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RICHARD H. TARKENTON  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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ORDINANCE NO. 35381

AN ORDINANCE approving the Second Amendment to the Redevelopment Agreement between the City of Omaha and First Data Resources Inc. to allow the sale of Lot 6 of the Ak-Sar-Ben Business and Education Campus and to provide for an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. The Mayor is hereby authorized to execute, and the City clerk to attest, the attached Second Amendment to the Redevelopment Agreement between the City of Omaha and First Data Resources Inc.

Section 2. This ordinance, not being legislative in character, shall be in full force and take effect immediately upon its passage.

INTRODUCED BY COUNCILMEMBER

Marc Kraft

APPROVED BY:

Neil Smith 11/16/00  
MAYOR OF THE CITY OF OMAHA

DATE PASSED NOV - 7 2000 6-0

ATTEST:

Buster Brown 11/16/00  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

Ken Wenger 11/10/00  
CITY ATTORNEY DATE

IMPRINTED SEAL  
REGISTER OF DEEDS

P:\Law\11045sap.doc

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's office.

Buster Brown  
CITY CLERK  
BY

COO-3918 (35)

2904 - 2944 - 2997

ORDINANCE NO. 35387

AN ORDINANCE approving the Second Amendment to the Redevelopment Agreement between the City of Omaha and First Data Resources Inc. to allow the sale of Lot 6 of the Ak-Sar-Ben Business and Education Campus and to provide for an effective date.

B



**PRESENTED TO COUNCIL**

1st Reading OCT 24 2000 - Hearing  
10/31/00

Hearing OCT 31 2000 - Over to  
11/1/00

Final Reading NOV - 7 2000 -

Passed. 6-0

**PUBLICATIONS**

PUBLICATION OF HEARING

Date \_\_\_\_\_

PUBLICATION OF ORDINANCE

Date \_\_\_\_\_

BUSTER BROWN  
City Clerk

## SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT (the "Amendment") is made and entered into as of this ~~7th~~ day of November, 2000, by and between the City of Omaha, Nebraska, a municipal corporation (the "City"), and First Data Resources Inc., a Delaware corporation ("FDR").

### WITNESSETH:

WHEREAS, on or about May 20, 1997, City, FDR, and other parties entered into a Redevelopment Agreement (the "Redevelopment Agreement") which was recorded in the office of the Register of Deeds of Douglas County, Nebraska, at Book 1214, Page 252 of Miscellaneous Records and which provided, among other matters, for the development of certain real property described therein as the Project Property; and

WHEREAS, FDR is the owner of record of a portion of the Project Property, including Lot 6, Ak-Sar-Ben Business & Education Campus, an addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska ("Lot 6"); and

WHEREAS, FDR desires to sell Lot 6 to an entity that may result in Lot 6 becoming wholly or partially exempt from ad valorem taxation; and

WHEREAS, the City has determined that the sale of Lot 6, and its removal from the property tax rolls, would not adversely effect the owners of the City's bonds issued for the purposes contemplated by the Redevelopment agreement; and

WHEREAS, the parties hereto wish to amend the Redevelopment Agreement to allow such sale.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

### **Section 1. Definitions**

1.1 Definitions. Except as is specifically provided otherwise in this Amendment, capitalized terms used herein shall have the same meaning as set forth in the Redevelopment Agreement.

**Section 2. Modification of Section 3.6.** The parties agree that Section 3.6 of the Redevelopment Agreement shall be amended by adding the following sentence at the end of that Section:

"The provisions of this Section 3.6 shall not apply to Lot 6, Ak-Sar-Ben Business & Education Campus."

**Section 3. Miscellaneous.**

3.1 Amendment of Redevelopment Agreement. Except as may be specifically amended herein, the Redevelopment Agreement shall remain in full force and effect as originally executed.

3.2 Binding Effect. The Amendment shall be binding on the parties hereto and on their respective successors and assigns and shall run with the land in the same manner as the Redevelopment Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

**CITY OF OMAHA**

Attest:

By:   
City Clerk

City Clerk

Approved as to Form:

By:   
Assistant City Attorney

Assistant City Attorney

By:   
Title: Mayor of the City of Omaha  
Date:  11/21/00

Title: Mayor of the City of Omaha

Date: 11/21/00

IMPRINTED SEAL  
REGISTER OF DEEDS

**FIRST DATA RESOURCES INC.**

By:   
Title: President Robert D. Beckas, Authorized Agent  
Date: 11/21/00

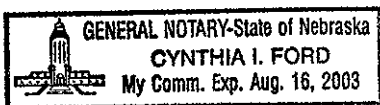
Title: President Robert D. Beckas, Authorized Agent

Date: 11/21/00

**ACKNOWLEDGEMENTS**

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of November, 2000, by The Honorable Hal Daub, Mayor of the City of Omaha, Nebraska, a municipal corporation, on behalf of the City.

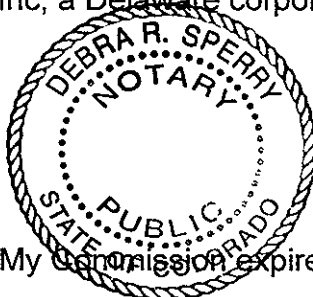


Cynthia I. Ford  
Notary Public

My Commission expires: 8/16/03

Colorado  
~~STATE OF NEBRASKA~~ )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of November, 2000, by Robert D. Beckes, <sup>authorized agent</sup> President of First Data Resources Inc, a Delaware corporation, on behalf of the corporation.



Debra R. Sperry  
Notary Public

My Commission expires: 7/30/2003