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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
05/06/2013 15:16:38.00



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Return to: Lori Fortina , Prestige Title & Escrow, 11506 Nicholas St. #101, Omaha, NE 68154
(402) 934-5538

AMENDMENT TO DEVELOPMENT AGREEMENT

P121535TE



City of Omaha
Jim Suttie, 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

April 29, 2013

LFS/AK, LLC
11506 Nicholas Street
Omaha, NE 68154

RE: Lots 1, & 3, Replat 1, Aksarben Village

To Whom It May Concern:


The Planning Department has approved the development agreement amendment and subdivision of Lots 2, 3, & 4, Aksarben Center into Lots 1, 2 & 3, Replat 1, Aksarben Center. A copy of the agreement amendment and exhibits is enclosed for your records. The terms and conditions, and exhibits contained in the agreement establish the zoning regulations for this property and continue in effect except as revised by this amendment. No other changes are authorized or implied by this approval.

You are authorized to proceed with development of the property consistent with this amendment. 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 location, size or design of pedestrian ways, common open space features or building group configurations 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 City Council.

The Planning Department strongly encourages you to provide a copy of this agreement and amendments 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 Todd Swirczek, City Planner-Current Planning, at 402.444.5156.

Sincerely
OMAHA CITY PLANNING DEPARTMENT



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

cc: Jason Thielen

AMENDMENT TO DEVELOPMENT AGREEMENT
AKSARBEN CENTER

This MINOR AMENDMENT to Development 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 (City) and LFS/AK, LLC (Developer).

WITNESSETH:

WHEREAS, the City and Developer have entered into a certain Development Agreement, approved by the City Council of the City of Omaha on February 15, 2013 setting forth certain conditions with respect to the development of property owned by the Developer to be known as AKSARBEN CENTER.

WHEREAS, The Developer desires to submit a Replat for AKSARBEN CENTER as shown on Exhibit(s) A1, B1, B1B Replat 1 Lot 1, B1B Replat 1 Lot 2, B1B Replat 1 Lot 3, attached hereto, and

The agreement needs to be amended to reflect ^{AKSARBEN}AKSARBEN CENTER REPLAT 1 LOTS 1 – 3 formerly AKSARBEN CENTER LOTS 1 – 4 and to revise Exhibits A, B with Exhibits A1 and B1 and adding Exhibits B1B Replat 1 Lot 1, B1B Replat 1 Lot 2, and B1B Replat 1 Lot 3, C, C1.

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

1. Exhibit A to the original agreement is repealed in its entirety and the attached Exhibit A1 it substituted in its place.
2. Exhibit B to the original agreement is repealed in its entirety and the attached Exhibit B1 it substituted in its place.
3. Additional Exhibits Replat 1 Lot 1, B1B Replat 1 Lot 2, and B1B Replat 1 Lot 3, C and C1.

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

IN WITNESS WHEREOF, the executing parties, by their respective duly authorized agents, have entered into this amendment to the Development Agreement effective on the date of the Planning Director's signature.

CITY OF OMAHA

By [Signature] May 20 13
Planning Director Date

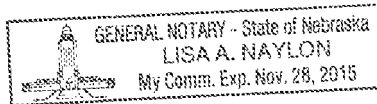
By [Signature] 4.26.13
Developer Date
Michael L. DAY, manager
LFS/AK, LLC

STATE OF NEBRASKA
COUNTY OF DOUGLAS

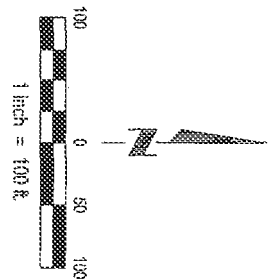
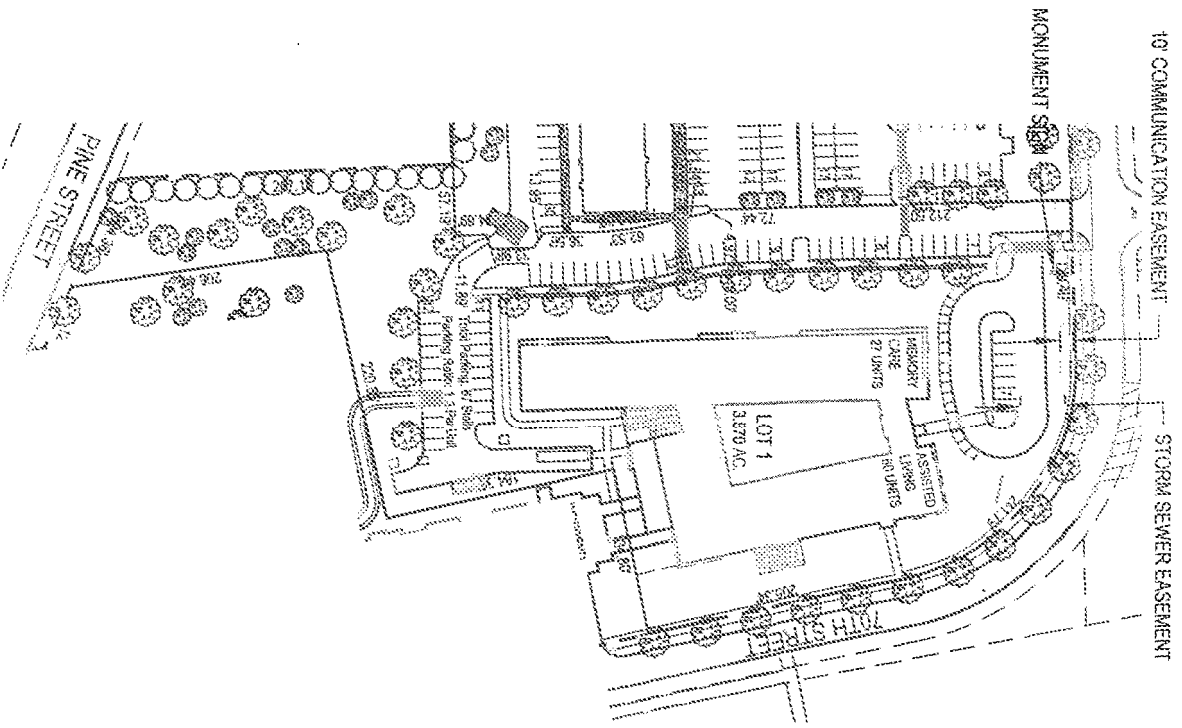
)
) ss.:
)

The foregoing instrument was acknowledged before me this 26 day of April, 2013 by Michael L. Day, on behalf of the company.

Lisa A. Nylon



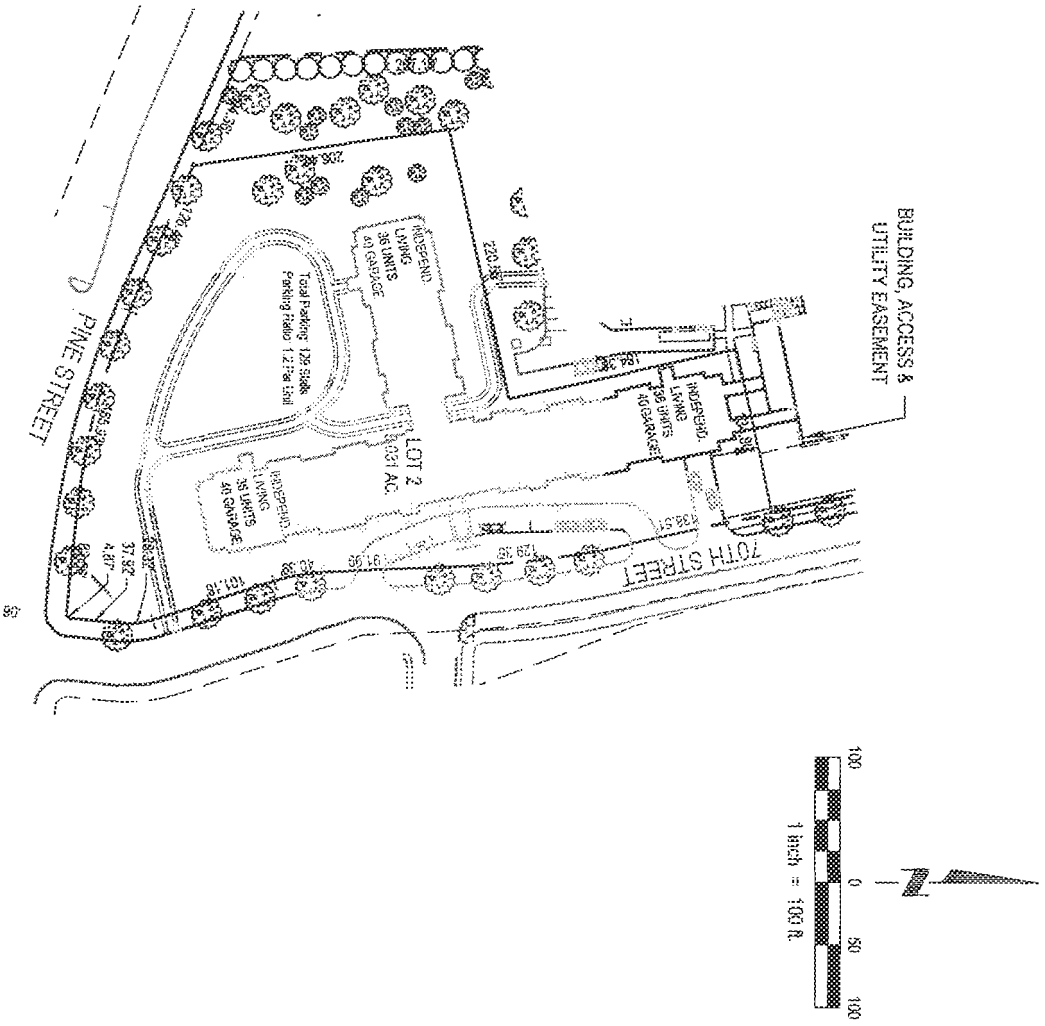
Notary Public



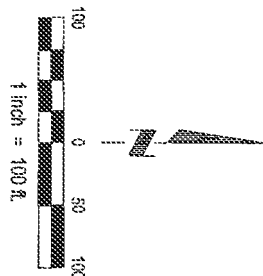
THE FOLLOWING DESIGN GUIDELINES SHALL BE INCORPORATED INTO THE FINAL DEVELOPMENT PLANS OF REPLAT ONE LOT 1 AT THIS LOCATION WITHIN THE AKSARBEN CENTER DEVELOPMENT

- A BUSINESS OWNERS' ASSOCIATION SHALL BE ESTABLISHED AND MAINTAINED FOR THE DEVELOPMENT AND MAINTENANCE OF THE COMMON AREA ITEMS DETAILED IN THIS DOCUMENT.
- ALL INTERIOR PEDESTRIAN-WAYS SHALL BE CONNECTED TO THE PERIMETER CIRCULATION SYSTEM AS INDICATED.
- INTEGRALLY COLORED CONCRETE PEDESTRIAN CROSSLWALK OF AT LEAST 6 FEET IN WIDTH SHALL BE USED TO DEFINE PEDESTRIAN CROSSLWALKS AT DRIVEWAYS AND STREETS AS INDICATED. CONCRETE MUST BE COLORED THROUGHOUT AND NOT SURFACE APPLIED SUCH AS PAINT OR STAIN.
- BIKE RACKS SHALL BE PROVIDED ON EVERY LOT. A MINIMUM OF ONE (1) FIVE-BIKE RACK SHALL BE PROVIDED ON EVERY LOT.
- ALL PARKING LOT LIGHTING FIXTURES SHALL BE COORDINATED THROUGHOUT THE ENTIRE PROJECT.
- OTHER THAN STREET TREE PLANTINGS, ALL LANDSCAPING IS CONCEPTUAL AS TO SPECIES AND PLACEMENT. ALL PLANTINGS SHALL FOLLOW CC ZONING REGULATIONS.
- MINIMUM GREENSPACE WITHIN THE PARKING AREA SHALL BE 7 PERCENT OF THE PARKING AREA. THE MINIMUM SIZE OF THE PARKING LOT ISLANDS SHALL BE 9 FEET BY 36 FEET (9 FEET BY 16 FEET FOR A HALF ISLAND).
- STREET TREES SHALL BE PLANTED AT 40 ON CENTER ALONG POPPLETON AND 70TH STREETS.

C3	PROJECT DATE DRAWN BY CHECKED BY 1 OF 1	AKSARBEN CENTER MIXED USE PLAN OMAHA, NE EXHIBIT B1B - REPLAT ONE LOT 1	E & A CONSULTING GROUP, INC. ENGINEERING • PLANNING • ENVIRONMENTAL COMPLIANCE • FIELD SERVICES 3640 SOUTH 2700TH AVENUE SUITE 100 P.O. BOX 100100 LINCOLN, NE 68510	
	10/20/2012 12:00 PM 10/20/2012 12:00 PM 10/20/2012 12:00 PM			



- THE FOLLOWING DESIGN GUIDELINES SHALL BE INCORPORATED INTO THE FINAL DEVELOPMENT PLANS OF REPLAT ONE LOT 2 AT THIS LOCATION WITHIN THE AKSARBEN CENTER DEVELOPMENT
- A BUSINESS OWNERS' ASSOCIATION SHALL BE ESTABLISHED AND MAINTAINED FOR THE DEVELOPMENT AND MAINTENANCE OF THE COMMON AREA ITEMS DETAILED IN THIS DOCUMENT.
 - ALL INTERIOR PEDESTRIANWAYS SHALL BE CONNECTED TO THE PERIMETER CIRCULATION SYSTEM AS INDICATED.
 - INTERNALLY COLORED CONCRETE PEDESTRIAN CROSSWALK OF AT LEAST 6 FEET IN WIDTH SHALL BE USED TO DEFINE PEDESTRIAN CROSSWALKS AT DRIVEWAYS AND STREETS AS INDICATED. CONCRETE MUST BE COLORED THROUGHOUT AND NOT SURFACE APPLIED SUCH AS PAINT OR STAIN.
 - BIKE RACKS SHALL BE PROVIDED ON EVERY LOT. A MINIMUM OF ONE (1) FIVE-BIKE RACK SHALL BE PROVIDED ON EVERY LOT.
 - ALL PARKING LOT LIGHTING FIXTURES SHALL BE COORDINATED THROUGHOUT THE ENTIRE PROJECT.
 - OTHER THAN STREET TREE PLANTINGS, ALL LANDSCAPING IS CONCEPTUAL AS TO SPECIES AND PLACEMENT. ALL PLANTINGS SHALL FOLLOW O/C ZONING REGULATIONS.
 - MINIMUM GREENSPACE WITHIN THE PARKING AREA SHALL BE 7 PERCENT OF THE PARKING AREA. THE MINIMUM SIZE OF THE PARKING LOT ISLANDS SHALL BE 9 FEET BY 36 FEET (9 FEET BY 18 FEET FOR A HALF ISLAND).
 - STREET TREES SHALL BE PLANTED AT 40' ON CENTER ALONG PUPPLETON AND 70TH STREETS.



THE FOLLOWING DESIGN GUIDELINES SHALL BE INCORPORATED INTO THE FINAL DEVELOPMENT PLANS OF REPLAT ONE LOT 3 AT THIS LOCATION WITHIN THE ASARBEN CENTER DEVELOPMENT

- A BUSINESS OWNERS' ASSOCIATION SHALL BE ESTABLISHED AND MAINTAINED FOR THE DEVELOPMENT AND MAINTENANCE OF THE COMMON AREA ITEMS DETAILED IN THIS DOCUMENT.
- ALL INTERIOR PEDESTRIAN-WAYS SHALL BE CONNECTED TO THE PERIMETER CIRCULATION SYSTEM AS INDICATED.
- INTEGRALLY COLORED CONCRETE PEDESTRIAN CROSSWALK OF AT LEAST 8 FEET IN WIDTH SHALL BE USED TO DEFINE PEDESTRIAN CROSSWALKS AT DRIVEWAYS AND STREETS AS INDICATED. CONCRETE MUST BE COLORED THROUGHOUT AND NOT SURFACE APPLIED SUCH AS PAINT OR STAIN.
- BIKE RACKS SHALL BE PROVIDED ON EVERY LOT. A MINIMUM OF ONE (1) FIVE-BIKE RACK SHALL BE PROVIDED ON EVERY LOT.
- ALL PARKING LOT LIGHTING FIXTURES SHALL BE COORDINATED THROUGHOUT THE ENTIRE PROJECT.
- OTHER THAN STREET TREE PLANTINGS, ALL LANDSCAPING IS CONCEPTUAL. AS TO SPECIES AND PLACEMENT, ALL PLANTINGS SHALL FOLLOW OCC ZONING REGULATIONS.
- MINIMUM GREENSPACE WITHIN THE PARKING AREA SHALL BE 7 PERCENT OF THE PARKING AREA. THE MINIMUM SIZE OF THE PARKING LOT ISLANDS SHALL BE 9 FEET BY 36 FEET (9 FEET BY 18 FEET FOR A HALF ISLAND).
- STREET TREES SHALL BE PLANTED AT 40' ON CENTER ALONG POPPLETON AND 70TH STREETS.

[illegible]

AKSARBEN CENTER
MIXED USE PLAN
OMAHA, NE

EXHIBIT B1B - REPLAT ONE LOT 3

E & A CONSULTING GROUP, INC.

ENGINEERING • PLANNING • ENVIRONMENTAL COMPLIANCE • FIELD SERVICES

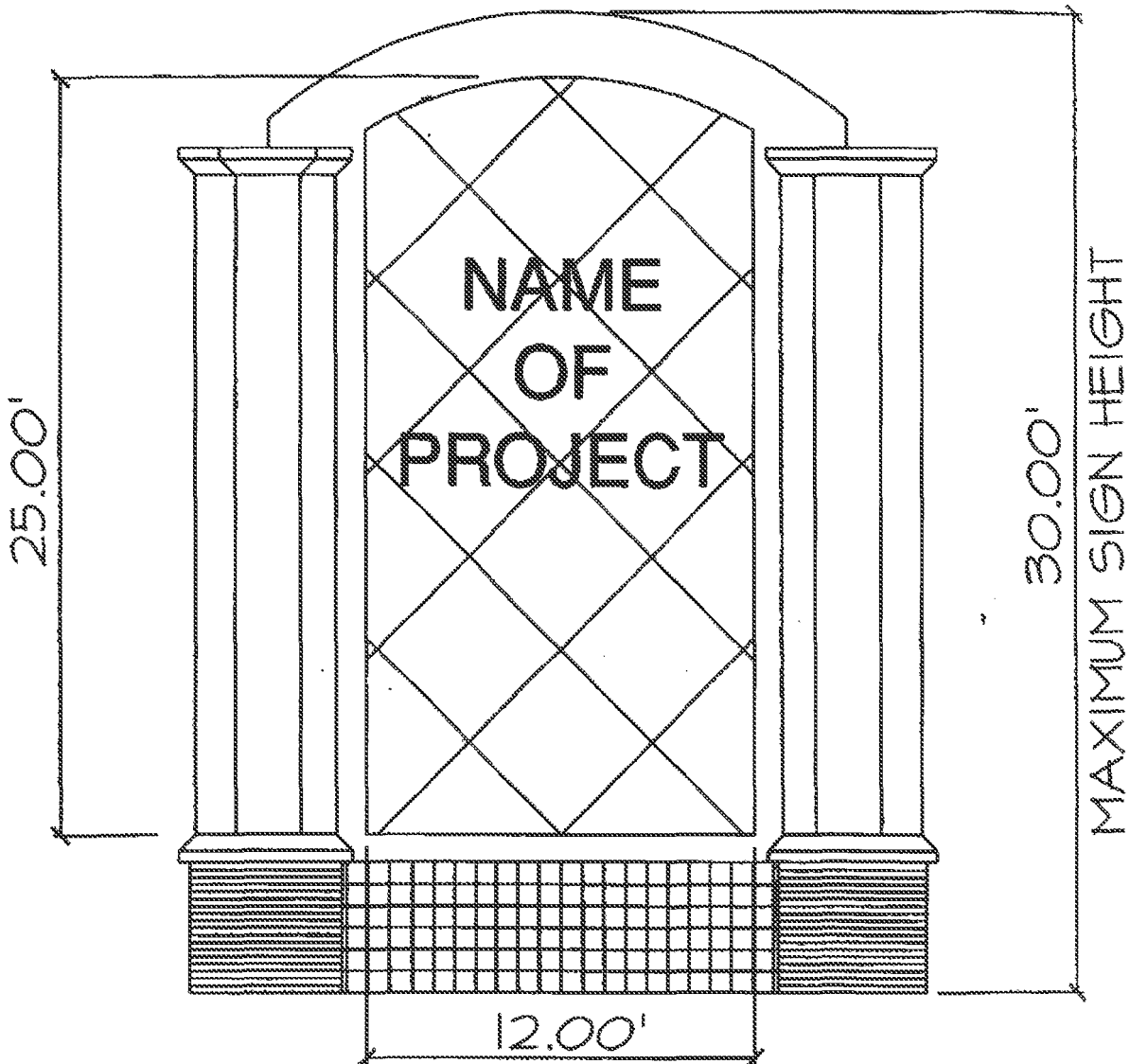
220 NORTH 157TH STREET CHICAGO, IL 60645
PHONE: (408) 525-4255 FAX: (408) 525-2005
E-MAIL: info@hsc.com



**EXHIBIT "C" - SIGN BUDGET
AKSARBEN CENTER
APRIL 26, 2013**

LOT #	PRIMARY FRONTAGE	SECONDARY FRONTAGE	ADJUST.	MULT.	ALLOWABLE SIGN AREA	ALLOCATED SIGN AREA
1	208	333	167	1.5	562	500
REPLAT 1						
1	447	224	112	1.5	839	750
2	568	376	188	1.5	1134	750
3	278	0	0	1.5	417	500
TOTAL SIGNAGE ALLOWED ON PROJECT						2951
SUB-TOTAL SIGNAGE ALLOCATED (SQ.FT.)						2500
1 CENTER IDENTIFICATION SIGNS (x 300 SQ.FT)						300
TOTAL SIGNAGE ALLOCATED ON THIS PROJECT						2800
SIGNAGE BANK						151

EXHIBIT C-1



MAXIMUM SIGN AREA OF THIS CENTER IDENTIFICATION SIGN SHALL BE 300 SQUARE FEET. THE IDENTIFICATION SIGN SHALL HAVE MULTIPLE TENANTS LOCATED ON THE SIGN. THE CENTER IDENTIFICATION SIGN SHALL BE LOCATED 12 FEET FROM THE PROPERTY LINE

TYPICAL SIGN DETAIL **CENTER IDENTIFICATION SIGN**