



MISC 2013085823



AUG 22 2013 09:13 P 2

Fee amount: 16.00
FB: 07-36060
COMP: MS

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
08/22/2013 09:13:50.00



2013085823

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Upon recording, return to:

David C. Levy

Baird Holm LLP

1700 Farnam Street, Suite 1500

Omaha, Nebraska 68102

AFFIDAVIT RE: VALIDITY OF ASSIGNMENT AND AMENDMENT OF LEASE

(Document on Following Pages)

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Upon recording, return to:

David C. Levy
Baird Holm LLP
1700 Farnam Street, Suite 1500
Omaha, Nebraska 68102

AFFIDAVIT RE: VALIDITY OF ASSIGNMENT AND AMENDMENT OF LEASE

RE: CHICAGO TITLE INSURANCE COMPANY

THE UNDERSIGNED, BEING FIRST DULY SWORN, DEPOSE AND STATE AS FOLLOWS:

1. I, the undersigned, am the City Attorney of the City of Omaha, Nebraska ("City").

2. On August 3, 2013, I caused to be filed in the records of Douglas County, Nebraska, a Notice of Termination regarding that certain Restaurant Lease between City and Rick's Café, LLC, dated May 10, 2001, as amended, involving the property commonly known as 345 Riverfront Drive, Omaha, Nebraska, and more particularly described as a portion of Lot 1, in Smelter Plant Replat, an addition to the City of Omaha, as surveyed platted and recorded in Douglas County Nebraska, as more particularly identified in that certain Memorandum of Lease, dated on or about May 27, 2003 between the City of Omaha and Rick's Café, LLC, as recorded in the Douglas County, Nebraska Recorder's Office on September 9, 2003 in Book 2003, Page 170633 (the "Lease"). That notice was in error, and I subsequently sent letters extending the lease through August 13, 2013.

3. The Lease remained in full force and effect thereafter, and on August 13, 2013, the City Council of City consented to the assignment of the Lease by Rick's Café, LLC, to Storz Riverfront Development Company, LLC ("Storz"). In conjunction with the assignment, City and Storz agreed to amend certain terms and conditions of the Lease.

4. City hereby confirms the assignment, amendment and validity of the Lease and all terms and conditions thereof in favor of Storz, as of August 13, 2013.

This affidavit is given to induce Chicago Title Insurance Company to issue its title insurance policy or policies and endorsements and it is intended that Chicago Title Insurance Company rely on the representations contained herein.

DATED: AUGUST 20th, 2013

CITY OF OMAHA, a Municipal Corporation

By

Paul Kratz, City Attorney

SUBSCRIBED AND SWORN TO BEFORE ME THIS
20th DAY OF AUGUST, 2013.

Valerie L. Johnson (NOTARY PUBLIC)

