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**COVER PAGE FOR RECORDING**

1. Title of Document: First Amendment to Memorandum of Lease
2. Date of Document: December 16, 2022
3. Grantor(s): Westroads Investors, LLC  
c/o Drake Development, LLC  
Attn: Matthew Pennington  
7200 W. 132nd Street, Suite 150  
Overland Park, KS 66213
4. Grantee(s): Chipotle Mexican Grill, Inc.  
500 Neil Ave, Suite 400  
Columbus, OH 43215
5. Legal Description/Address: See **Exhibit A-1**
6. Book and Page Reference: 2021119033

**Please return a copy to:**

Levy Craig Law Firm  
Attn: Jeff Bauer  
4520 Main Street, Suite 1600  
Kansas City, Missouri 64111

**FIRST AMENDMENT TO MEMORANDUM OF LEASE**

This First Amendment to Memorandum of Lease ("Amendment") is made this 16<sup>th</sup> day of December, 2022 (the "Effective Date"), by and between **Westroads Investors, LLC**, a Nebraska limited liability company ("Landlord"), whose address is c/o Drake Development, LLC, Attn: Matthew Pennington, 7200 W. 132<sup>nd</sup> Street, Suite 150, Overland Park, KS 66213 and **Chipotle Mexican Grill, Inc.**, a Delaware corporation ("Tenant"), whose address is 500 Neil Ave, Suite 400, Columbus, OH 43215.

RECITALS

1. Landlord and Tenant entered into that certain Lease dated June 12, 2019 (the "Original Lease"), as amended by that certain Amendment to Lease dated as of October 25, 2019, (the "First Amendment to Lease") and as amended by that certain Second Amendment to Lease dated as of December 14, 2022 (the "Second Amendment to Lease"; collectively with the Original Lease and the First Amendment to Lease, the "Lease") whereby Landlord leased to Tenant the Premises (as defined in the Lease) situated on certain land located in the City of Omaha, County of Douglas, State of Nebraska (the "Lot").

A. In connection with the Lease, Landlord and Tenant entered into that certain Memorandum of Lease dated August 31, 2021, recorded as Instrument No. 2021119033 in the Douglas County, Nebraska Register of Deeds the ("Memorandum of Lease"), which Memorandum of Lease encumbers the Lot as defined in the Original Lease.

B. Landlord caused the Lot to be re-platted as set forth on that certain Putt'n Place Replat Two, recorded in the office of the Register of Deeds for Douglas County, Nebraska, on December 6, 2022, as Instrument No. 2022116652 (the "Re-Plat").

C. Pursuant to the Second Amendment to Lease, Landlord and Tenant have modified the Lease to redefine the boundary of the Lot to be consistent with the Re-Plat.

D. Landlord and Tenant desire to amend the Memorandum of Lease to reflect the modification of the Lot.

NOW, THEREFORE, Landlord and Tenant hereby state the following for recording purposes:

1. **Defined Terms**. All capitalized words and terms not defined herein shall have the definitions as set forth in the Memorandum of Lease.

2. **Legal Description and Partial Release**. Exhibit A to the Memorandum of Lease, attached hereto for clarity as **Exhibit A**, is hereby deleted in its entirety and replaced with **Exhibit A-1**, attached hereto and incorporated herein. Any portion of the Lot that was originally encumbered by the Memorandum of Lease, but is not included on **Exhibit A-1**, attached hereto, is hereby released from the Lease and the Memorandum of Lease, such that only the Lot as legally described on **Exhibit A-1** shall be so encumbered from and after the date hereof.

3. **Miscellaneous**. This Amendment to Memorandum of Lease has been executed for recording purposes only. In the event of any conflicts between the provisions of this Amendment to Memorandum of Lease and the provisions of the Lease, as amended, the provisions of the Lease, as amended, shall prevail. This Amendment to Memorandum of Lease may be executed with counterpart signature pages or in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. This Amendment to Memorandum of Lease shall be governed by, and construed under, the laws of the State of Nebraska.

*[Signature Pages to Follow.]*

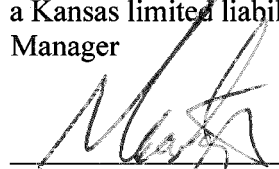


**LANDLORD:**

**WESTROADS INVESTORS, LLC,**  
a Nebraska limited liability company

By: DRAKE WESTROADS, LLC  
a Nebraska limited liability company  
Its: Co-Manager

By: OMAHA INVESTORS, LLC  
a Kansas limited liability company  
Its: Manager

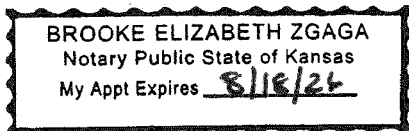
  
\_\_\_\_\_  
Matt Pennington, Manager


Date: 12/14/22

State of KS )  
County of JOHNSON )

I, BROOKE ZGAGA, a notary public in and for said County, in the aforesaid State, do hereby certify that Matt Pennington, Co-Manager of Westroads Investors, LLC, a Nebraska limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument, pursuant to authority given to him by said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 14 day of DECEMBER, 2022.



  
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Notary Public

Commission Expires: AUG. 18, 2026

By: WOODSONIA 730-908 N 102<sup>nd</sup>, LLC  
a Nebraska limited liability company  
Its: Co-Manager

By: DREW SNYDER REAL ESTATE, LLC  
a Kansas limited liability company  
Its: Manager

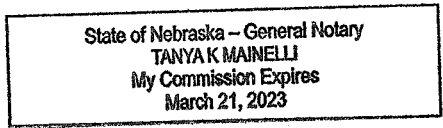
*Drew Snyder*  
Drew Snyder, Manager

Date: December 15, 2022

State of Nebraska )  
County of Douglas )

I, Tanya K Mainelli, a notary public in and for said County, in the aforesaid State, do hereby certify that Drew Snyder, Co-Manager of Westroads Investors, LLC, a Nebraska limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument, pursuant to authority given to him by said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 15 day of December, 2022.



*Tanya K Mainelli*  
Notary Public

Commission Expires: March 21, 2023

**EXHIBIT A**

**Original Legal Description of the Lot**

LOT 1, PUTT'N PLACE REPLAT ONE LOTS 1 AND 2, BEING A REPLATTING OF LOTS 2  
AND 3, PUTT'N PLACE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA

**EXHIBIT A-1**

**Amended Legal Description of the Lot**

LOT 2, PUTT'N PLACE REPLAT TWO, LOTS 1, 2 AND 3, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON DECEMBER 6, 2022, AS INSTRUMENT NO. 2022116652, BEING A REPLATTING OF LOT 1, PUTT'N PLACE, LOTS 1, 2, 3 AND OUTLOT "A", ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 13, 2018, AS INSTRUMENT NO. 2018033180, LOT 1 AND LOT 2, PUTT'N PLACE REPLAT ONE, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON SEPTEMBER 5, 2019, AS INSTRUMENT NO. 2019072237, A PORTION OF LOT 1, H&H WESTROADS, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, NEBRASKA, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 6, 2019, AS INSTRUMENT NO. 201902858.