mary Margaret
City Clerk

11853H See attached

EE 62⁵⁰ R FB
DEL. C/O COMP VP
LEGAL-PG SCAN /NFV

RECEIVED
NOV 1 2 50 PM '95
GEORGE J. ...
REGISTER ...
DOUGLAS

29

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebr..... 19.....

10 pages
27 lots
63,50

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, on August 10, 1989, the City, ODF, ConAgra, Opus Corporation and UPRR entered into those certain Redevelopment Covenants (the "Covenants") to provide for the orderly development of certain real estate located in downtown Omaha, Nebraska, described as Lots 1 through 20 and Outlot 1, Central Part East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, together with the South half of Block 177, Original City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, and the entire alley abutting the North line of said South half of said Block 177, which Covenants were recorded February 23, 1990, with the Douglas County Register of Deeds at Misc. Book 914, Page 493 (all references herein to "Central Park East" shall refer to the subdivision known as Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska); and,

WHEREAS, subsequent to the execution of the Covenants, Opus Properties acquired Lot 10, and Partnership acquired Lots 1, 2 and 17, all in Central Park East; and,

WHEREAS, the parties to the Covenants desire to permit a portion of the real estate located in the "Hotel District" (as that term is defined in the "Covenants") to be subdivided from one of the existing lots in the Hotel District and recombined with Lot 7, Central Park East, which is currently owned by ODF, and to make other amendments to the Covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

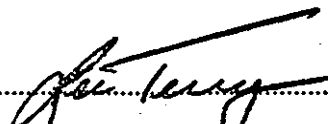
THAT, the Mayor is authorized to execute, and the City Clerk to attest, the Amendment to Redevelopment Covenants in connection with the Riverfront Redevelopment Plan and John Q. Hammons Hotels Project.


APPROVED AS TO FORM:

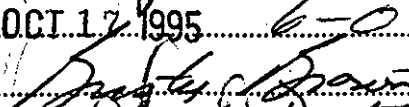
P:\LAW\1362.MAF


ASSISTANT CITY ATTORNEY

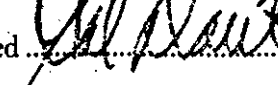
I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's office.

By  Councilmember


DEPUTY CITY CLERK

Adopted OCT 17 1995

Deputy City Clerk

BY _____

Approved  Mayor
10/20/95

IMPRINTED SEAL
REGISTER OF DEEDS



After recording, return to:

AMENDMENT TO REDEVELOPMENT COVENANTS

THIS AMENDMENT, dated as of ^{Oct.} ~~July~~ 20, 1995, is made by and among THE CITY OF OMAHA, NEBRASKA (the "City"), OMAHA DEVELOPMENT FOUNDATION, a Nebraska non-profit corporation ("ODF"), CONAGRA, INC., a Delaware corporation ("ConAgra"), UNION PACIFIC RAILROAD COMPANY, a Utah corporation ("UPRR"), OPUS CORPORATION, a Minnesota corporation ("Opus Corporation"), OPUS PROPERTIES, INC., a South Dakota corporation ("Opus Properties") and OMAHA REAL ESTATE INVESTMENT PARTNERSHIP, a Minnesota general partnership ("Partnership").

WITNESSETH:

WHEREAS, on August 10, 1989, the City, ODF, ConAgra, Opus Corporation and UPRR entered into those certain Redevelopment Covenants (the "Covenants") to provide for the orderly development of certain real estate located in downtown Omaha, Nebraska described as Lots 1 through 20 and Outlot 1, Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska together with the South half of Block 177, Original City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, and the entire alley abutting the North line of said South half of said Block 177, which Covenants were recorded February 23, 1990 with the Douglas County Register of Deeds



at Misc. Book 914, Page 493 (all references herein to "Central Park East" shall refer to the subdivision known as Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska);

WHEREAS, subsequent to the execution of the Covenants, Opus Properties acquired Lot 10, and Partnership acquired Lots 1, 2 and 17, all in Central Park East; and

WHEREAS, the parties hereto desire to permit a portion of the real estate located in the "Hotel District" (as that term is defined in the "Covenants") to be subdivided from one of the existing lots in the Hotel District and recombined with Lot 7, Central Park East, which is currently owned by ODF, and to make other amendments to the Covenants.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties hereto agree as follows:

1. Preliminary Statement. All terms used herein shall have the same meaning as ascribed to them in the Covenants. Where the terms of this Amendment may conflict with the terms of the Covenants, the terms of this Amendment shall control. Except as amended hereby, all provisions of the Covenants shall remain in full force and effect.

2. Subdivision. The parties hereto approve the subdivision of Lot 6, Central Park East so that the north 288.44 feet of Lot 6, Central Park East shall be replatted as Lot 2, Central Park East Replat I, and the south 245.28 feet of Lot 6, Central Park East shall be subdivided therefrom, combined with Lot 7, Central Park East, and replatted as Lot 1, Central Park East Replat I, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska (hereinafter referred to as "Lot 1 Replat" and "Lot 2 Replat," respectively).

3. Lot Uses. At such time as the Lot 2 Replat is completed, said Lot 2 Replat shall be deemed to lie within the Campus District for all purposes under the Covenants, and Lot 1



Replat shall be deemed to lie entirely within the Hotel District. The Covenants are hereby amended so that Private Development Site No. 3 shall no longer be included in the Business Park District, and shall instead be part of the Hotel District.

4. Relocation of Pedestrian Access. The location of the Pedestrian Access established pursuant to Section 15.B(iv) of the Covenants is hereby relocated and established as a 10 foot easement located 5 feet on either side of the North boundary line of Lot 1 Replat, for the entire length of said North boundary line of Lot 1 Replat, all as shown on said replat. Except as amended hereby, all other requirements of Section 15.B(iv) of the Covenants shall remain the same.

5. Counterparts. This Amendment may be executed in any number of Counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, The City of Omaha, Nebraska, ConAgra, Inc., Omaha Development Foundation, Union Pacific Railroad Company, Opus Corporation, Opus Properties, Inc. and Omaha Real Estate Investment Partnership have caused these presents to be executed effective as of the date first written above.



THE CITY OF OMAHA, NEBRASKA

ATTEST: [Signature]
Deputy City Clerk

By: [Signature] 10/29/95
Title: Mayor

APPROVED AS TO FORM:
[Signature]
City Attorney

CONAGRA, INC.,
a Delaware corporation

OMAHA DEVELOPMENT FOUNDATION,
a Nebraska non-profit corporation

By: [Signature]
Title: Chairman & CEO

By: [Signature]
Title: President

UNION PACIFIC RAILROAD COMPANY,
a Utah corporation

OPUS PROPERTIES, INC.,
a South Dakota corporation

By: [Signature]
Title: Director - Real Estate

DM By: [Signature]
Title: General Resident

OMAHA REAL ESTATE INVESTMENT
PARTNERSHIP, a Minnesota general
partnership

OPUS CORPORATION,
a Minnesota corporation

By: Arbeit & Co., Its General Partner
DM By: [Signature]
Title: _____

DM By: [Signature]
Title: Vice Pres



STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on ^{October} ~~July~~ 20, 1995, by Hal DAUB, who is the Mayor of the CITY OF OMAHA, NEBRASKA and acknowledged said document on behalf of the CITY OF OMAHA, NEBRASKA.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

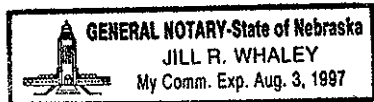


Sandra L. Moses
NOTARY PUBLIC

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on ^{September} ~~July~~ 8, 1995, by Philip B. Fletcher, who is Chairman & CEO of CONAGRA, INC., and acknowledged said document on behalf of CONAGRA, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



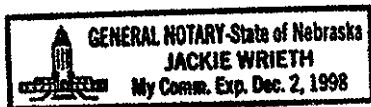
Jill R. Whaley
NOTARY PUBLIC

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me on ^{September} ~~July~~ 20, 1995, by Harold W. Anderson, who is the President of the OMAHA DEVELOPMENT FOUNDATION, and acknowledged said document on behalf of the OMAHA DEVELOPMENT FOUNDATION.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Jackie Wrieth
NOTARY PUBLIC

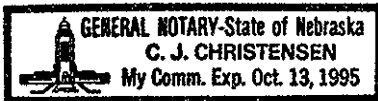
NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS



STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on ^{Oct.} July 2, 1995, by D.H. Lightwine, who is the Dir-Real Estate of the UNION PACIFIC RAILROAD COMPANY and acknowledged said document on behalf of the UNION PACIFIC RAILROAD COMPANY.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



C. J. Christensen
NOTARY PUBLIC

STATE OF ^{Minn.} ~~Nebr.~~)
) ss.
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me on ^{Sept} July 26, 1995, by Anthony J. Navarro Jr who is the Sr. V.P of OPUS PROPERTIES, INC. and acknowledged said document on behalf of the OPUS PROPERTIES, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

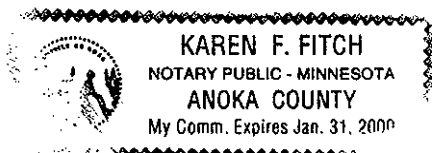


Karen F. Fitch
NOTARY PUBLIC

STATE OF Minn.)
) ss.
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me on ^{Sept} July 26, 1995, by Luz Campa, who is the Vice President of OPUS CORPORATION and acknowledged said document on behalf of the OPUS CORPORATION.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



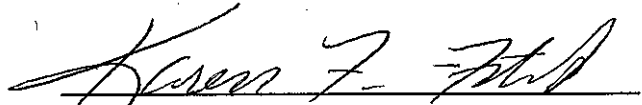
Karen F. Fitch
NOTARY PUBLIC

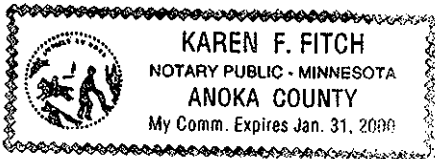


STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me on September 26, 1995, by Gerald Rauenhorst, who is the General Partner of Arbeit & Co., who is the General Partner of OMAHA REAL ESTATE INVESTMENT PARTNERSHIP and acknowledged said document on behalf of OMAHA REAL ESTATE INVESTMENT PARTNERSHIP.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public



NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS



23-06170

Lots 1 through 20 and Outlot 1, Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, except Lots 6 & 7.

03-8000

Lots 5, 6, 7, and 8, Block 177, Original City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

23-06172

Lots 1 & 2, Central Park East Replat I, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.