

After Recorded Return To:
Nebraska Title Company
Attn: Tom Webster
14680 West Dodge Road, Suite 1
Omaha, Nebraska 68154

ADDENDUM TO TEMPORARY CONSTRUCTION EASEMENT

Whereas 415 LEAVENWORTH STREET LIMITED LIABILITY COMPANY, a Nebraska limited liability company ("Grantor"), as successor in interest to Omaha Public Power District, and CITY OF OMAHA, NEBRASKA, a municipal corporation ("Grantee"), are parties to that certain Temporary Construction Easement dated November 2, 2012, and recoded November 16, 2012 as Misc. Instrument No. 2012116857 in the Douglas County Register of Deeds office, which concerns that certain real estate legally described in Exhibit "A"; and

Whereas, said Temporary Construction easement was granted for a term of 3 ½ years or 1,278 days from October 1, 2012, expiring on April 1st, 2016; and

Whereas, the City of Omaha has not completed all of the proposed work on the subject property and wishes to extend the term of the Temporary Construction Easement an additional 760 days, with the term of this extension to be from April 1, 2016 thru April 30, 2018, at which time the Temporary Construction Easement will automatically terminate and thereafter be of no further force or effect.

NOW THEREFORE, in consideration of the foregoing recitals and the promises and covenants herein, the parties hereto agree as follows:

- 1) That the term of said Temporary Construction Easement as provided in Section 2 thereof is hereby extended an additional 760 days, with the expiration of said Temporary Construction Easement now being April 30, 2018, at which time the Temporary Construction Easement will automatically terminate and thereafter be of no further force or effect.

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- 2) Compensation for the additional term of the Temporary Construction Easement to be \$157,960.00, which amount Grantee shall deliver to Grantor within thirty (30) days after the execution of this Addendum.
- 3) All other terms and conditions of said Temporary Construction Easement shall remain in effect.

IN WITNESS WHEREOF Grantor and Grantee have hereunto set his or their hand(s) this 22nd day of September, 2017.

**415 LEAVENWORTH STREET LIMITED
LIABILITY COMPANY, a Nebraska limited
liability company**

By: Heistand Holdings Limited Liability
Company, a Nebraska limited liability
company, Manager

By: 

Todd Heistand, Manager

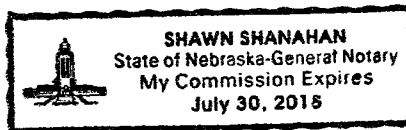
ACKNOWLEDGMENT

STATE OF Nebraska)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on September 22nd, 2017, by Todd Heistand, as Manager of Heistand Holdings Limited Liability Company, a Nebraska limited liability company, as Manager of 415 Leavenworth Street Limited Liability Company, a Nebraska limited liability company, on behalf of the company.



NOTARY PUBLIC

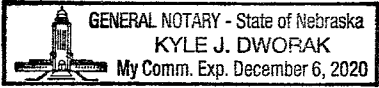


CITY OF OMAHA, NEBRASKA, a
municipal corporation

By: Timothy Phelan _____ Date 9/22/17 _____
(Name/Title): Right of Way Manager
Public Works Dept.
ACKNOWLEDGMENT

STATE OF Nebr)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on September 22, 2017, by Timothy Phelan, as Right of Way Manager of City of Omaha, Nebraska, a municipal corporation, on behalf of the municipal corporation.



Kyle J. Dworak
NOTARY PUBLIC

EXHIBIT "A"

Legal Description

Lots 1 and 2, Power Station Replat 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.