

24883

DECLARATION
OF
APPROVAL, SATISFACTION AND RELEASE

WHEREAS, Golf Park Ltd., a Nebraska Limited Partnership, and Hubert L. Harrison and Eunice M. Harrison, husband and wife, hereinafter called "Developer", are the owners of that certain property described as:

All of Blocks One, Two, Three, Four, Five, Six, and Seven (1, 2, 3, 4, 5, 6, and 7); Outlot "A"; Outlot "B"; and Outlot "C"; all in Bicentennial Estates Addition to the City of Lincoln, Lancaster County, Nebraska; and all of Blocks One through Thirteen (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13); Outlot "A", Outlot "B" and Outlot "C"; all in Bicentennial Estates First Addition to the City of Lincoln, Lancaster County, Nebraska

WHEREAS, Developer as required by the ordinances accepting the plat of Bicentennial Estates Addition and Bicentennial Estates First Addition has entered into agreements with the City of Lincoln to provide maintenance of common areas, and walkways; and

WHEREAS, said ordinances and agreements contemplate the release and discharge of Developer's obligation upon assumption by a reasonable successor, including a permanent and continuing agency of property owners within said Bicentennial Estates Addition and Bicentennial Estates First Addition; and

WHEREAS, Bicentennial Estates Neighborhood Association, a Nebraska Non-Profit Corporation, was duly incorporated on March 31, 1977, for the specific purpose of providing a permanent and continuing agency for the maintenance, preservation and architectural control of the residential lots and common areas within Bicentennial Estates Addition and Bicentennial Estates First Addition and to promote the health, safety and welfare of the residents within said additions and any additions thereto as may hereafter be brought within the jurisdiction of Bicentennial Estates Neighborhood Association and exercise all of the powers and privileges and to

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perform all of the duties and obligations set forth in that certain Declaration of Covenants, Conditions and Restrictions applicable to Bicentennial Estates Addition as recorded with the Lancaster County Register of Deeds on March 31, 1977, as Instrument No. 77-7075, and the duties and obligations set forth in that certain Declaration of Covenants, Conditions and Restrictions applicable to Bicentennial Estates First Addition as recorded with the Lancaster County Register of Deeds; and

WHEREAS, Outlot "A", Outlot "B" and Outlot "C", as shown on the plat of Bicentennial Estates Addition will be conveyed by the Developer to Bicentennial Estates Neighborhood Association; and

WHEREAS, Outlot "A", Outlot "B" and Outlot "C" as shown on the plat of Bicentennial Estates First Addition will be conveyed by Developer to Bicentennial Estates Neighborhood Association; and

WHEREAS, Article XIII of the Declaration of Covenants, Conditions and Restrictions described above, provides that the Bicentennial Estates Neighborhood Association shall have the duty and obligation to properly maintain and repair all common areas and improvements thereon and should the Association fail to perform their duty, the City of Lincoln may enter upon said property and perform necessary maintenance and assess the property with the cost thereof; and

WHEREAS, the agreement of Developer and the Ordinances of the City of Lincoln approving final plat of Bicentennial Estates Addition and Bicentennial Estates First Addition provide that the owners of Bicentennial Estates Addition and Bicentennial Estates First Addition or successors in title may be relieved and discharged of such obligations of maintenance upon creating a permanent and continuous agency of property owners within the subdivision acceptable to the City of Lincoln, and subject to approval by the City of Lincoln, for the performance of such maintenance by such permanent agency created; and

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WHEREAS, Bicentennial Estates Neighborhood Association is charged with and has accepted responsibility for the performance of maintenance of the property previously described plus any additions thereto accepted by the Association.

NOW, THEREFORE, the City of Lincoln hereby accepts and approves the instrument creating the Bicentennial Estates Neighborhood Association and the assumption of maintenance responsibility as aforementioned by the Bicentennial Estates Neighborhood Association, and further agrees that Golf Park Ltd., Hubert L. Harrison and Eunice M. Harrison, are hereby relieved and discharged of further obligation to maintain an open space, including but not limited to plantings, grass water-ways, culverts, and sidewalks, under the ordinances provided for Bicentennial Estates Addition, Bicentennial Estates First Addition and its described replats, pursuant to the assumption of said responsibility by Bicentennial Estates Neighborhood Association.

IN WITNESS WHEREOF, the City of Lincoln, Nebraska, a municipal corporation have caused this Delcaration of Approval, Satisfaction and Release to be executed this 9th day of September, 1977.

ATTEST:

CITY OF LINCOLN, NEBRASKA
A Municipal Corporation

W. E. Sprick

By Alan B. Broun

APPROVED AS TO FORM:

William F. Duder
City Attorney of the City of
Lincoln, Nebraska

10034

EXECUTIVE ORDER NO. _____

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

The attached Declaration of Approval, Satisfaction and Release under which the City approves the instrument creating the Bicentennial Estates Neighborhood Association and releases the Developer from maintenance responsibilities for the common areas in Bicentennial Estates Addition and Bicentennial Estates First Addition is hereby accepted and approved and I have executed the same on behalf of the City.

The City Clerk is directed to return the executed original copy of said Declaration to the Law Department for transmittal to the Developer.

Dated this 9 day of Sept, 1977.

Helen G. Boosalis
Helen G. Boosalis, Mayor

Approved as to Form and Legality:

William F. Ouster
Chief Assistant City Attorney

Staff Review Completed:

Administrative Director

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Nov.

LANCASTER COUNTY, NEB.
REGISTER OF DEEDS
1977 SEP 16 PM 1:51

ENTERED IN
INDEXED
FILED FOR RECORDS:
INST. NO. 77- 24883

Barney + Carter
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