



MISC 2007017528



FEB 13 2007 15:36 P 5

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
2/13/2007 15:36:23.88



2007017528

Return recorded copy to: Jerry M. Slusky, Suite 300, 17445 Arbor Street, Omaha, Nebraska 68130

**DECLARATION OF RESTRICTIONS AND COVENANTS
FOR LOTS 5, 6, 7 AND 11 OF CENTER RIDGE
IN OMAHA, DOUGLAS COUNTY, NEBRASKA**

THIS DECLARATION, made on the date hereinafter set forth, is made by Sanitary and Improvement District No. 512, a Nebraska municipal body ("SID 512") and 192 Center Street, L.L.C., a Nebraska limited liability company, Fireworks Center Street Property Holdings, L.L.C., a Nebraska limited liability company, Lazlo's Center Street Property Holdings, L.L.C., a Nebraska limited liability company, and Telesis Center Street Property Holdings, L.L.C., a Nebraska limited liability company (collectively referred to herein as "Declarant").

PRELIMINARY STATEMENT

The Declarant is the owner of certain real property located within Douglas County, Nebraska, and described as follows:

Lots 5, 6, 7 and 11, inclusive, in Center Ridge, A
Subdivision, as surveyed, platted and recorded in Douglas
County, Nebraska.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot".

The Declarant desires to provide for the preservation of the integrity and amenities of Center Ridge, and for the acquisition, construction and maintenance, use and enjoyment of the Lots.

SID 512 is party to an Interlocal Cooperation Agreement with the City of Omaha, Douglas County and Sanitary and Improvement District No. 367 ("SID 367"), for the widening and improvement of 192nd Street abutting the Lots on the west side of 192nd Street.

SID 367 requires, as part of its agreement to enter into the Interlocal Cooperation Agreement with SID 512, that exterior lighting restrictions and buffer areas be imposed

GROS 1 38500.

Misc 27.00 FB OC-06110-
B 5/4 C/O COMP 82
DEL SCAN FV

and enforced on the Lots in order to protect the quiet use and enjoyment of certain lots within SID 367 abutting 192nd Street on the east side of 192nd Street and directly across 192nd Street from the Lots.

Declarant and SID 512 desire that SID 367, the City of Omaha and Douglas County enter into the Interlocal Cooperation Agreement for the benefit of Center Ridge and the Lots.

NOW, THEREFORE, the Declarant hereby declares that each and all of the Lots shall be held, sold and conveyed subject to the following restrictions, covenants, conditions and easements, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Lots, ensuring vehicular access and safety, and maintaining the quiet enjoyment of the property owners in SID 367. These restrictions, covenants, conditions and easements shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in each Lot, or any part thereof, as is more fully described herein. The Lots are, and each Lot is, and shall be subject to all and each of the following conditions and other terms:

ARTICLE I. RESTRICTIONS AND COVENANTS

1. Each Lot shall restrict the type and quality of exterior lighting to sharp, cutback lighting fixtures.

2. It is further provided that there shall be a landscaped "Buffer Zone" provided for along the entire west boundary of the Lots. The Buffer Zone is permanent. The grading and landscaping of the Buffer Zone shall be in substantial compliance with the details provided on the attached Exhibit "A", which is incorporated herein by this reference. Notwithstanding the foregoing, all or any portion of the Buffer Zone may be released from the restrictions thereon by the owners of Lots 35 through 41 inclusive, and Lots 49 and 50, all in Fairway Ridge, a subdivision in Douglas County, Nebraska (the "Adjacent Fairway Owners"), upon a written release executed by eight (8) or more of the Adjacent Fairway Owners (hereafter a "Majority") or upon the written release executed by the Board of Trustees of SID 367. No grading of the property or reduction of the landscaping located within the Buffer Zone as described on Exhibit "A" shall be allowed unless first approved by a Majority of the Adjacent Fairway Owners or SID 367.

ARTICLE II. GENERAL PROVISIONS

1. The authority and powers granted to enforce the above declarations and covenants are specific to the Adjacent Fairway Owners and SID 367. Only a Majority of the Adjacent Fairway Owners or the Board of Trustees of SID 367 may enforce the covenants and declarations contained in this Declaration through a proceeding at law or in equity either to prevent or restrain any violation or to recover damages of such violation. Failure by the Board of Trustees of SID 367 or the Adjacent Fairway owners to

enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter for similar or additional violations.

2. The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity. This Declaration may be amended only by an instrument signed by the owner or owners of the Lot or Lots affected, and either (i) a Majority of the Adjacent Fairway Owners or (ii) the Board of Trustees of SID 367.

3. Invalidation of any covenant by judgment or court order shall in no way affect any other provision hereof, which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 13th day of FEBRUARY, 2007.

SANITARY AND IMPROVEMENT DISTRICT
512 OF DOUGLAS COUNTY

By:
Secretary ~~CLERK~~

By:
Its: CHAIRMAN

APPROVED AS TO FORM:

SID Attorney

192 CENTER STREET, L.L.C., "Declarant"

By:
Its: AUTHORIZED MEMBER

FIREWORKS CENTER STREET
PROPERTY HOLDINGS, L.L.C., "Declarant"

By:
Its: PRESIDENT

LAZLO'S CENTER STREET PROPERTY
HOLDINGS, L.L.C., "Declarant"

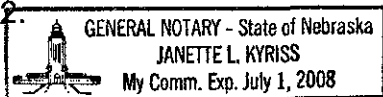
By: *Lazlo C. Mulla*
Its: President

TELESIS CENTER STREET PROPERTY
HOLDINGS, L.L.C., "Declarant"

By: *Lazlo C. Mulla*
Its: President

STATE OF NEBRASKA)
) SS.:
COUNTY OF DOUGLAS)

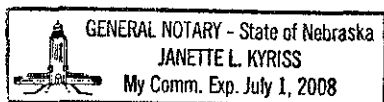
The foregoing instrument was executed before me this 13th day of FEBRUARY, 2007, by JOHN A. MABREY, the CHAIRMAN of Sanitary and Improvement District No. 512, a Nebraska municipal body ("SID 512"), and acknowledged by him to be the duly authorized and voluntary act and deed of SID 512. JOHN A. MABREY is personally known to me, or identified through satisfactory evidence, to be the identical person executing this Declaration on behalf of SID 512.



Janette L. Kyriess
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

The foregoing instrument was executed before me this 13th day of FEBRUARY, 2007, by JOHN A. MABREY on behalf of and as the duly authorized representative of 192 Center Street, L.L.C., a Nebraska limited liability company, the Declarant, personally known to me, or identified through satisfactory evidence, to be the identical person executing this Declaration on behalf of Declarant.



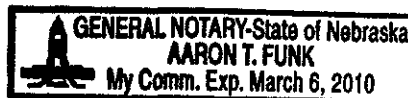
Janette L. Kyriess
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF LANCASTER)

The foregoing instrument was executed before me this 5th day of FEBRUARY, 2007, by **Scott C. Miller** on behalf of and as the duly authorized representative of FIREWORKS CENTER STREET PROPERTY HOLDINGS, L.L.C., a Nebraska limited liability company, the Declarant, personally known to me, or identified through satisfactory evidence, to be the identical person executing this Declaration on behalf of Declarant.

Aaron T. Funk
Notary Public

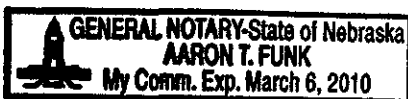
STATE OF NEBRASKA)
) SS.
COUNTY OF LANCASTER)



The foregoing instrument was executed before me this 5th day of FEBRUARY, 2007, by **Scott C. Miller** on behalf of and as the duly authorized representative of LAZLO'S CENTER STREET PROPERTY HOLDINGS, L.L.C., a Nebraska limited liability company, the Declarant, personally known to me, or identified through satisfactory evidence, to be the identical person executing this Declaration on behalf of Declarant.

Aaron T. Funk
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF LANCASTER)



The foregoing instrument was executed before me this 5th day of FEBRUARY, 2007, by **Scott C. Miller** on behalf of and as the duly authorized representative of TELESIS CENTER STREET PROPERTY HOLDINGS, L.L.C., a Nebraska limited liability company, the Declarant, personally known to me, or identified through satisfactory evidence, to be the identical person executing this Declaration on behalf of Declarant.

Aaron T. Funk
Notary Public

