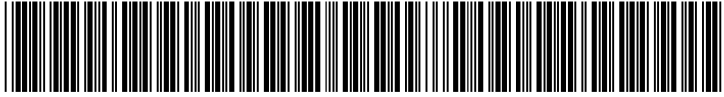


MISC 2013036453



APR 15 2013 09:25 P 12

Fee amount: 76.00  
FB: 55-00247  
COMP: MB

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
04/15/2013 09:25:27.00



2013036453

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After recording return to: Lori Fortina, Prestige Title & Escrow, 11506 Nicholas St., Ste 101, Omaha, NE 68154  
(402) 934-5538

## AMENDMENT TO REDEVELOPMENT AGREEMENT

P121108TE



City of Omaha  
Jim Suttle, Mayor



## Planning Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 1100  
Omaha, Nebraska 68183  
(402) 444-5150  
Telefax (402) 444-6140

R. E. Cunningham, RA, F.SAME  
Director

March 14, 2013

Olsson Associates  
Attn: David Fjare  
2111 South 67<sup>th</sup> Street  
Omaha, NE 68106

RE: Aksarben Business and Education Campus, Replat 4, Lots 1 and 2

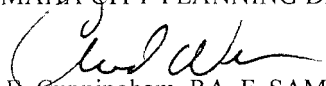
To Whom It May Concern:

The City Council has acted to approve the major amendment to the development agreement for the construction of memory care and independent living facilities. A copy of the agreement and the approved plan are enclosed for your records. The terms and conditions, and exhibits contained in this agreement establish the zoning regulations for this property.

You are authorized to proceed with development of the property consistent with this plan. The Planning Department will use the exhibits and the regulatory standards in the development agreement when we review building permit applications proposed for this property. Any construction plans that are not consistent with the approved development plan may require an amendment to the agreement. If the change is significant it may require a major amendment to be reviewed by the Planning Board and approved by the City Council. Any changes to the location, size or design of pedestrian ways, common open space features or building group configurations will generally be considered major amendments. Please contact the Department to discuss the possible need for an amendment before submitting an application for a building permit.

The Planning Department strongly encourages you to provide a copy of this agreement to any future tenants in this development. At a minimum it should be included as part of the disclosure of restrictions in any sales or lease agreement. This will avoid confusion and loss of time for the tenant during the permit review process. If you have any further questions, please contact Chad Weaver, Assistant Director, at 402.444.5166.

Sincerely,  
OMAHA CITY PLANNING DEPARTMENT

  
R.E. Cunningham, RA, F. SAME  
Planning Director

cc: Jason Thiellen

C10-97-029

C12-12-187

ORDINANCE NO. 39891

AN ORDINANCE to approve a Major Amendment to a Mixed Use District Development Agreement for Aksarben Business and Education Campus for a 92 room hotel, a 159 unit memory care/assisted and independent living facility and a 6,800 sqft restaurant, located northeast of 72<sup>nd</sup> and Pine Streets between the City of Omaha and LFS/AK, LLC., providing site development standards; and to provide for an effective date.

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

Section 1. That the City of Omaha, in the interest of maintaining public health safety, and welfare, desires to assure that the property located northeast of 72<sup>nd</sup> and Pine Streets is developed in accordance with the provisions of the Major Amendment to a Mixed Use Development Agreement attached hereto and made a part hereof by reference.

Section 2. That if this Ordinance, or portion thereof, is found to be invalid, any zoning ordinance applicable to such site shall not be invalidated for such reason.

Section 3. That this Major Amendment to a Mixed Use Development Agreement is hereby approved.

Section 4. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Thomas Mulligan

APPROVED BY:

Joji Suttie 2/13/13  
MAYOR OF THE CITY OF OMAHA DATE

PASSED FEB 12 2013 7-0


ORDINANCE NO. 30581

PAGE 2

ATTEST:

 2/15/13  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

 2/15/13  
CITY ATTORNEY DATE

Pln1398tg

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, City of Omaha

**AMENDMENT TO  
REDEVELOPMENT AGREEMENT**

THIS MAJOR AMENDMENT TO THE REDEVELOPMENT AGREEMENT is made pursuant to the Omaha Master Plan and Chapter 55, Omaha Municipal Code, and is made and entered into by and between the CITY OF OMAHA, NEBRASKA, a municipal corporation of the State of Nebraska (hereinafter referred to as the "City") and LFS-AK, LLC (hereinafter referred to as the "Owner").

WITNESSETH:

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

WHEREAS, the Original Agreement, as previously amendments is collectively referred to as the "Redevelopment Agreement";

WHEREAS, Owner is owner of legal title to Lots 1 and 2, Aksarben Business and Education Campus Replat 4 and desires to amend the Redevelopment Agreement, replatting these lots as Lots 1 through 4 Aksarben Center, revising the Redevelopment Plan for Lots 1 through 4 within the Mixed Use Area governed by the Redevelopment Agreement.

NOW, THEREFORE, the following is agreed between the parties hereto:

1. Capitalized Terms. All capitalized terms used in this Amendment shall have the meaning set forth in the Redevelopment Agreement except as otherwise defined herein.

2. Amendments.

A. Lots 1 through 4 are hereby added to the Redevelopment Agreement and Exhibit "A" is hereby amended to reflect the addition of Lot 1 through 4, as shown on Exhibit "A" attached hereto.

B. Permitted Uses, Paragraph A of the Redevelopment Agreement is amended to provide that Lots 1 through 4 shall be developed in accordance with the applicable permitted uses allowed in the MU-Mixed Use district per Section 55-563, OMC.

C. Signage, Paragraph C of the Redevelopment Agreement is amended to allow the buildings on Lot 3 to follow Specific Signage Regulators for CC Section 55-835, OMC.

D. Exhibit "B" to the Redevelopment Agreement is hereby repealed in its entirety and Exhibit "B" attached hereto is substituted in its place and Exhibit B\_L is added to the Development Agreement.

E. Exhibit "C" (Sign Budget) to the Redevelopment Agreement is hereby repealed in its entirety and Exhibit "C" attached hereto is substituted in its place.

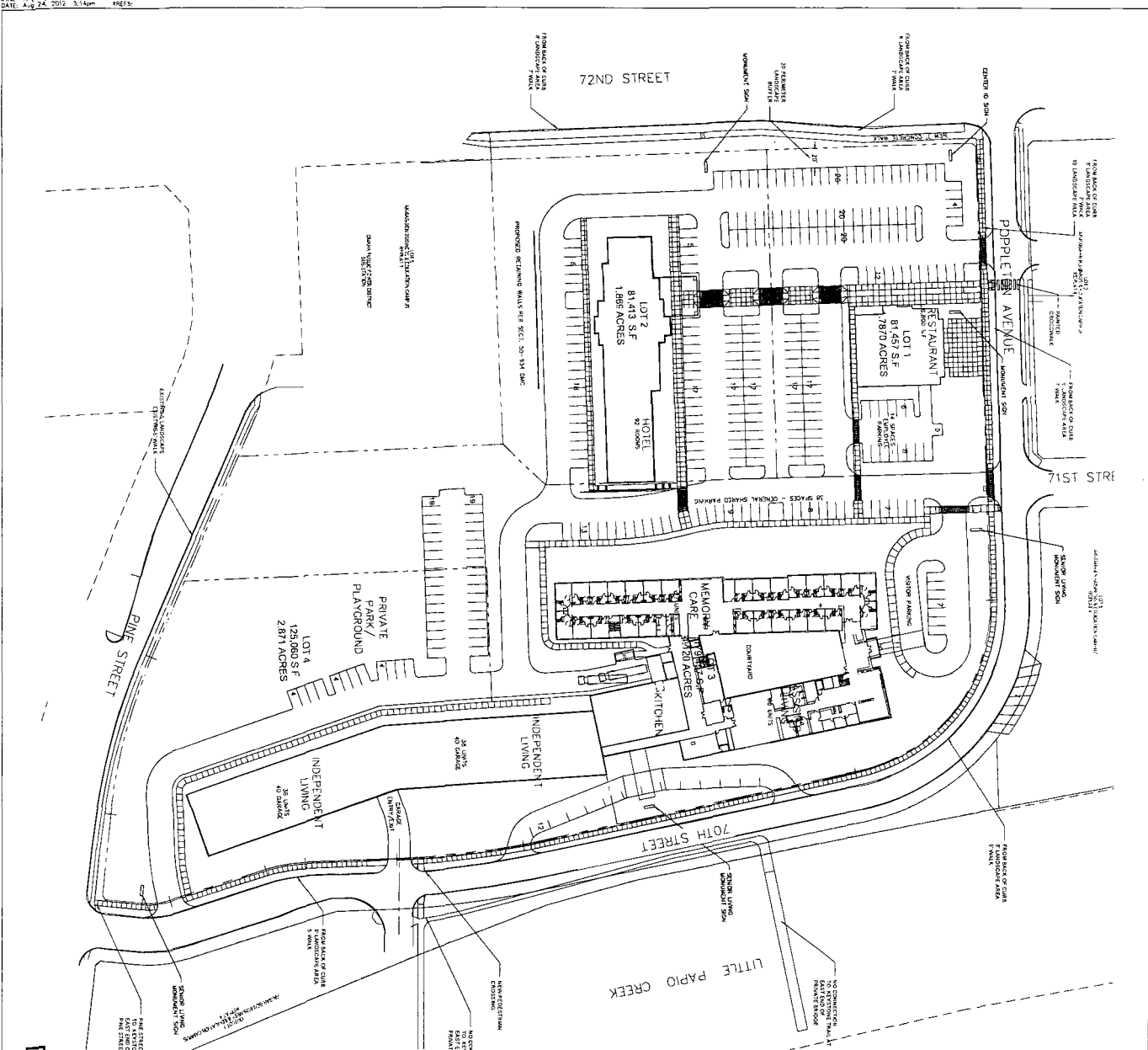
In all other respects, the Redevelopment Agreement shall not be affected hereby and it is hereby and it is hereby ratified and confirmed.

**[Space Below Intentionally Left Blank –  
Signature Pages to Follow]**









**PERFORMANCE DATA**

LOT NO.	LOT AREA (SQ. FT.)	LOT AREA (ACRES)	BUILDING TYPE	FLOOR AREA (SQ. FT.)	FLOOR AREA (ACRES)	PERCENTAGE OF LOT AREA	PERCENTAGE OF TOTAL FLOOR AREA	PERCENTAGE OF TOTAL FLOOR AREA	PERCENTAGE OF TOTAL FLOOR AREA
1	81,457	1.789	RESTAURANT	81,457	1.789	100%	11.5%	11.5%	11.5%
2	81,457	1.789	HOTEL	81,457	1.789	100%	11.5%	11.5%	11.5%
3	281,000	6.44	MEMORIAL CARE SERVICES	281,000	6.44	100%	37.5%	37.5%	37.5%
4	128,000	2.871	INDEPENDENT LIVING	128,000	2.871	100%	16.7%	16.7%	16.7%
5	40,000	0.91	INDEPENDENT LIVING	40,000	0.91	100%	5.3%	5.3%	5.3%
<b>TOTALS</b>	<b>370,914</b>	<b>8.799</b>		<b>512,914</b>	<b>11.77</b>		<b>100%</b>	<b>100%</b>	<b>100%</b>

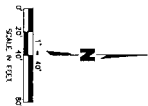
**GENERAL NOTES**

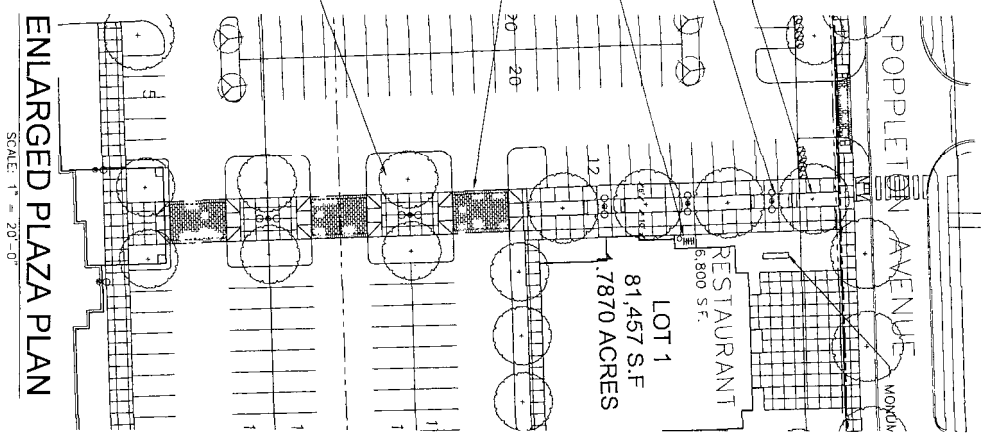
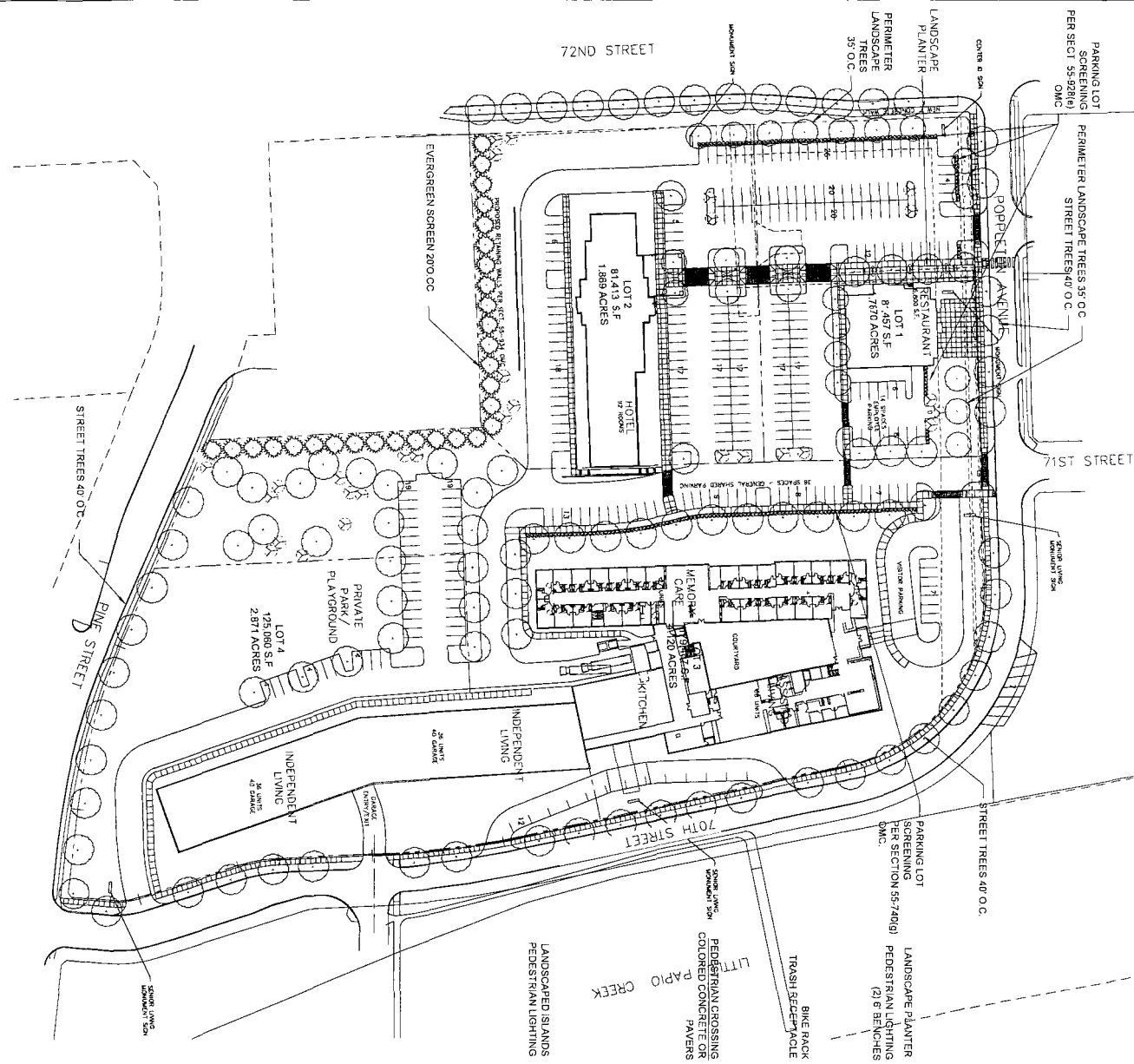
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL UTILITIES ARE TO BE DEEPER THAN THE FOUNDATION.
4. ALL UTILITIES ARE TO BE DEEPER THAN THE FOUNDATION.
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**NOTES**

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# DEVELOPMENT PLAN

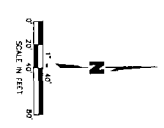




**PLANT SCHEDULE**

COMMON NAME	SYMBOL	HEIGHT	SPACING	NOTES
EVERGREEN SCREEN	ES	20'	20' O.C.	EVERGREEN SCREEN 20' O.C.
LANDSCAPE PLANTER	LP	5'-6"	5'-6" O.C.	LANDSCAPE PLANTER PER SECTION 55-92(R) OMC
SCREENING PER SECTION 55-92(R)	SC92R	5'-6"	5'-6" O.C.	SCREENING PER SECTION 55-92(R) OMC
SCREENING PER SECTION 55-740(G)	SC740G	5'-6"	5'-6" O.C.	SCREENING PER SECTION 55-740(G) OMC
LANDSCAPE PLANTER PER SECTION 55-740(G)	LP740G	5'-6"	5'-6" O.C.	LANDSCAPE PLANTER PER SECTION 55-740(G) OMC
LANDSCAPE LIGHTING (2) 6' BENCHES	LB	6'	6' O.C.	LANDSCAPE LIGHTING (2) 6' BENCHES
BIKE RACK TRASH RECEPTACLE	BR	6'	6' O.C.	BIKE RACK TRASH RECEPTACLE
PEDESTRIAN CROSSING COLORED CONCRETE OR PAVERS	PC	6"	6' O.C.	PEDESTRIAN CROSSING COLORED CONCRETE OR PAVERS
LANDSCAPED ISLANDS PEDESTRIAN LIGHTING	LI	6"	6' O.C.	LANDSCAPED ISLANDS PEDESTRIAN LIGHTING

LANDSCAPE PLAN



**EXHIBIT "C" - SIGN BUDGET**  
**9/10/2012**  
**AKSARBEN CENTER**

LOT #	PRIMARY FRONTAGE	SECONDARY FRONTAGE	ADJUST.	MULT.	ALLOWABLE SIGN AREA	ALLOCATED SIGN AREA
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**AKSARBEN CENTER LOTS 1 THROUGH 4**

1	242	335	168	1.5	614.3	623
2	248		0	1.5	372	623
3	345	260	130	1.5	712.5	623
4	562	333	166.5	1.5	1092.75	623

2791.5

SUB-TOTAL SIGNAGE ALLOCATED (SQ.FT.)	2492
(1) CENTER IDENTIFICATION SIGNS (WITH TENANT NAMES) (x 300 SQ. FT.)	300
<b>TOTAL SIGNAGE ALLOCATED ON THIS PROJECT (SQ.FT.)</b>	<b>2792</b>
<b>TOTAL SIGNAGE ALLOWED ON PROJECT (SQ.FT.)</b>	<b>2792</b>

10/2/2013  
15-7

ORDINANCE NO. 35587

AN ORDINANCE to approve a Major Amendment to a Mixed Use District Development Agreement for Aksarben Business and Education Campus for a 92 room hotel, a 159 unit memory care/assisted and independent living facility and a 6,800 sqft restaurant, located northeast of 72nd and Pine Streets between the City of Omaha and LFS/AK, LLC., providing site development standards; and to provide for an effective date.

Pln1399tg

PUBLICATIONS

PUBLICATION OF HEARING

Date \_\_\_\_\_

PUBLICATION OF ORDINANCE

Date \_\_\_\_\_

PRESENTED TO COUNCIL

1st Reading JAN 29 2013 - Hearing  
12/2/13

Hearing FEB 5 2013 - Debate  
1/2/13

Final Reading FEB 12 2013  
Passed 7-0

BUSTER BROWN  
City Clerk