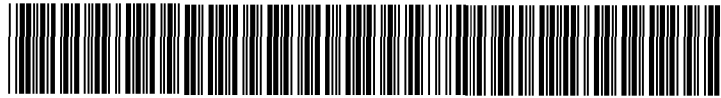




MISC 2016077866



SEP 20 2016 17:15 P 8

Fee amount: 52.00  
FB: 03-80000  
COMP: BW

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
09/20/2016 17:15:53.00



2016077866

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AFTER RECORDING PLEASE RETURN TO:

Fullenkamp, Doyle & Jobeun  
Attn: Mark B. Johnson  
11440 West Center Road, Suite C  
Omaha, NE 68144

**MEMORANDUM OF SUBLEASE/LEASE**

THIS MEMORANDUM OF SUBLEASE/LEASE (this "Memorandum"), entered into as of the 24<sup>th</sup> day of August, 2016, by and between the City of Omaha, Nebraska, a municipal corporation ("Landlord"), and Capitol District Parking, LLC, a Nebraska limited liability company ("Tenant").

WITNESSETH:

WHEREAS, Landlord has leased the Lot E Property and 9<sup>th</sup> Street Sublease Property (each defined below) from the Department of Roads of the State of Nebraska (the "NDOR") pursuant to (i) that certain Air Space Lease Agreement, dated as of July 1, 2010, and approved by the City Council of the City of Omaha on November 23, 2010 as Ordinance No. 38873, and (ii) that certain Air Space Lease Agreement, dated as of July 14, 2016, and approved by the City Council of the City of Omaha on July 12, 2016 as Ordinance No. 40812 (together, the "Master Leases").

WHEREAS, the NDOR, Landlord and Tenant have entered into that (i) certain Sublease Agreement dated as of July 14, 2016, as approved by the City Council of the City of Omaha on July 12, 2016 as Ordinance No. 40813 (the "9<sup>th</sup> Street Sublease") whereby the Landlord has subleased to Tenant that certain real property located under Interstate Highway 480 between 8<sup>th</sup> and 9<sup>th</sup> Streets and north of Capitol Avenue, and as more particularly described on Exhibit "A" attached hereto and as generally depicted on Exhibit "B" attached hereto (the "9<sup>th</sup> Street Sublease Property"), and (ii) certain Sublease Agreement dated as of July 14, 2016, as approved by the City Council of the City of Omaha on July 12, 2016 as Ordinance No. 40813 (the "Lot E Sublease") whereby the Landlord has subleased to Tenant that certain real property located under Interstate Highway 480 between 10<sup>th</sup> and 11<sup>th</sup> Streets and north of Davenport Street, commonly known as Lot "E", and as more particularly described on Exhibit "A" attached hereto (the "Lot E Property").

WHEREAS, Landlord and Tenant have entered into that certain Lease Agreement dated as of July 14, 2016, as approved by the City Council of the City of Omaha on July 12, 2016 as Ordinance No. 40811 (the "9<sup>th</sup> Street Lease"; the 9<sup>th</sup> Street Lease, the 9<sup>th</sup> Street Sublease, and the Lot E Sublease shall be referred to herein collectively as the "Agreements") whereby Landlord has leased to Tenant that certain real property located under Interstate Highway 480 between 8<sup>th</sup> and 9<sup>th</sup> Streets and north of Capitol Avenue, and as more particularly described on Exhibit "A" attached hereto and as generally depicted on Exhibit "B" attached hereto (the "9<sup>th</sup> Street Direct Lease Property"; the 9<sup>th</sup> Street Direct Lease Property, the 9<sup>th</sup> Street Sublease Property, and the Lot E Property shall be referred to herein collectively as the "Premises").

WHEREAS, Landlord and Tenant wish to place notice of the Agreements on record.

NOW, THEREFORE, Landlord and Tenant hereby execute this Memorandum for the purpose of evidencing Tenant's interest in the Premises, TO HAVE AND TO HOLD the Premises unto Tenant upon the terms, covenants and conditions contained in the Agreements, for a term commencing pursuant to the terms of the respective Agreements and ending upon the termination of the Master Leases.

This Memorandum is made and executed and is to be recorded in the office of the Douglas County, Nebraska Register of Deeds, for the purpose of giving notice of the Agreements and the rights of the parties thereunder.

This Memorandum is subject in each and every respect to the rental and other terms, covenants and conditions contained in the Agreements and is executed by Landlord and Tenant with the understanding and agreement that nothing contained herein shall in any manner alter, modify or vary the rental or other terms, covenants or conditions of the Agreements.

**[Remainder of Page Left Intentionally Blank; Execution Pages Follow.]**

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum as of the month, day and year first above written.

ATTEST:

CITY OF OMAHA:

 8/24/2016  
CITY CLERK OF THE CITY OF OMAHA

 8/24/2016  
MAYOR OF THE CITY OF OMAHA

APPROVED AS TO FORM:

 8/24/16  
Asst. CITY ATTORNEY



**Exhibit "A"**

**Legal Description of the "Premises"**

**Lot E Property**

**03-80000**

A tract of land located in Lots 2, 3 and 4, in Block 62, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, being more particularly described as follows:

Beginning at the Southwest corner of Lot 4, said Block 62; thence Easterly, on the South line of Lots 2, 3 and 4, said Block 62, a distance of 178.6 feet; thence Northwesterly, on a 1,237.6 foot radius curve to the left (initial tangent of which forms an angle of 161°20' left from said South line), a distance of 13.0 feet, to a point of tangency; thence continuing Northwesterly, tangent, a distance of 124.8 feet, to a point of curvature; thence continuing Northwesterly, on a 2,276.3 foot radius curve to the right (initial tangent of which coincides with the last described course), a distance of 50.3 feet, to a point on the West line of said Lot 4; thence Southerly, on said West line, a distance of 59.2 feet, to the Point of Beginning;

And,

**03-80000**

Lots 5, 6, 7 and 8, in Block 62, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, EXCEPT those portions thereof included within or designated as street improvement area in the Plat and Dedication of Union Pacific Place.

The vacated East-West alley between Davenport Street and Chicago Street from 10th Street to 11th Street, in Block 62, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, EXCEPT those portions thereof included within or designated as street improvement area in the Plat and Dedication of Union Pacific Place.

**9<sup>th</sup> Street Sublease Property**

**03-80000**

All of Lot 1, the East 54.0 feet of Lot 2, and the North Half (N½) of Lot 4, in Block 70, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska; And, The South Half (S½) of Lot 4 and the North Half (N½) of Lot 5, in Block 70, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska; And, A tract of land located in Lot 8 and the South 30 feet of Lot 5, in Block 70, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, described as follows: Referring to the Southeast corner of Lot 8, said Block 70; thence Northerly, on the East line of said Lot 8, a distance of 53.0 feet, to the Point of Beginning; thence continuing Northerly, on the East line of Lots 5 and 8, said Block 70, a distance of 37.0 feet, to a point on the Northerly property line; thence Westerly, on a line 30.0 feet Northerly from and parallel to the South line of said Lot 5 and on said property line, a distance of 35.9 feet; thence Southeasterly, a distance of 51.6 feet, to the Point of Beginning.

**03-80000**

All that part of Lots 5, 6 and 7, in Block C, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, lying Southwesterly from and adjacent to the Southwesterly Chicago, Burlington and Quincy Railroad Company right-of-way line, and Southeasterly from and adjacent to the Southeasterly right-of-way line of Abbott Drive; And, Part of Lot 5, in Block C, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of said Lot 5; thence Easterly, on the North line of said Lot 5, a distance of 25.1 feet; thence Southwesterly, on a 4,754.9 foot radius curve to the right (initial tangent of which forms an angle of 117°19' right from said North line, a distance of 54.1 feet, to a point on the West line of said Lot 5; thence Northerly, on said West line, a distance of 48.0 feet, to the Point of Beginning.

**9<sup>th</sup> Street Direct Lease Property**

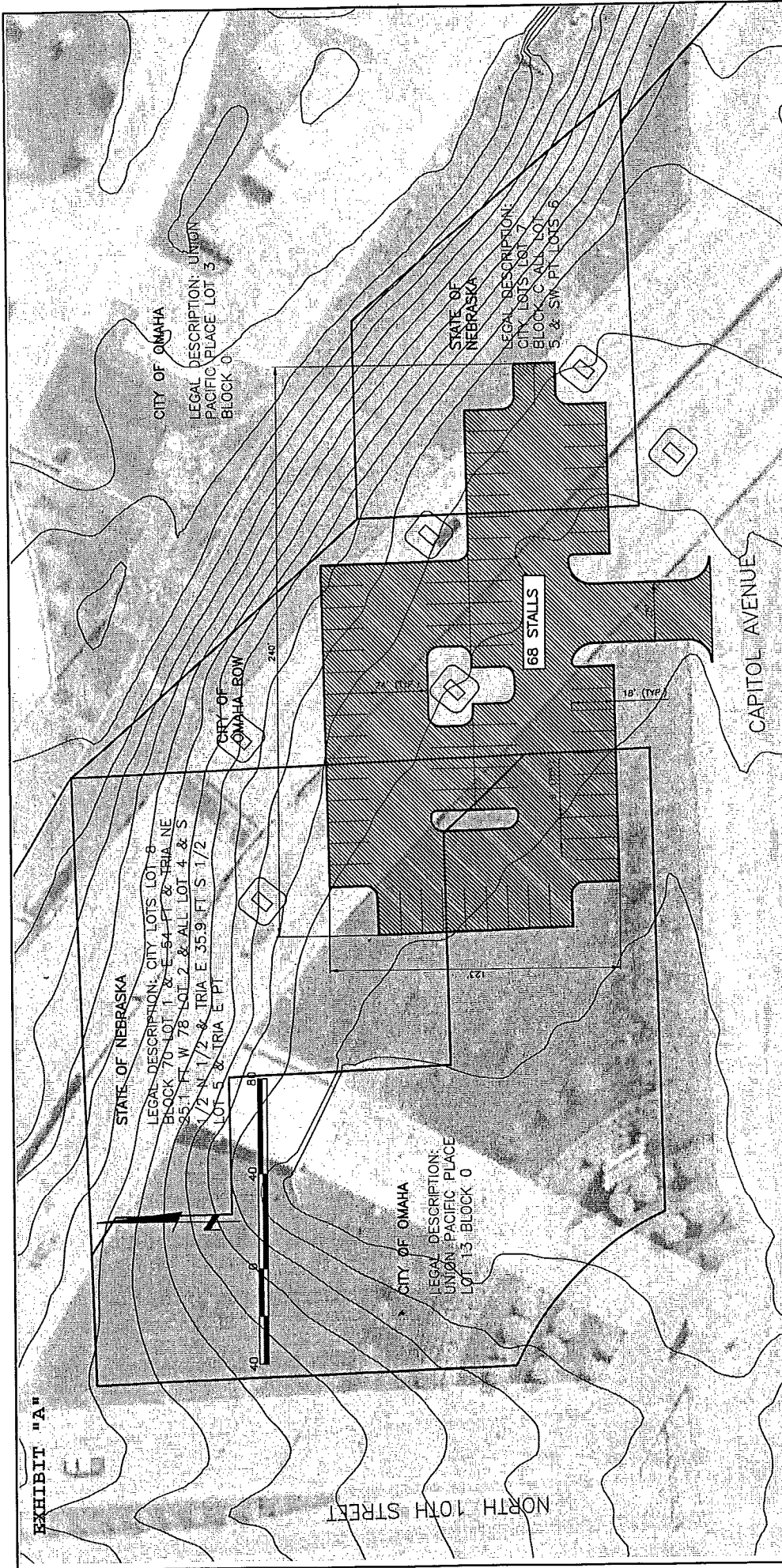
Lot 13, in UNION PACIFIC PLACE, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska.

**07-39566**

That certain City owned right-of-way located immediately adjacent to the above-described Lot 13 (to the east), as generally depicted on Exhibit "B" attached hereto.

**Exhibit "B"**

**General Depiction of the "Premises"**



**NOTES:**

1. A Post Construction Stormwater Management Plan Will Be Required For This Parking Lot.



**LAMP RYNEARSON  
& ASSOCIATES**

14710 West Dodge Road, Suite 100 402.496.2498 | P  
Omaha, Nebraska 68154-2027 402.496.2730 | F  
www.LRA-inc.com

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**CAPITOL DISTRICT  
EAST PARKING LOT  
PRELIMINARY DESIGN**