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Fitzgerald, Schorr Law Firm
1000 Woodmen Tower
Omaha, NE 68102



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DEC 6 3 51 PM '94
GEORGE J. ELI
REGISTERED
DOUGLAS CO. NE

Waiver Agreement

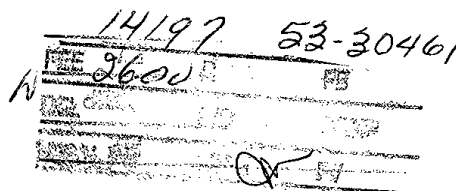
COMES NOW 8736 West Dodge, L.L.C., a Nebraska limited liability company ("Developer") and hereby makes the following waiver in connection with its site plan approval.

WHEREAS, the Developer has applied for site plan approval pursuant to Section 55-882 of the Omaha Municipal Code, to develop a hotel at the real property referred to as 8736 West Dodge Road and legally described on Exhibit "A" attached hereto.

WHEREAS, as a condition to approving such site plan, the City of Omaha, Nebraska ("City") required the Developer to agree to the following.

NOW THEREFORE, in consideration of the City's approval of the site plan application no. A-1C, a copy of which is attached hereto, the Developer agrees as follows:

1. At such time as the private road adjacent to the west boundary of the subject property, and legally described on Exhibit "B" attached hereto is (a) acquired by the City for use as a public street, (b) improved to City specifications for City streets, and (c) the subject property is given access to such public street as shown on the site plan, the City may eliminate or limit all access to West Dodge Road from the subject property other than over



the public street described on Exhibit "B" without any compensation to Developer for the elimination or restriction of such access.

2. Developer agrees not to object to or contest in any manner the eminent domain proceedings to be brought by the City to acquire the property described on Exhibit "B" for purposes of creating a public street or the creation of a street improvement district for the purposes of improving such public street. The Developer hereby reserves all rights to contest and/or appeal the amount of any special assessments levied against Developer's property in connection with the public street.

Dated this 26 day of Aug, 1994.

8736 West Dodge, L.L.C.

By:


Paul LaFave, Manager

STATE OF NEBRASKA)
 :
COUNTY OF DOUGLAS)

SS.

The foregoing instrument was acknowledged before me this 26 day of Aug, 1994, by PAUL J. LAFAVE, manager 8736 West Dodge, LLC, ~~Director of the Omaha City Planning Department, on behalf of the City.~~

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

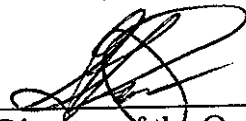



Notary Public

The above waiver is accepted by the City of Omaha and site plan application no. A-1C for the subject property is approved.

City of Omaha, Nebraska

By:


Director of the Omaha City Planning Department

STATE OF NEBRASKA)

:

SS.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 26th day of August, 1994, by Daryl L. Pryor,
Director of the Omaha City Planning Department, on behalf of the City.





Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

Exhibit "A"

Lot 1, Pierson's Subdivision Replat I, in the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded.

Exhibit "B"

The West 60 feet of Lot 16, Pierson's Subdivision in the City of Omaha, Douglas County, Nebraska as surveyed, platted and recorded, except the North 190 feet thereof and further except that part lying south of the North line of Cass Street a/k/a West Dodge Road.