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FILED SARPY COUNTY NEBRASKA
INSTRUMENT NUMBER

2017-30972

12/22/2017 1:42:34 PM

Floyd J. Dowling

REGISTER OF DEEDS



DECLARATION OF RESTRICTIVE COVENANT – WETLANDS WITH BUFFERS

THIS DECLARATION is made this 22nd day of December, 2017, by SID No. 237, Sarpy County commonly known as Cimarron Woods (“Declarant”).

RECITALS:

WHEREAS, Declarant is the owner of the real property legally described as shown on attached Exhibit “A” located in Sarpy County, Nebraska, hereinafter referred to as the “Real Property”;

WHEREAS, the Declarant desires to provide for certain restrictions and covenants to enhance the Real Property and comply with the conditions required by the “404 Permit” (Permit #2009-01538-WEH) between the United States Army Corps of Engineers and SID No. 237, Cimarron Woods which included construction of a 0.046-acre wetland mitigation site as a Supplemental Environmental Project on property owned by the Declarant.

NOW THEREFORE, Declarant hereby declares that the Real Property shall be held, sold and conveyed subject to the following restrictions and covenants, all of which are for the purpose of enhancing the Real Property and complying with all conditions identified in the above referenced “404 Permit”. These restrictions and covenants shall run with the Real Property and shall be binding on all parties having or acquiring any right, title or interest in said Real Property, or any part, which shall be subject to all and each of the following:

1. The Real Property will be maintained pursuant to conditions identified in the “404 Permit” (Permit #2009-01538-WEH).
2. The Real Property which includes the aforementioned 0.046 acres of wetland mitigation area and 0.47-acres of outlying buffer and legally described on attached Exhibit “A”. The described Real Property shall be protected in perpetuity as required by the “404 Permit” and the United States Army Corps of Engineers.
3. There shall be no construction or placement of or placement of buildings or mobile homes, fences, signs, billboards, or other advertising material, or other structures, whether temporary or permanent, on the land with the exception of an existing concrete trail located within the described Real Property.
4. There shall be no grazing of animals, farming, tilling of soil, or other agricultural activity in the wetlands or buffer areas.

E4A

- 5. There shall be no filling, draining, dredging, or drilling. There shall be no excavation or removal of topsoil unless conducted strictly for adaptive management purposes, subsequent to approval by the District Engineer of the Omaha District of the US Army Corps of Engineers
- 6. There shall be no building of additional roads or paths for vehicular or pedestrian travel nor any change in the topography of the land with the exception of the existing concrete trail within the described Real Property but not located within the wetland mitigation area or the buffer areas.
- 7. There shall be no operation of motorized vehicles allowed within the wetland or buffer areas except for those used for mowing or spraying of noxious weeds.
- 8. During the establishment of wetland and buffer area vegetation, spraying, mowing and other mechanical means may be used to control noxious weeds and invasive annual species. After establishment of the wetland and buffer area vegetation, noxious weeds may continue to be controlled through chemical or mechanical means. Buffer areas may be mowed annually between July 15 and the start of the next growing season.
- 9. This covenant may be changed, modified or revoked only upon written approval of the District Engineer of the Omaha District of the U.S. Army Corps of Engineers. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Nebraska.
- 10. This covenant is made in perpetuity, and runs with the land, such that the present owner and its successors and assigns forever shall be bound by the terms and conditions set forth herein.
- 11. This instrument shall be construed and governed in accordance with the laws of the State of Nebraska.

EXECUTED this 22nd day of December, 2017.

ATTEST: SID No. 237, Cimarron Woods:

By: *Mural Whately*

By: *Gerald L. Torczon*

STATE OF NEBRASKA)
)
COUNTY OF SARPY)

ss.

Before me, a Notary Public qualified for said County and State, personally came Gerald Torczon, as Chairman of SID No. 237, Cimarron Woods, known personally to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of said entity.

WITNESS my hand and Notary Seal on this 22nd day of December, 2017.

Seal: *Mary Jayne Throener*
Notary Public

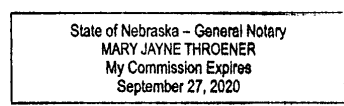
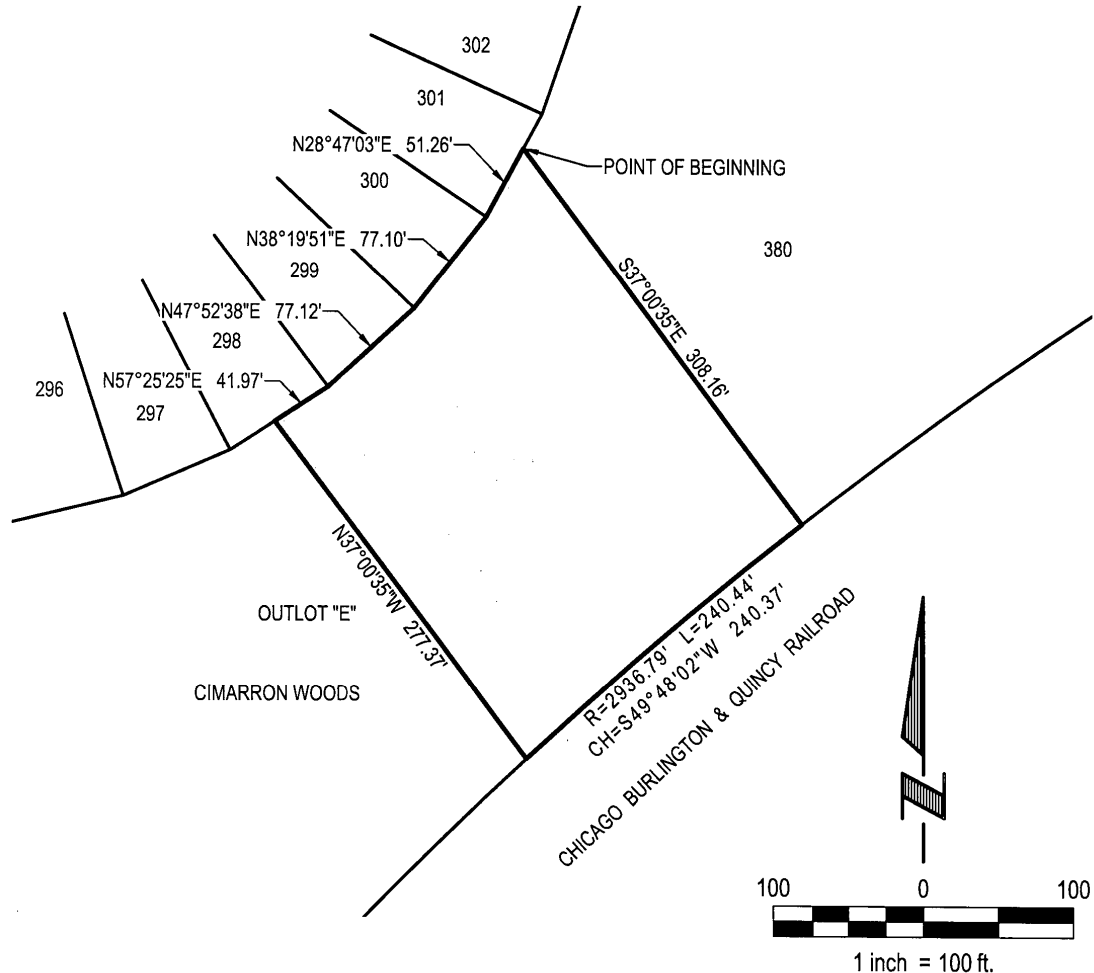


EXHIBIT "A"



LEGAL DESCRIPTION

A TRACT OF LAND BEING PART OF OUTLOT "E", CIMARRON WOODS, A SUBDIVISION LOCATED IN NORTH 1/2 OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT "E", CIMARRON WOODS, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF LOT 301, SAID CIMARRON WOODS AND ALSO ON THE WESTERLY LINE OF LOT 380, SAID CIMARRON WOODS; THENCE S37°00'35"E (ASSUMED BEARING) ALONG THE EASTERLY LINE OF SAID OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING SAID WESTERLY LINE OF LOT 380, CIMARRON WOODS, A DISTANCE OF 308.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 380, CIMARRON WOODS, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD; THENCE SOUTHWESTERLY ALONG SAID EASTERLY LINE OF OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD ON A CURVE TO THE LEFT WITH A RADIUS OF 2936.79 FEET, A DISTANCE OF 240.44 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S49°48'02"W, A DISTANCE OF 240.37 FEET; THENCE N37°00'35"W, A DISTANCE OF 277.37 FEET TO A POINT ON THE NORTHERLY LINE OF SAID OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOT 298, SAID CIMARRON WOODS; THENCE N57°25'25"E ALONG SAID NORTHERLY LINE OF OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING SAID SOUTHERLY LINE OF LOT 298, CIMARRON WOODS, A DISTANCE OF 41.97 FEET TO THE SOUTHEAST CORNER OF SAID LOT 298, CIMARRON WOODS, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 299, SAID CIMARRON WOODS; THENCE N47°52'38"E ALONG SAID NORTHERLY LINE OF OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID LOT 299, CIMARRON WOODS, A DISTANCE OF 77.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 299, CIMARRON WOODS, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 300, SAID CIMARRON WOODS; THENCE N38°19'51"E ALONG SAID NORTHERLY LINE OF OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID LOT 300, CIMARRON WOODS, A DISTANCE OF 77.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 300, CIMARRON WOODS, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 301, CIMARRON WOODS; THENCE N28°47'03"E ALONG SAID NORTHERLY LINE OF OUTLOT "E", CIMARRON WOODS, SAID LINE ALSO BEING SAID SOUTHERLY LINE OF LOT 301, CIMARRON WOODS, A DISTANCE OF 51.26 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 67,089 SQUARE FEET OR 1.540 ACRES, MORE OR LESS.

<p>E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599</p>	<p>E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services</p>		<p>PART OF OUTLOT "E" CIMARRON WOODS SECTION 16, T14N, R12E SARPY COUNTY, NEBRASKA</p>
	<p>Drawn by: FCE Chkd by: _____ Date: 12/21/2017</p> <p>Job No.: P2002.153.000</p>		