



MISC 2004096596



JUL 21 2004 13:04 P 8

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
7/21/2004 13:04:57.93



2004096596

THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

Misc
 FEE 41⁵⁰ FB 00-18454
 8/ BKP _____ C/O _____ COMP MB
 3 DEL _____ SCAN _____ FV _____

RETURN TO:
Blackwell Sanders Peper Martin
720 Olive Street Suite 2400
St. Louis, MO. 63101

Temp. 12.4.01

Courtesy #16

AMENDMENT TO SUBDIVISION AGREEMENT
IRVINGTON TECHNOLOGY PARK

THIS AMENDMENT TO SUBDIVISION AGREEMENT ("Amendment") is made and entered into this 29th day of June, 2004 by and between **FIRST DATA RESOURCES INC.**, a Delaware corporation (hereinafter referred to as "Subdivider") and **THE CITY OF OMAHA, NEBRASKA** (hereinafter referred to as "City").

WHEREAS, in connection with the recording of that certain Plat of Irvington Technology Park, Lots 1, 2 and 3 recorded at Book 2181, Page 511 of the Deed Records of the Register of Deeds for Douglas County, Nebraska, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the "Plat"), Subdivider and the City entered into that certain Subdivision Agreement Irvington Technology Park dated May 23, 2001 ("Subdivision Agreement"), which was approved by the City Council of the City on May 22, 2001 pursuant to Resolution #1282; and

WHEREAS, the Subdivision Agreement provided for the construction by Subdivider of a public sanitary sewer extension ("Extension") and public sanitary sewer siphon ("Siphon") pursuant to plans approved by the City (the "First Data Plans"); and

WHEREAS, the Subdivision Agreement contained a cost share provision between the Subdivider and the City for the construction of the Siphon; and

WHEREAS, the Subdivision Agreement required Subdivider to provide certain security for completion of the Extension and Siphon, and Subdivider provided such security in the form of a Standby Letter of Credit currently held by the City (the "LOC"); and

WHEREAS, the City has entered into a new agreement with Double "D" Properties, L.L.C. which calls for the installation of certain sanitary sewer improvements, including a siphon and outfall (the "SID 479 Improvements") by Sanitary and Improvement District No. 479 of Douglas County, Nebraska ("SID 479") and calls for SID 479 to install a traffic signal at the intersection of 87th Street and Sorenson Parkway (the "Traffic Signal"); and

WHEREAS, Subdivider has entered, or on or about this date will enter, an Interlocal Cooperation Agreement ("Interlocal Agreement") with SID 479 permitting Subdivider to connect to and make use of the SID 479 Improvements for the benefit of Subdivider's Property and to share in the cost of installation of the Traffic Signal and sanitary sewer; and

WHEREAS, Subdivider created a platted access easement across Lot 2 of Irvington Technology Park as required by the City in order to provide access to Lot 3 of Irvington Technology Park ("Lot 3") from the traffic signal at Ida Street and Sorenson Parkway (the "Access Easement"); and

WHEREAS, the Interlocal Agreement eliminates the need for the construction of the Extension and Siphon by the Subdivider as well as the need for the LOC, and construction of the Traffic Signal eliminates the need for the Access Easement; and

WHEREAS, the City desires a street dedication forty (40) feet wide by two hundred fifty (250) feet long at the northeast corner of Lot 3 as shown on the Dedication Plat attached hereto as Exhibit B (the "Dedication Area") in order to provide access to and from the intersection served by the Traffic Signal from and to Lot 3 and also for the lot directly to the east of said Lot 3.

NOW, THEREFORE, it is agreed as follows:

1. The Interlocal Agreement has been submitted to the City's Public Works Department and the City has approved the plans for the SID 479 Improvements and the Traffic Signal ("SID Plans") as reflected in the Interlocal Agreement.

2. The Subdivision Agreement is hereby amended to delete Subdivider's obligation to construct the Extension and Siphon pursuant to the First Data Plans and such obligation has been superseded and replaced by the obligation of SID 479 to construct the SID 479 Improvements pursuant to the SID Plans. The Subdivision Agreement is hereby further amended to eliminate the City's obligation to reimburse Subdivider for construction of the Siphon as provided in the Subdivision Agreement. The Subdivision Agreement is hereby further amended to eliminate the Subdivider's obligation to provide and maintain the LOC, and upon execution of this Amendment, the City shall mark the original LOC "cancelled" and promptly return the LOC so marked to Subdivider.

3. Subdivider hereby agrees that in the event it develops Lot 3 and seeks to use the intersection at which the Traffic Signal is located in order to gain access to said Lot 3, Subdivider shall, at its cost (or with a cost sharing arrangement with the owner(s) of the property to the east of said Lot 3), construct a left-turn lane on Sorenson Parkway and modify the Traffic Signal and pave the street in the Dedication Area as far south on Lot 3 as needed to provide access to Lot 3, as shown on Exhibit C attached hereto and incorporated herein by reference, at said intersection pursuant to plans which are to be agreed upon by Subdivider and the City.

4. Upon execution of this Amendment by the City, Subdivider may record a document that terminates and releases the Access Easement across Lot 2 of Irvington Technology Park as shown on the Plat. The City hereby releases any rights it has to said Access Easement.

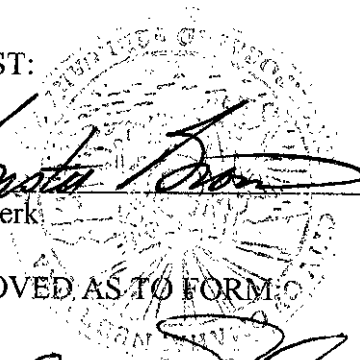
5. All other provisions of the Subdivision Agreement remain in full force and effect.

6. This Amendment runs with the land shown on the Plat.

[Signatures follow on next page.]

ATTEST:

CITY OF OMAHA


Dorota Brown
City Clerk

Mike Jahoy 7/1/04
Mayor

APPROVED AS TO FORM:

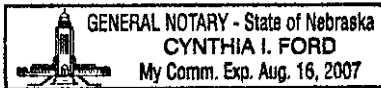
Paul C. [Signature] *6/8/04*
City Atty

FIRST DATA RESOURCES INC.

By: *[Signature]*
Title: *Assistant Secretary*

STATE OF *Nebraska*)
) ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me on *July 1, 2004*,
2004 by *Mike Jahoy*, as *Mayor* of **THE CITY OF OMAHA,**
NEBRASKA, a municipal corporation of the State of Nebraska, on behalf of said municipal
corporation.



Cynthia I. Ford
Notary Public

My commission expires *8/16/07*

STATE OF Nebraska)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on July 1, 2004, 2004 by Buster Brown, for purposes of **ATTESTING** to the execution of the instrument on behalf of THE CITY OF OMAHA, NEBRASKA, a municipal corporation of the State of Nebraska, on behalf of said municipal corporation.



Cynthia I Ford
Notary Public

My commission expires 8/16/07

STATE OF Colorado)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on May 24, 2004 by Jeff Zallaps, as Assistant Secretary of **FIRST DATA RESOURCES INC.** a Delaware corporation, on behalf of said corporation.

Weldy Feazell
Notary Public

My commission expires 11/5/2005

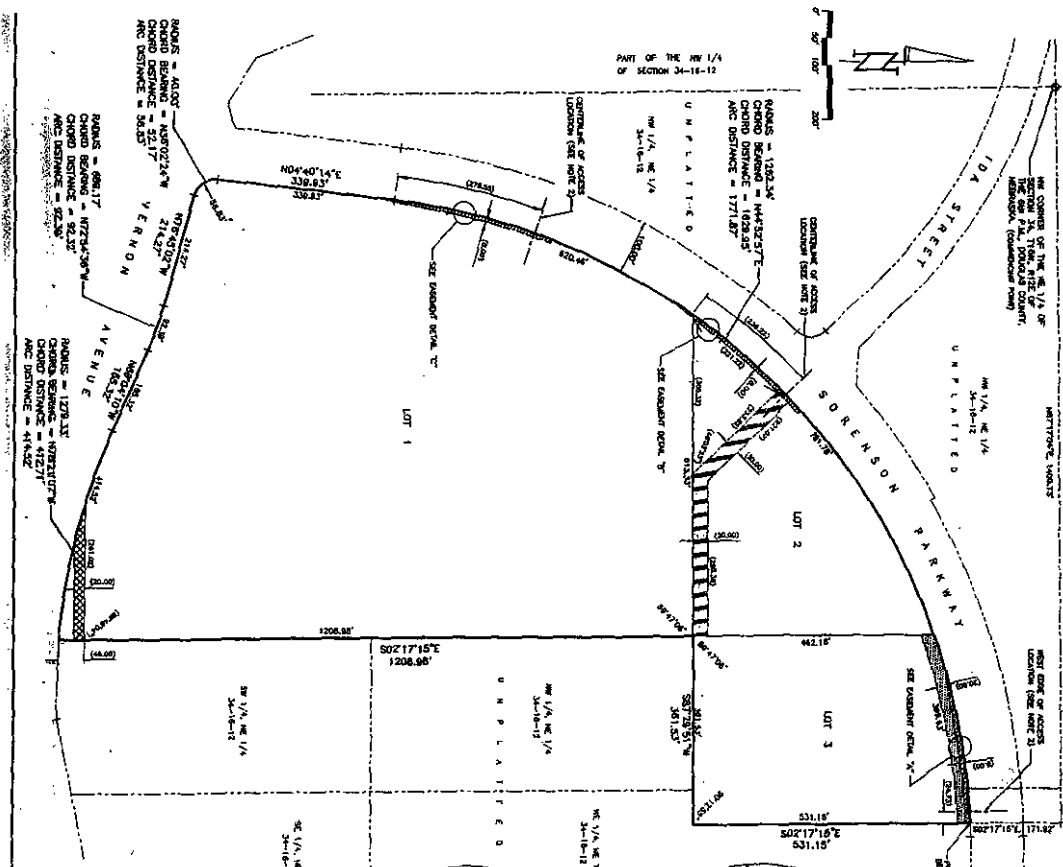


My Commission Expires 11/5/2005

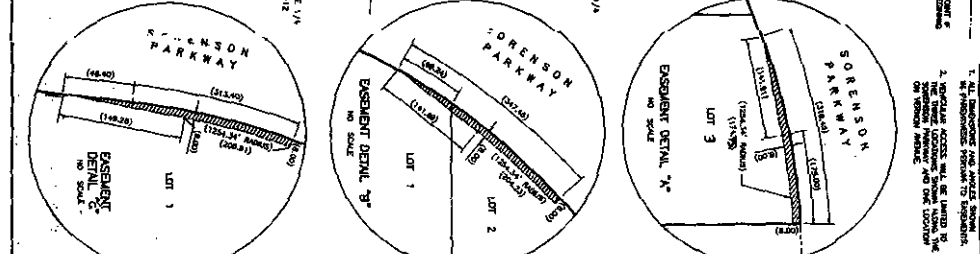
EXHIBIT A

IRVINGTON TECHNOLOGY PARK

BEING A PLATTING OF PART OF THE NE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE NE 1/4 AND THE SE 1/4 OF THE NE 1/4 OF SECTION 24, T14N, R10E OF THE 186TH MERIDIAN, DODD COUNTY, MISSOURI.



- 1. 20' wide, 100' long easement for utility lines.
- 2. 10' wide easement for utility lines.
- 3. 5' wide easement for utility lines.
- 4. 10' wide easement for utility lines.
- 5. 10' wide easement for utility lines.
- 6. 10' wide easement for utility lines.
- 7. 10' wide easement for utility lines.
- 8. 10' wide easement for utility lines.
- 9. 10' wide easement for utility lines.
- 10. 10' wide easement for utility lines.



SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed Surveyor in the State of Missouri, do hereby certify that I am the author of the foregoing platting, and that the same is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri, and that the same is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri.

Dated this 1st day of March, 2001.

[Signature]
Surveyor

KNOW ALL MEN BY THESE PRESENTS, that the above and foregoing platting, together with the certificate hereon, is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri.

Dated this 1st day of March, 2001.

[Signature]
Surveyor

COUNTY TREASURER'S CERTIFICATE

I, the undersigned, being a duly licensed County Treasurer in the State of Missouri, do hereby certify that I am the author of the foregoing platting, and that the same is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri.

Dated this 1st day of March, 2001.

[Signature]
County Treasurer

APPROVAL OF CITY ENGINEER

I, the undersigned, being a duly licensed City Engineer in the State of Missouri, do hereby certify that I am the author of the foregoing platting, and that the same is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri.

Dated this 1st day of March, 2001.

[Signature]
City Engineer

APPROVAL OF BOARD OF SURVEYORS

I, the undersigned, being a duly licensed Board of Surveyors in the State of Missouri, do hereby certify that I am the author of the foregoing platting, and that the same is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri.

Dated this 1st day of March, 2001.

[Signature]
Board of Surveyors

APPROVAL OF DODD COUNTY BOARD OF SURVEYORS

I, the undersigned, being a duly licensed Dodd County Board of Surveyors in the State of Missouri, do hereby certify that I am the author of the foregoing platting, and that the same is a true and correct representation of the actual survey made by me or under my direction and supervision, and that the same is in accordance with the laws and regulations of the State of Missouri.

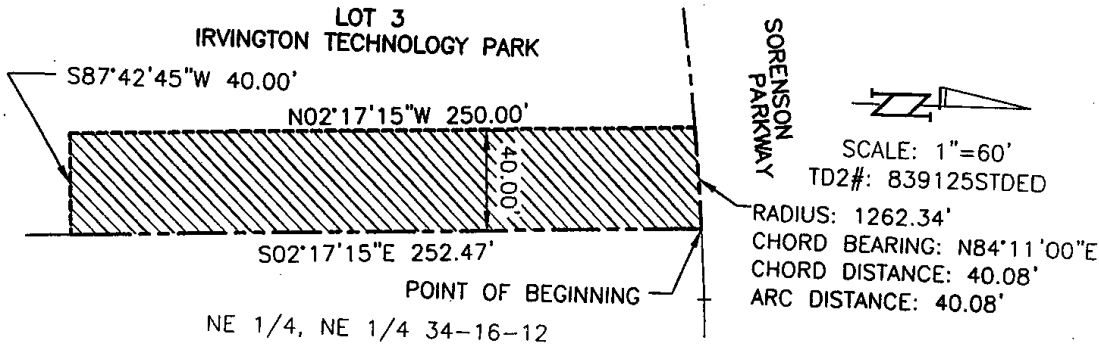
Dated this 1st day of March, 2001.

[Signature]
Dodd County Board of Surveyors

SCALE	1" = 100'
DATE	MARCH 5, 2001
BY	[Signature]
CHECKED BY	[Signature]

2 THOMPSON, DRESSSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
4150 OLD MILL ROAD
ST. LOUIS, MO 63110
(314) 524-0500

IRVINGTON TECHNOLOGY PARK
FINAL PLAT



DEDICATION: KNOW ALL PERSONS BY THESE PRESENTS: THAT WE, FIRST DATA RESOURCES INC., A DELAWARE CORPORATION, SOLE OWNERS OF THE 40 FOOT WIDE STRIP OF LAND DESCRIBED BELOW AND EMBRACED WITHIN THE ABOVE PLAT AND SHOWN AS RIGHT-OF-WAY FOR 87TH STREET HEREBY DEDICATES TO THE PUBLIC FOR PUBLIC USE THE SAID 40 FOOT STRIP FOR STREET PURPOSES TO BE HEREAFTER KNOWN AS 87TH STREET.

FIRST DATA RESOURCES INC.,
A DELAWARE CORPORATION

BY: _____

LEGAL DESCRIPTION:

THAT PART OF LOT 3, IRVINGTON TECHNOLOGY PARK, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 3; THENCE S02°17'15"E (ASSUMED BEARING) 252.47 FEET ON THE EAST LINE OF SAID LOT 3; THENCE S87°42'45"W 40.00 FEET; THENCE N02°17'15"W 250.00 FEET ON A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 3 TO THE NORTH LINE THEREOF; THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 3 ON A NON-TANGENT 1262.34 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N84°11'00"E, CHORD DISTANCE 40.08 FEET, AN ARC DISTANCE OF 40.08 FEET TO THE POINT OF BEGINNING.

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) s.s.
COUNTY OF DOUGLAS)
ON THIS _____ DAY OF _____, 2004, BEFORE ME A NOTARY PUBLIC,
DULY QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED _____, ON BEHALF OF FIRST DATA
RESOURCES, INC., A DELAWARE CORPORATION, WHO IS PERSONALLY KNOWN TO ME TO BE THE
IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT AND THEY
ACKNOWLEDGED THE SIGNING OF THE SAME TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

APPROVALS: ABOVE PLAT AND DEDICATION RECOMMENDED FOR APPROVAL BY:

CITY ENGINEER: _____ DATE: _____

PLANNING DIRECTOR: _____ DATE: _____

THIS PLAT AND DEDICATION APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF OMAHA THIS _____ DAY OF _____, 2004.

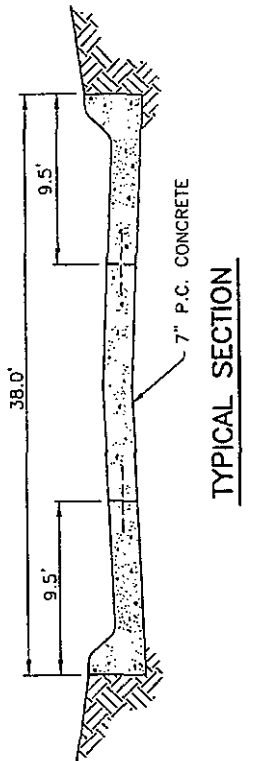
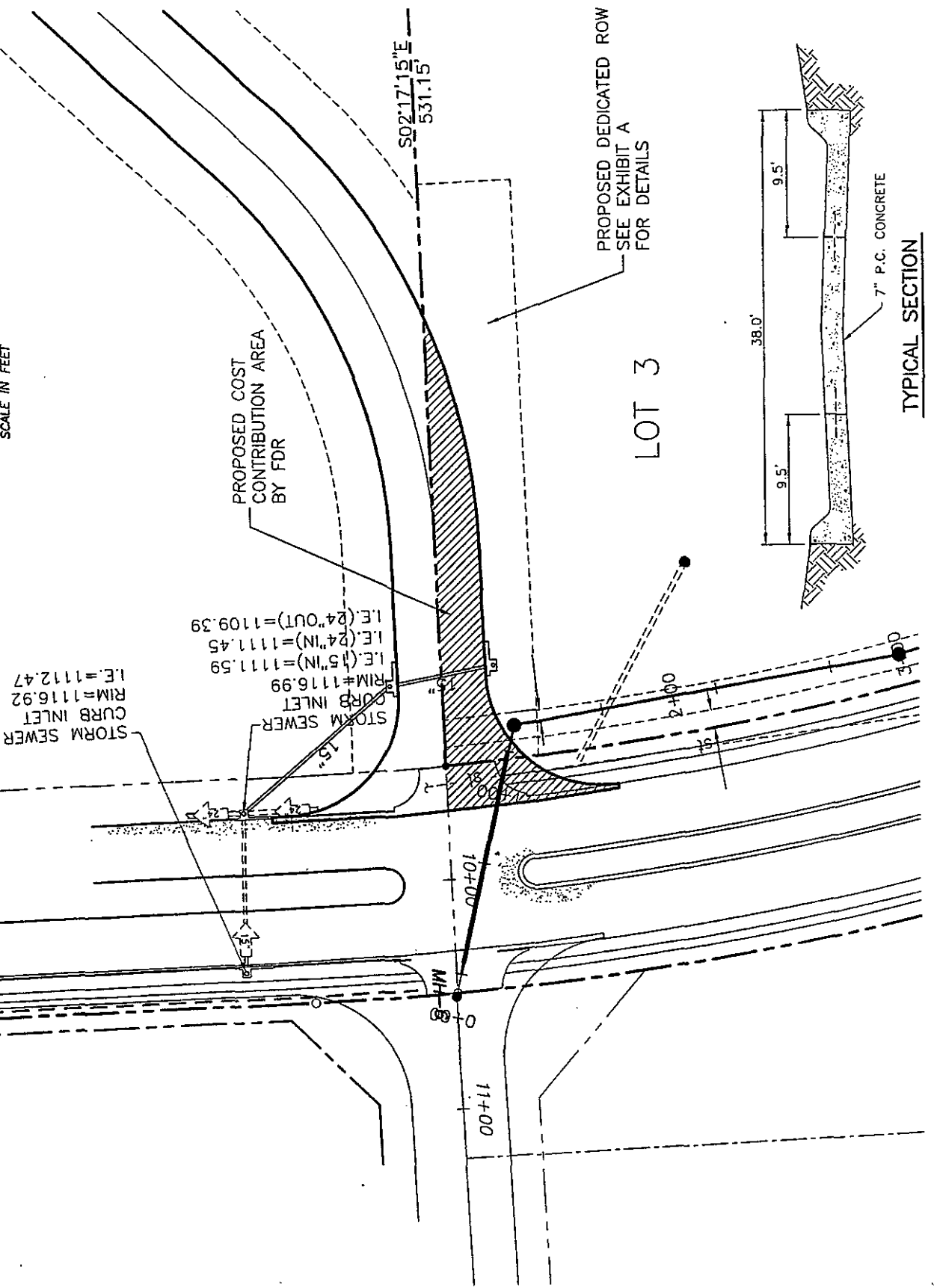
ATTEST: _____ MAYOR: _____
 CITY CLERK

PRESIDENT, CITY COUNCIL: _____

REVISIONS:
CHECKED BY: JMK
DRAWN BY: RTM
DATE: 3-10-2003
SCALE: AS SHOWN

FIRST DATA RESOURCES
 EXHIBIT "C"
 IRVINGTON TECH. PARK
 LOT 3 IMPROVEMENTS

JOB #: 839-125
 DWG: 839-125EXHIBITC.DWG
 2 THOMPSON, DRESSEN & DORNER, INC.
 Consulting Engineers & Land Surveyors
 10838 OLD MILL ROAD OMAHA, NEBRASKA 68154
 PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAL@TD2CO.COM
 WEBSITE: WWW.TD2CO.COM



PROPOSED DEDICATED ROW
 SEE EXHIBIT A
 FOR DETAILS

LOT 3

PROPOSED COST
 CONTRIBUTION AREA
 BY FDR

STORM SEWER
 CURB INLET
 RIM=1116.92
 I.E.=1112.47

STORM SEWER
 CURB INLET
 RIM=1116.99
 I.E.(15\"/>

S02.17'15\"/>
 531.15

10+00
 11+00
 2+00
 1+00