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SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR VILLAGE GARDENS VILLAGE CENTER

The undersigned, constituting the "Declarant" under the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR VILLAGE GARDENS VILLAGE CENTER dated November 21, 2006, and filed of record with the Lancaster County Register of Deeds as Instrument No. 2006-058920 ("Declaration") as amended, does hereby amend the Declaration for the properties legally described below:

Lots 3 and 4, Block 1; and Lot 1, Block 3, all in Village Gardens 1st Addition, Lincoln, Lancaster County, Nebraska; Lots 1, 3, 4, 5, 6; and Outlots A, B, C, D, E, F, G, H, and I, all in Village Gardens 6th Addition, Lincoln, Lancaster County, Nebraska; Lots 1 and 2, Village Gardens 8th Addition, Lincoln, Lancaster County, Nebraska; and Units 1, 2 and 3, Carriage House Condominium Property Regime, Lincoln, Lancaster County, Nebraska; according to Declaration and Master Deed of Carriage House Condominium Property Regime, dated July 13, 2009, recorded July 14, 2009 as Inst. No. 2009-038884 in the records of Lancaster County, Nebraska.

The term "Required Number of Parking Stalls" as defined in Article I of the Declaration is hereby amended and restated as follows:

"Required Number of Parking Stalls" shall mean and refer to the number of parking stalls required by the then current City of Lincoln Municipal Code Section 27.67.040 or similar ordinance by calculating one (1) parking stall per fifty (50) square feet of the largest assembly area of the Improvement to be constructed on a Type H Lot, less the on-site parking stalls available on the Type H Lot, and less any public street or private roadway parking stalls directly abutting the Type H Lot. Provided, however, that the Required Number of Parking Stalls for a combined Civic/Community use and Early Childhood Care Facility located on a Type H Lot in the Village Center shall be 82 parking stalls based upon a 10,000 square foot area of largest assembly area and 270 children and 30 full time staff members as set forth in the Village Gardens PUD, as amended, minus the number of on-site parking stalls available on the Type H Lot, and less any public street or private roadway parking stalls directly abutting the Type H Lot."

Subsection (a) of Section 7 of the Declaration is hereby amended and restated as follows:

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"(a) Required Number of Parking Stalls. The Required Number of Parking Stalls will be determined by the VGAC in conjunction with the approval of the Lot Development Plan in *Article II, Section 2, Plan Approval*, and determined in accordance with the definition of "Required Number of Parking Stalls" as set forth in Article I of this Declaration. Type H Lots are only required to contribute towards Association Maintenance Dues if the Required Number of Parking Stalls is a positive number, and then only in proportion to the Required Number of Parking Stalls compared to the total number of public access parking stalls in the Village Center."

All other terms and conditions of the Declaration, as amended and except as further amended herein, shall remain in full force and effect. In the event of a conflict between the terms of this Second Amendment and the terms of the Declaration or any other amendment, the terms of this Second Amendment shall control. Capitalized terms used herein and not defined herein have the same meaning as in the Declaration.

IN WITNESS WHEREOF, the Declarant has caused this Second Amendment to be executed this 31st day of MARCH, 2010.

DECLARANT:

**VILLAGE GARDENS
DEVELOPMENT COMPANY, LLC,**

BY: *Richard B. Campbell*
Richard B. Campbell, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 31st day of MARCH, 2010, by Richard B. Campbell, Manager of Village Gardens Development Company, LLC, who is personally known to me.

Sandy Priefert
Notary Public



APPROVAL OF TYPE H LOT OWNER
TRINITY UNITED METHODIST CHURCH OF LINCOLN
TO SECOND AMENDMENT

Trinity United Methodist Church of Lincoln, which is the only current owner of a Type H Lot within the Village Gardens Village Center which Type H Lot is legally described as Lot 1, Block 3 Village Gardens 1st Addition, Lincoln, Lancaster County, Nebraska hereby gives its consent and approval in writing to the adoption of the Second Amendment provided hereinabove.

DATED: April 21, 200¹⁰~~9~~

**TRINITY UNITED METHODIST
CHURCH OF LINCOLN**

BY: Rev Jim Keyser
Senior Pastor, Its _____