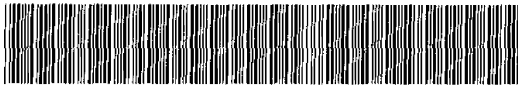


MISC 2009138453



DEC 31 2009 09:33 P 4

*misc*

4 FEE 20.50 FB 43-03449

BPP C/O COMP *DL*

DEI SCAN FY

*D*

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 12/31/2009 09:33:44.38



2009138453

### NOTICE OF AMENDMENT TO REDEVELOPMENT AGREEMENT

This Notice of Amendment to Redevelopment Agreement ("Notice") is made and entered into by and among THE CITY OF OMAHA, NEBRASKA (the "City"), and SELDIN INVESTMENTS, LLC, a Nebraska limited liability company (the "Developer"), successor in interest to Benson Park Plaza, LLC ("BPP").

#### WITNESSETH:

1. The City and the Developer entered into a First Amendment to 2006 Benson Park Plaza Redevelopment Agreement dated December 21, 2009 (the "Amendment"), which amended that certain Redevelopment Agreement between the City and BPP dated May 4, 2006 (the "2006 Redevelopment Agreement"), as it pertains to the real estate described on Exhibit "A" attached hereto and by this reference incorporated herein.

2. On May 26, 2006, a Notice of Redevelopment Agreement was recorded in the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska, as Instrument number 2006058720. Such Notice of Redevelopment Agreement set forth certain covenants contained in the 2006 Redevelopment Agreement which have been amended by the Amendment. The sole purpose of this Notice is give notice of the Amendment.

3. Section 1 of the Amendment reads as follows:

**Removal of Restriction.** Notwithstanding the provisions of Section 5.3.2 or any other provisions of the 2006 Redevelopment Agreement, or Section 3.6.2 or any other provisions of the 2000 Redevelopment Agreement, the Developer shall have the right to convey Lot 3, Benson Park Plaza Replat 3, being a replating of Lots 6, 7 and 8, Benson Park Plaza Replat 1, a subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska (the "Unrestricted Site") to Goodwill Industries, Inc., a Nebraska nonprofit corporation, regardless of whether or not Goodwill Industries, Inc. will be exempt from payment of real estate taxes based on the valuation of the Unrestricted Site. This Section 1 shall be set forth in a Notice of Amendment to Redevelopment Agreement

OMA-294155-2


RETURN TO:  
 SPENCE TITLE SERVICES  
 BOX 16

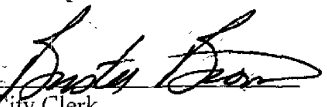
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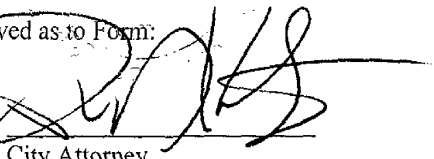
to be executed and acknowledged by the Developer and the City and recorded in the office of the Register of Deeds of Douglas County, Nebraska.

IN WITNESS WHEREOF, the parties hereto have executed this Notice of Amendment to Redevelopment Agreement on the dates set forth beneath their respective signatures.

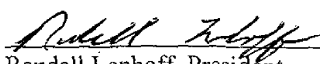
THE CITY OF OMAHA

By:   
Title: Mayor of the City of Omaha  
Date: 12/21/09

Attest:  
By:   
City Clerk

Approved as to Form:  
By:   
City Attorney

SELDIN INVESTMENTS, LLC,  
a Nebraska limited liability company

By:   
Randall Lenhoff, President  
Date: 12/16/09

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 21st ~~17th~~ day of December, 2009, by The Honorable Jim Suttle, who is the Mayor of the City of Omaha, Nebraska, on behalf of the City.



Cynthia I. Ford  
Notary Public  
My Commission expires: 8/16/2011

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 16th day of December, 2009 by Randall Lenhoff, President of Seldin Investments, LLC, a Nebraska limited liability company, on behalf of the company.



Reva L. Grimm  
Notary Public  
My Commission expires: 2/7/11

**EXHIBIT "A"**

Lot 3, Benson Park Plaza Replat 3, being a replatting of Lots 6, 7 and 8, Benson Park Plaza Replat 1, a subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska.

OMA-294155-2