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*(Space above reserved for Recorder of Deeds certification)*

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
6300 ARBOR STREET DEVELOPMENT  
OMAHA, DOUGLAS COUNTY, NEBRASKA

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Return to:  
Kendra J. Ringenberg  
1125 South 103rd Street, Suite 425  
Omaha, Ne 68124

DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR 6300 ARBOR STREET DEVELOPMENT

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 6300 ARBOR STREET DEVELOPMENT is made and entered into as of 1 April, 2014 (the "Effective Date"), by and among the AK-SAR-BEN FUTURE TRUST, a Nebraska non-profit corporation ("AFT") and 6300 ARBOR STREET, LLC, a Nebraska limited liability company ("Owner").

WHEREAS, Owner is the record owner of that certain real property commonly known as 6300 Arbor Street in Omaha, Douglas County, Nebraska, as legally described on Exhibit A attached hereto and incorporated herein by this reference ("Arbor Property");

WHEREAS, AFT is the master developer of that certain real property commonly known as Aksarben Village in Omaha, Douglas County, Nebraska, as legally described on Exhibit B attached hereto and incorporated herein by this reference ("Village Project"), which Village Project is located in close proximity to the Arbor Property;

WHEREAS, Village Project, as well as other surrounding property, is governed by that certain Declaration of Covenants, Conditions and Restrictions dated as of August 2, 2007 and (recorded August 15, 2007 as Instrument Number 2007093504 in the Office of the Register of Deeds, Douglas County, Nebraska, as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Aksarben Village, dated June 8, 2009 and recorded June 12, 2009 as Instrument Number 2009061484 in the Office of the Register of Deeds, Douglas County, Nebraska (collectively, "Declaration");

WHEREAS, Owner has agreed that the Arbor Property shall be subject to the terms of the Declaration except as expressly set forth herein and shall be also be subject to the following use restriction.

NOW, THEREFORE, in consideration of the foregoing promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Terms. All terms capitalized herein and not otherwise defined shall have the meanings ascribed to them in the Declaration.

2. Declaration. The Arbor Property shall be subject to the Declaration and all the terms and conditions in the Declaration shall apply to the Arbor Property as if it was part of the Village Area (as defined in the Declaration), including but not limited to, the design guidelines and approval of the Architectural Control Committee. In addition, the following specific provisions shall apply to the Arbor Property:

a. Permitted Uses. Subject to applicable zoning and other laws, the Arbor Property may be used only for any of the designated uses provided for the Village Area (as defined in the Declaration).

b. Association. Unless agreed to by the record owner of the Arbor Property, it is understood that the Arbor Property shall not be deemed to be part of the Village Area for purposes of the Master Property Owners Association (as defined in the Declaration) (the "Association") and, accordingly, the Arbor Property shall not be a Voting Owner of the Association and shall not be subject to general or special assessments assessed to the members of the Association.

3. Counterpart Execution. This Declaration may be executed in multiple counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties hereto.

**[Remainder of Page Intentionally Left Blank and Signature Page Follows.]**



Exhibit A

Arbor Property Legal Description

Parcel 1:

55-00220

The West 75 feet of the North 140 feet of Lot 20, in Ak-Sar-Ben Acres, An Addition to the City of Omaha, As Surveyed, Platted and Recorded in Douglas County, Nebraska.

Parcel 2:

55-00220

All of Lots 17 and 18, together with Lot 19 except the North 30.00 feet of the West 33.80 feet thereof, together with Lot 20 except the North 30.00 feet of the East 56.20 feet thereof and except the North 140.00 feet of the West 75.00 feet thereof, together with Lot 21 except the West 20.00 feet thereof, all in Aksarben Acres, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, together with that part of the SW ¼ of the SE¼ of Section 25, Township 15 North, Range 12 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska described as follows: Beginning at the point of intersection of the East line of 64<sup>th</sup> Street and the South line of Lot 21 said Aksarben Acres said point being 20.00 feet East of the Southwest corner of said Lot 21; thence South (assumed bearing) 173.74 feet on the East line of 64<sup>th</sup> Street; thence South 82° 20' 43" East 20.27 feet; thence North 59° 12' 24" East 40.79 feet; thence North 53° 45' 34" East 13.81 feet; thence North 48° 02' 48" East 58.12 feet; thence North 42° 00' 29" East 61.65 feet; thence North 47° 39' 46" East 26.57 feet; thence North 55° 34' 48" East 40.64 feet; thence North 70° 37' 58" East 56.21 feet; thence North 75° 24' 18" East 10.88 feet to the South line of Lot 19 said Aksarben Acres; thence North 89° 53' 50" West 267.48 feet on the South line of Lots 19, 20 and 21 said Aksarben Acres to the point of beginning; together with that part of vacated Castelar Street described as follows: Beginning at the Northeast corner of Lot 17 said Aksarben Acres; thence West (assumed bearing) 340.50 feet on the South line of vacated Castelar Street to a point 33.80 feet East of the Northwest corner of Lot 19 said Aksarben Acres; thence North 00° 25' 05" West 39.80 feet on the Northerly extension of the East line of the West 33.80 feet of Lot 19 said Aksarben Acres; thence North 89° 12' 23" East 240.43 feet to a point 100.00 feet West of the West line of 63<sup>rd</sup> Street; thence South 00° 30' 57" East 18.13 feet on a line 100.00 feet West of and parallel to the West line 63<sup>rd</sup> Street to the centerline of vacated Castelar Street; thence East 100.00 feet on the centerline of vacated Castelar Street to the West line of 63<sup>rd</sup> Street; thence South 00° 30' 57" East 25.00 feet on the West line of 63<sup>rd</sup> Street to the point of beginning.

Parcel 3:

01-60000

That part of the abandoned Missouri Pacific Railroad Right of Way lying within the SE ¼ of the SE ¼ of Section 25, Township 15 North, Range 12 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the point of intersection of the North line of said abandoned railroad and the Northerly extension of the East line of the West ½ of Lot 11, Block 1, said Westlawn Park; thence S 00° 27' 22" E (assumed bearing) 31.83 feet on said extension to the point of beginning; thence S 70° 45' 51" W, 324.00 feet; thence N 00° 25' 59" W, 41.17 feet to the Northerly line of said abandoned railroad; thence Southwesterly on the Northerly line of said abandoned railroad on a 3379.10 foot radius curve to the left,

chord bearing S 63°48'59" W, chord distance 684.92 feet, an arc distance of 686.10 feet to a point of compound curve; thence Southwesterly on the Northerly line of said abandoned railroad on a 1953.47 foot radius curve to the left, chord bearing S 57°19'43" W, chord distance 45.76 feet, an arc distance of 45.76 feet to the North line of Arbor Street; thence N 89°46'46" E, 192.91 feet on the North line of Arbor Street to the Southerly line of said abandoned railroad; thence Northeasterly on the Southerly line of said abandoned railroad on a 3279.10 foot radius curve to the right, chord bearing N 67°20'50" E, chord distance 831.16 feet, an arc distance of 833.40 feet to the Northeast corner of the West ½ of Lot 11, Block 1, said Westlawn Park; thence N 00°27'22" West, 71.64 feet on the Northerly extension of the East line of the West ½ of said Lot 11 to the point of beginning, EXCEPT land described in Corporation Special Warranty Deed granted to Triple "N" Enterprises L.L.C., a Nebraska Limited Liability Company, filed July 23, 1997 in Book 2066 at Page 401 and EXCEPT land described in Corporation Special Warranty Deed granted to Steril Manufacturing Co., Inc., a Nebraska Corporation, filed July 23, 1997 in Book 2066 at Page 407.

Parcel 4:

**55-42700**

The South 41.00 feet of Lots 13 and 10 and the South ½ of Lots 8 and 9, all in Block 4, together with the North ½ of vacated Castelar Street and the West ½ of vacated 62<sup>nd</sup> Street adjoining said lots, together with Lots 1 thru 6 inclusive, all in Block 5, together with the South ½ of vacated Castelar Street and the West ½ of vacated 62<sup>nd</sup> Street and all of vacated 63<sup>rd</sup> Street adjoining said Lots, all in West Lawn Park, An Addition to the City of Omaha, As Surveyed, Platted and Recorded in Douglas County, Nebraska.

Parcel 5:

**55-42700**

All of Lot 7, Block 4, West Lawn Park, an addition to the City of Omaha, together with the North half of vacated Castelar Street adjoining on the South, Douglas County, Nebraska, except for that part granted to the City of Omaha, Nebraska, a Municipal Corporation filed September 10, 2007 in Instrument No. 2007103718.

**Exhibit B**

**Village Project Legal Description**

**55-00231** **55-00231**  
Lots One (1), Two (2), Six (6) and Nine (9), Aksarben Village, an addition to the City of Omaha, Douglas County, Nebraska.

**55-00233** **55-00244**  
Lot One (1), Aksarben Village Replat 2, an addition to the City of Omaha, Douglas County, Nebraska.

**55-00234** **55-00234**  
Lots One (1) and two (2) , Aksarben Village Replat 3, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00235** **55-00231**  
Lots One (1) and Two (2), Aksarben Village Replat 4, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00239** **55-00239**  
Lots One (1), Three (3) and Four (4), Aksarben Village Replat 6, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-09430** **55-09430**  
Unite AKV1, AKV2, and AKV3 in DLR AKV Condominium Property Regime, pursuant to Declaration and Master Deed of DLR AKV Condominium Property Regime recorded April 28, 2011 as Instrument No. 2011036810 in the Office of the Register of Deeds, Douglas County, all being a part of the City of Omaha, Douglas County, Nebraska.

**55-09430** **55-00241**  
Lot One (1), Aksarben Village Replat 9, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00242** **55-00242**  
Lot Two (2), Aksarben Village Replat 10, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00245** **55-00245**  
Units 1 and 2, Aksarben Village Garage Condominium, a condominium created by Condominium Declaration recorded in the office of the Register of Deeds of Douglas County, Nebraska on October 19, 2010 as Instrument No. 2010096824.

**55-00243** **55-00243**  
Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), Aksarben Village Replat 11, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00244** **55-00244**  
Lots One (1), Two (2), Aksarben Village Replat 12, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00243** **55-00246**  
Lots One (1), Two (2), Aksarben Village Replat 13, an addition to the City Of Omaha, Douglas County, Nebraska.

**55-00249** **55-00249**  
Lots One (1), Two (2), Aksarben Village Replat 14, an addition to the City Of Omaha, Douglas County, Nebraska.