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Register of Deeds, Douglas County, NE  
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2006124149

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

This Eighth Amendment to the Declaration of Covenants, Conditions and Restrictions ("Eighth Amendment") is made this 27 day of October, 2006, by the Bank of the West Business Park Association, L.L.C., a Nebraska limited liability company ("Association").

**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 was amended by the First Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on June 5, 2001, and recorded on July 5, 2001, at Book 1388, Page 415, of the Register of Deeds of Douglas County, Nebraska, and was amended by the Second Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on December 18, 2003, and recorded on December 22, 2003, at Instrument No. 2003245628 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Third Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on January 21, 2004, and recorded on January 28, 2004, at Instrument No. 2004011835 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Fourth Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on November 10, 2004, and recorded on December 29, 2004, at Instrument No. 2004167655 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Fifth Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on November 28, 2005, and recorded on November 28, 2005, at Instrument No. 2005149554 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Sixth Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on January 24, 2006, and recorded on January 30, 2006, at Instrument No. 2006010272 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Seventh Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on August 3, 2006, and recorded on August 8, 2006, at Instrument No. 2006090023 of the Register of Deeds of Douglas County, Nebraska; and

220016

*misc*

*B*

84.50 FB *See back*

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19 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

*v162407*

*35*

WHEREAS, The members holding a majority of the votes entitled to be cast pursuant to the Operating Agreement of the Association and, therefore, pursuant to Section 11 of the Declaration, have approved the amendments contained in this Eighth Amendment; and

WHEREAS, Lot 1, Commercial Federal Business Park Replat 5, and Lot 2, Commercial Federal Business Park Replat 8, Douglas County, Nebraska (“Lots 1 and 2”), are being combined into Lot 1, Commercial Federal Business Park, Replat 9, Douglas County Nebraska (“Lot 1, Replat 9”); and

WHEREAS, the Mixed Use Agreement between the City of Omaha and Declarant dated September 28, 2000, is being amended to reflect the combination of Lots 1 and 2 into Lot 1, Replat 9; and

WHEREAS, the Association desires to amend the Declaration to reflect the combination of Lot 1, Replat 5, and Lot 2, Replat 8, into Lot 1, Replat 9, and incorporate the amendments to the Mixed Use Agreement.

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

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

<u>Replat</u>	<u>Lot #</u>	<u>Maximum Gross Building Square Footage</u>
1	6	46,000
1	9	79,420
2	1	7,910
2	2	9,670
3	1	70,000
3	2	9,000
4	1	32,000
4	2	40,000
5	2	35,000
6	1	400,000
6	2	100,000
7	1	60,000
7	2	72,000
8	1	55,000
9	1	114,000
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>Replat #</u>	<u>Lot #</u>	<u>Votes</u>
1	Lot 6	4 Vote

1	Lot 9	4 Votes
2	Lot 1	1 Votes
2	Lot 2	1 Votes
3	Lot 1	2 Votes
3	Lot 2	1 Votes
4	Lot 1	2 Votes
4	Lot 2	2 Votes
5	Lot 2	3 Votes
6	Lot 1	17 Votes
6	Lot 2	5 Votes
7	Lot 1	2 Votes
7	Lot 2	4 Votes
8	Lot 1	2 Votes
9	Lot 1	<u>5 Votes</u>
Total		55 Votes

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

<b><u>Replat #</u></b>	<b><u>Lot #</u></b>	<b><u>Percentage</u></b>
1	Lot 6	7.09%
1	Lot 9	7.57%
2	Lot 1	3.03%
2	Lot 2	2.57%
3	Lot 1	3.50%
3	Lot 2	2.24%
4	Lot 1	3.47%
4	Lot 2	3.68%
5	Lot 2	5.24%
6	Lot 1	27.40%
6	Lot 2	8.96%
7	Lot 1	4.75%
7	Lot 2	6.59%
8	Lot 1	4.69%
9	Lot 1	<u>9.22%</u>
Total		100.00%

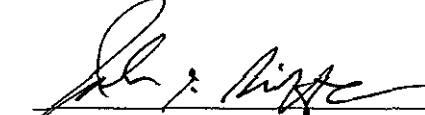
4. **Mixed Use Agreement.** The pages attached hereto marked as Exhibit "B" are the amended exhibits to the Mixed Use Agreement which are hereby incorporated into the Declaration by this reference.

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 27<sup>th</sup> day of October, 2006.

DECLARANT:

BANK OF THE WEST BUSINESS PARK  
ASSOCIATION, L.L.C.

By:   
John Griffith, President

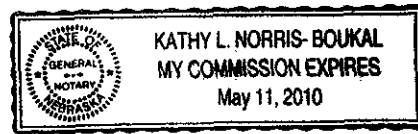
STATE OF NEBRASKA            )  
                                          ) ss.  
COUNTY OF DOUGLAS        )

On this 27<sup>th</sup> day of October, 2006, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came John Griffith, President and Manager of Bank of the West Business Park Association, L.L.C., a Nebraska limited liability company, 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 said Company.

Kathy L. Norris Boukal  
Notary Public

When recorded, return to:

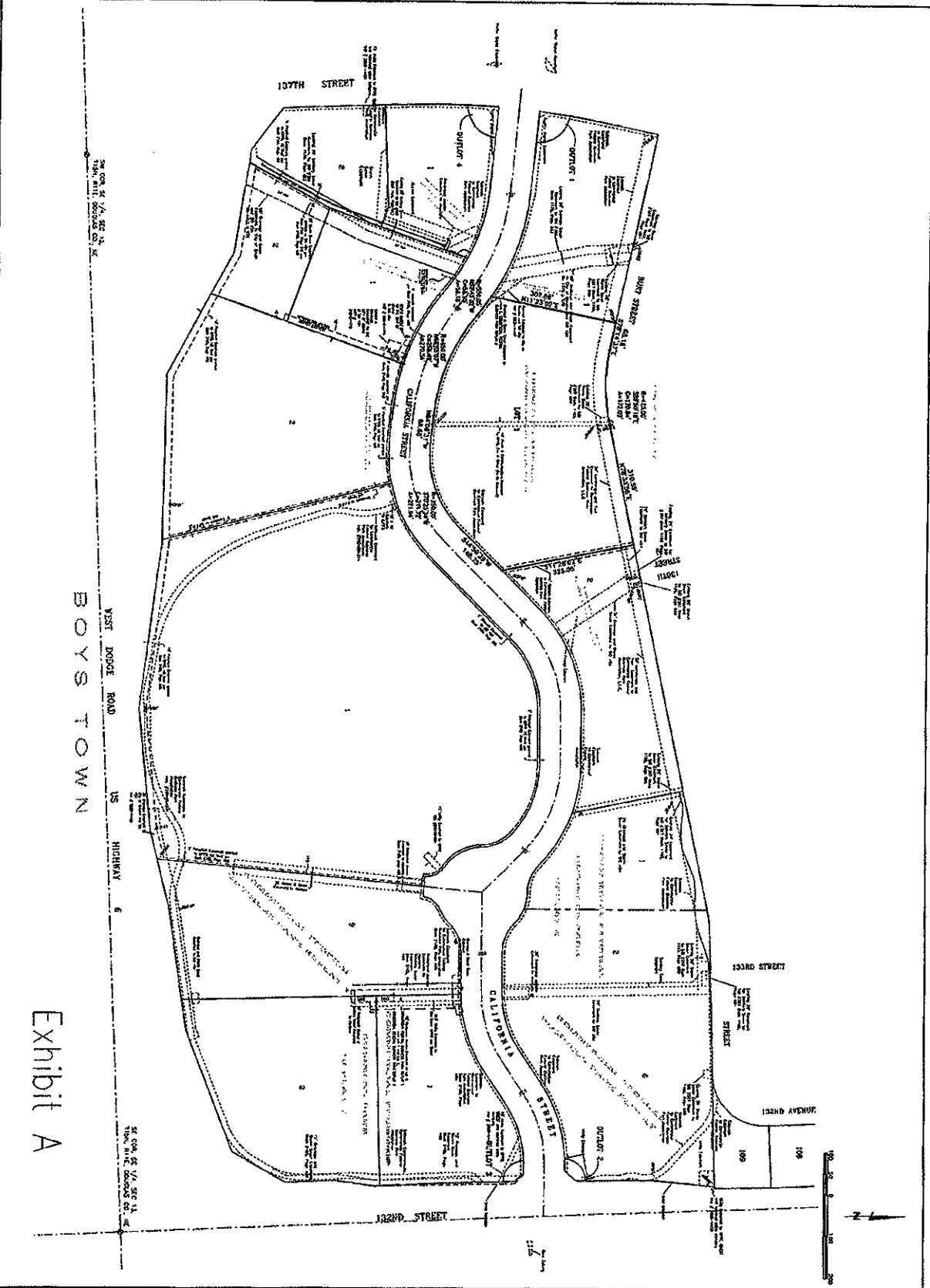
Michael D. Matejka  
Fitzgerald, Schorr, Barmettler  
& Brennan, P.C., L.L.O.  
13220 California Street, Suite 400  
Omaha, NE 68154-5228



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lots 6 and 9 and Outlots 1 through 4, inclusive, Commercial Federal Business Park Replat 1, and Lots 1 and 2, Commercial Federal Business Park Replat 2, and Lots 1 and 2, Commercial Federal Business Park Replat 3, and Lots 1 and 2, Commercial Federal Business Park Replat 4, and Lot 2, Commercial Federal Business Park Replat 5, and Lots 1 and 2, Commercial Federal Business Park Replat 6, and Lots 1 and 2, Commercial Federal Business Park Replat 7, and Lot 1, Commercial Federal Business Park Replat 8, and Lot 1, Commercial Federal Business Park Replat 9, as surveyed, platted and recorded in Douglas County, Nebraska.

*MC-07102 Rep 1*  
*MC-07103 Rep 2*  
*MC-07104 Rep 3*  
*MC-07105 Rep 4*  
*MC-07106 Rep 5*  
*MC-07107 Rep 6*  
*MC-07108 Rep 7*  
*MC-07109 Rep 8*



WEST DODGE ROAD  
US HIGHWAY 6

Exhibit A

<p>PREPARED BY LARP, RYNESSON &amp; ASSOCIATES, INC. DATE: 05/25/16</p>	<p>LOT EXHIBIT</p>	<p>Larp, Rynesson &amp; Associates, Inc. 64710 West Dodge Road, Suite 100 Omaha, Nebraska 68134-2017</p>	<p>WWW.LRA-RNC.COM (PH) 402.496.2498 (FAX) 402.496.2230</p>	<p>1. ALL RIGHTS RESERVED 2. THIS PLAN IS THE PROPERTY OF LARP, RYNESSON &amp; ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LARP, RYNESSON &amp; ASSOCIATES, INC.</p>
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Exhibit "C" - COMMERCIAL FEDERAL BUSINESS PARK -SITE DEVELOPMENT REGULATIONS

Lot No.	Size		No. of Buildings	Max. Bldg. Ht (FT)	Total Gross Bldg. <sup>(1)</sup> Area (Sq. Ft.)		Minimum F.A. R.	Maximum F.A.R.	
	Acres	Square Feet			Minimum	Maximum			
Replat 1	6	4.41	192,271	1-2	100	40,000	60,000	.208	.312
	9	4.71	205,243	1-2	100	50,000	120,000	.244	.585
Replat 2	1	1.89	82,223	1	60	5,400	9,620	.066	.117
	2	1.60	69,616	1	60	4,600	11,380	.066	.163
Replat 3	1	2.18	95,032	1-2	100	20,000	70,000	0.210	0.737
	2	1.39	60,669	1-2	60	5,000	9,000	0.082	0.148
Replat 4	1	2.16	94,135	1-2	100	28,000	32,000	.297	.340
	2	2.29	99,738	1	100	20,000	40,000	.201	.401
Replat 5	2	3.26	142,013	1	100	28,000	35,000	.197	.246
Replat 6	1	17.06	743,046	1-3	100	258,700	480,000	.348	.646
	2	5.58	242,934	1-3	100	63,300	125,000	.261	.515
Replat 7	1	2.96	128,778	1-2	100	40,000	70,000	.311	.544
	2	4.10	178,785	1	100	60,000	95,000	.336	.531
Replat 8	1	2.92	127,252	1	100	35,000	65,000	.275	.511
Replat 9	1	5.74	249,958	1-2	100	67,000	142,000	.268	.568
Outlots	1	0.10	4,356						
	2	0.04	1,791						
	3	0.04	1,791						
	4	0.10	4,356						
Cumulative Total		62.53	2,723,987	16-30	--	725,000	1,364,000		.501



Lot No.	Max. Impervious Coverage Ratio	Minimum <sup>(2)</sup> Off-Street Parking Ratio	Minimum Building Setbacks (Ft.) <sup>(3)</sup>	
			Public Rights-of- Way	Other Lot Lines
Replat 1	6	80%	35	10
	9	80%	35	10
Replat 2	1	80%	35	10
	2	80%	35	10
Replat 3	1	82%	35	10
	2	79%	35	10
Replat 4	1	80%	35	10
	2	80%	35	10
Replat 5	2	80%	35	10
Replat 6	1	80%	35	10
	2	80%	35	10
Replat 7	1	80%	35	10
	2	80%	35	10
Replat 8	1	80%	35	10
Replat 9	1	80%	35	10
Outlots	1	50%	10	5
	2	50%	5	5
	3	50%	5	5
	4	50%	10	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 (1/2) 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, except that no landscaping shall be required between Lot 1 and Lot 2, Replat 2, between Lot 1 and Lot 2, Replat 3, and between Lot 1 and Lot 2, Replat 4.
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 132<sup>nd</sup> 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 132<sup>nd</sup> Street, 137<sup>th</sup> 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 four (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 6, and 9, Replat 1; Lots 1 and 2 of Replat 2; Lots 1 and 2 of Replat 3; Lot 1, Replat 6; Lots 1 and 2 of Replat 7; and Lot 1 of Replat 8; 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 1 and 2 of Replat 4; Lot 2 of Replat 5; Lots 1 and 2, Replat 6; Lot 1 of Replat 9; 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.

**ATTACHMENT 2**

**COMMERCIAL FEDERAL BUSINESS PARK  
SIGN BUDGET**

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

LOT NUMBER	SIGN BUDGET (SQ. FT.)
Replat 1, Lot 6	540
Replat 1, Lot 9	500
Replat 2, Lot 1	150
Replat 2, Lot 2	150
Replat 3, Lot 1	200
Replat 3, Lot 2	250
Replat 4, Lot 1	250
Replat 4, Lot 2	250
Replat 5, Lot 2	300
Replat 6, Lot 1	2,210
Replat 6, Lot 2	520
Replat 7, Lot 1	325
Replat 7, Lot 2	375
Replat 8, Lot 1	310
Replat 9, Lot 1	565
Total Budget	6,895 sq. ft.

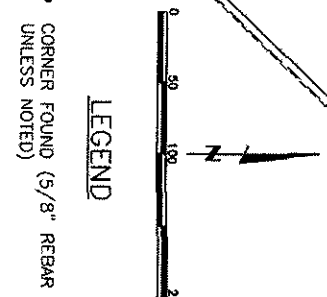
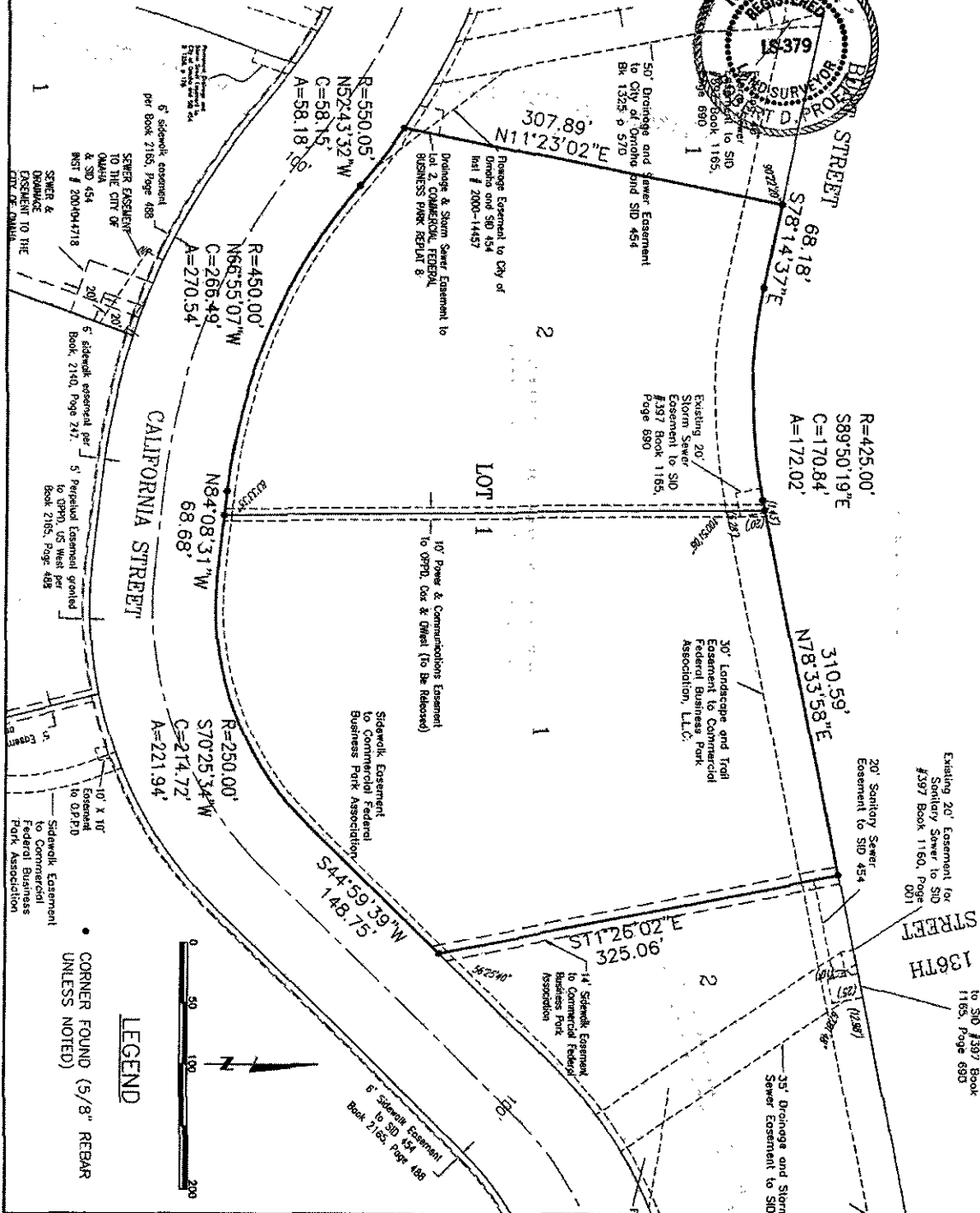
CITY OF OMAHA, NEBRASKA  
 ADMINISTRATIVE SUBDIVISION  
 LEGAL DESCRIPTION

Lot 1, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 9, being a replatting of Lot 2, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 8 and Lot 1, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 5, a subdivisions, as surveyed, platted and recorded in Douglas County, Nebraska

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the boundary as described above and that I have found or set permanent monuments at all corners and ends of all curves as shown hereon on the lot being platted.

*[Signature]*  
 Land Surveyor  
 Date Sept 27, 2006



**Lamp, Rynearson & Associates, Inc.**  
 14710 West Dodge Road, Suite 100  
 Omaha, Nebraska 68154-2027  
 WWW.LRA-INC.COM  
 (Ph) 402.496.2498  
 (Fax) 402.496.2730


drawn by: EAM  
 designer: RDP  
 job number-task: 99015.21-415  
 date: 9-27-06  
 book: page:  
 file name: 9915R900.DWG

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**OWNER'S CERTIFICATION**

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned are the owners of the property as described in the surveyor's certificate and embraced within this plat, and have caused said land to be subdivided into lots as shown on this plat.

BANK OF THE WEST, a California banking corporation, OWNER

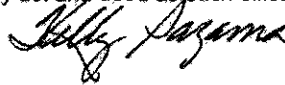
  
\_\_\_\_\_  
John Griffith, Senior Vice President

**ACKNOWLEDGEMENTS OF NOTARY**



State of Nebraska            )  
                                          )SS  
County of Douglas         )

On this 3rd day of October, 2006, before me, a notary public, duly qualified and commissioned in and for said county and state, personally appeared John Griffith, who is personally known to me to be the identical person whose name is affixed to the foregoing instrument as Senior Vice President of BANK OF THE WEST, and he acknowledged the signing of the same to be his voluntary act and deed as such officer and the voluntary act and deed of said bank.

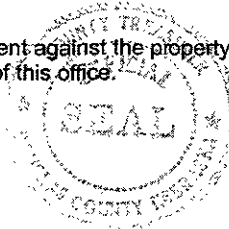


**COUNTY TREASURER'S CERTIFICATION**

This is to certify that I find no regular or special taxes due or delinquent against the property as described in the surveyor's certificate and as shown by the records of this office.

  
\_\_\_\_\_  
County Treasurer

10-10-06  
Date



**PLANNING DIRECTOR'S APPROVAL**

Approved as a subdivision of not more than two (2) lots, parcels or tracts, with plat requirements waived per Section 8.08, Home Rule Charter of the City of Omaha, 1956. This subdivision approval is void unless this plat is filed and recorded with the County Register of Deeds within thirty (30) days of this date.

  
\_\_\_\_\_  
Planning Director

10/18/06  
Date