

FILED SARPY CO. NE.  
INSTRUMENT NUMBER

2003-47622

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*Shirley J. Davis*  
REGISTER OF DEEDS

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**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS FOR A PART OF EAGLE HILLS,  
A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

This First Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements for a Part of Eagle Hills, a Subdivision in Sarpy County, Nebraska (the "Declaration"), dated June 27, 2003, and recorded with the Sarpy County Register of Deeds on June 27, 2003, as Instrument No. 2003-35327, by Eagle Ridge Development Company, a Nebraska corporation (the "Declarant").

**Preliminary Statement**

The Declaration was made by Declarant in connection with the development of the real estate legally described as follows:

Lots 269 through 395, inclusive, in Eagle Hills, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

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

The Declarant has considered amendment of the Declaration for purposes of amending Article I, Section 19, and to add a new Article V, Section 6. Article V, Section 3, allows the Declarant to amend the Declaration in any manner in which it may determine in its full and absolute discretion, for a period of five (5) years from the date of the Declaration. Declarant has investigated the impact which the proposed amendment to Declaration would have on the Lots and has concluded that the amendment would further the preservation of Eagle Hills, would further the maintenance of the character and residential integrity of Eagle Hills, and would further the benefit and protection afforded to the Lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to Declarant in Article V, Section 3, of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Article I, Section 19, is amended and replaced in its entirety to provide as follows:

19. Neither the Declarant nor the City of Papillion, Nebraska (which, for purposes of this Article I, Section 19, is referred to as the "Additional Declarant") makes any representation or warranty concerning soil compaction, buildable quality or bearing capacity of the soils on the Lots. It is the responsibility of each Owner to make appropriate tests to determine the buildable quality of the Lot. The final grade of Lots 307 through 328, inclusive (the "Bluff Lots"), must result in all surface water draining from the existing high point at the top of the bluff on such Lots to the public street abutting such Lot. No permanent structures with foundations may be constructed within the bluff conservation area as shown on Exhibit "A" attached hereto. With the exception of Lots 310 and 311, no swimming pools may be constructed on the Bluff Lots. The slope at the rear of the Bluff Lots may be subject to instability. Excessive irrigation may destabilize the slope and result in loss of yard area. Therefore, it is

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recommended that irrigation within seventy-five feet (75') of the slope of the Bluff Lots should be carefully controlled and limited only to the amount necessary to sustain vegetation. Declarant strongly recommends that the Owner of each of the Bluff Lots consult with an engineer or geotechnical expert with respect to improvements constructed on the Bluff Lots and landscaping of the Bluff Lots. The Owner of a Bluff Lot shall be solely responsible for taking all reasonable and appropriate measures to prevent sloughing of their Lot. All Improvements as defined in this Declaration shall be subject to the approval of the Declarant as provided herein, and all Improvements to the Bluff Lots shall be subject to review and approval by the Additional Declarant in accordance with the building and permitting procedures, rules and guidelines of the Additional Declarant.

2. A new Article V, Section 6, is added to the Declaration as follows:

6. Notwithstanding any provision to the contrary herein, the restriction set forth in the first sentence of Article I, Section 18, of the Declaration may not be amended, modified or waived without the prior written consent of the City of Papillion, Nebraska, which consent must be approved by a majority of those members either elected or appointed to the Papillion City Council.

3. Except as amended and modified herein, the Declaration shall remain in full force and effect according to its terms.

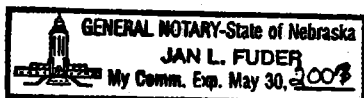
IN WITNESS WHEREOF, the Declarant has executed this First Amendment as of the 22<sup>nd</sup> day of August, 2003.

EAGLE RIDGE DEVELOPMENT COMPANY, a  
Nebraska corporation,

By: [Signature]  
Michael F. Rogers, President

STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of August, 2003, by Michael F. Rogers, President of Eagle Ridge Development Company, a Nebraska corporation, on behalf of the corporation.



[Signature]  
Notary Public

00171304

R+R Gaines Pansing + Hogan  
Attn Jim Buser  
10050 Regency Circle Ste 200  
Omaha, Ne 68114