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RICHARD H. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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RECEIVED

**CITY OF OMAHA, NEBRASKA,**

as Sublessor

to

**CITY OF OMAHA PARKING FACILITIES CORPORATION,**

as Sublessee

**GROUND LEASE AGREEMENT**

Dated as of February 1, 2003

Return Copy to:  
Paul D. Kratz, Esq.  
City of Omaha, Nebraska  
1819 Farnam Street  
Omaha, NE 68183

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## **GROUND LEASE AGREEMENT**

**THIS GROUND LEASE AGREEMENT** is made and entered into as of the 1<sup>st</sup> day of February, 2003 by and between the **CITY OF OMAHA, NEBRASKA**, a municipal corporation ("City"), as sublessor, and **CITY OF OMAHA PARKING FACILITIES CORPORATION**, a Nebraska nonprofit corporation ("Corporation"), as sublessee.

### **RECITALS:**

City, in consideration of the covenants of Corporation hereinafter set forth, does by these presents sublease to Corporation the parcels of ground, located in the City of Omaha, Nebraska, more specifically described at Appendix A hereto.

TO HAVE AND TO HOLD the same unto Corporation from, on and after the date hereof to and including the earlier of (i) February 1, 2033 and (ii) the termination date of that certain Lease-Purchase Agreement dated as of February 1, 2003 by and between Corporation, as lessor, and City, as lessee, relating to the public parking facilities located or to be located on such parcels of ground, and City warrants to Corporation the peaceful and quiet enjoyment of the premises hereby leased for and during the term hereof.

Corporation, in consideration of the leasing of the premises as above set forth, has agreed with City to pay City as rent for the use of the same the sum of Ten Dollars (\$10.00) per year, which rent has been paid by Corporation for the entire term, the receipt and sufficiency of which are hereby acknowledged by City.

Corporation further covenants with City that at the expiration of the term of this Ground Lease Agreement, peaceable possession of said premises, together with any buildings or improvements now or hereafter situated thereupon during the lease term, shall be given to City.

It is further covenanted and agreed between the parties hereto that the leased premises shall be used only in connection with the provision of public parking facilities and functions incidental thereto.

The covenants herein shall extend to and be binding upon the successors and assigns of the parties to this Ground Lease Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Ground Lease Agreement to be executed by their duly authorized officers as of the day and year first written above.

[SEAL]

CITY OF OMAHA, NEBRASKA

By Mike Jahay  
Mayor

ATTEST:

By Buster Brown  
City Clerk

[SEAL]

CITY OF OMAHA PARKING FACILITIES  
CORPORATION

By [Signature]  
President

ATTEST:

By T. O. Brown  
Secretary

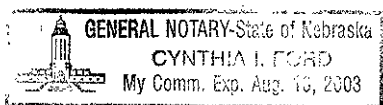
APPROVED AS TO FORM:

By [Signature]  
City Attorney

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of <sup>March</sup>~~February~~, 2003, by MIKE FAHEY, Mayor of the CITY OF OMAHA, NEBRASKA, and by BUSTER BROWN, City Clerk, of the CITY OF OMAHA, NEBRASKA, on behalf of City.

[SEAL]

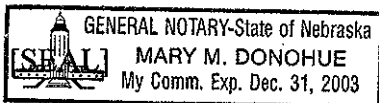


Cynthia L. Ford  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of <sup>March</sup>~~February~~, 2003, by GARY DEVENY, President, and TIMOTHY O'BRYAN, Secretary, of CITY OF OMAHA PARKING FACILITIES CORPORATION, on behalf of Corporation.



Mary M. Donohue  
Notary Public

My commission expires: \_\_\_\_\_

## APPENDIX A

### Legal Description of OmahaPark Eight Public Parking Garage Site, Including Pedestrian Tunnel

Lots 1 through 8, Block 90, Original City of Omaha, Douglas County, Nebraska (8)

A PORTION OF THE DODGE STREET RIGHT-OF-WAY (HIGHWAY 6), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 90, ORIGINAL CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA; THENCE SOUTH 89°59'01" EAST ALONG THE SOUTH LINE OF SAID BLOCK 90, A DISTANCE OF 5.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°59'01" EAST ALONG SAID SOUTH LINE OF BLOCK 90, A DISTANCE OF 27.66 FEET; THENCE SOUTH 0°00'00" WEST, A DISTANCE OF 29.83 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 388.53 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 8.54 FEET; THENCE SOUTH 45°00'00" WEST, A DISTANCE OF 14.09 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 170.23 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 52.53 FEET TO A POINT ON THE NORTH LINE OF BLOCK 105, OF THE AFORESAID ORIGINAL CITY OF OMAHA; THENCE SOUTH 55°51'30" WEST ALONG SAID NORTH LINE OF BLOCK 105, A DISTANCE OF 24.00 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 2.00 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 2.00 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 1.66 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 24.00 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 1.66 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 137.19 FEET; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 8.04 FEET; THENCE NORTH 45°00'00" EAST, A DISTANCE OF 13.38 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 394.40 FEET; THENCE NORTH 00°00'59" EAST, A DISTANCE OF 5.84 FEET TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 18,579 SQUARE FEET. MORE OR LESS.

### Legal Description of OmahaPark One Public Parking Garage Site

Lots 5 through 8, Block 106, Original City of Omaha, Douglas County, Nebraska (4)

### Legal Description of OmahaPark Three Public Parking Garage Site

All Lots 5, 6 and 7, Block F, Original City of Omaha, Douglas County, Nebraska (3)