

21615

8-8-77/js

EXECUTIVE ORDER NO. 19693

BY VIRTUE OF THE AUTHORITY VESTED in me by the Charter of the City of Lincoln, Nebraska:

On behalf of the City of Lincoln, Nebraska, I have executed the attached Declaration of Approval, Satisfaction and Release pertaining to Lots 1 through 20, inclusive, Block 6 and Outlot "A", Briarhurst West Fourth Addition to the City of Lincoln, Lancaster County, Nebraska, which provides for the assumption of certain responsibilities by the Briarhurst West Fourth Addition Multi-Family Owners Association and the release of the developers from this responsibility.

The City Clerk is hereby directed to return an executed copy of the Declaration to Barney & Carter, Attorneys at Law, 711 Stuart Building, Lincoln, Nebraska, 68508, attorneys for the developer.

Dated this 12 day of August, 1977.

Helen G. Boosalis  
Helen G. Boosalis, Mayor

Approved as to Form and Legality:

Ann M. Guegan & Kuris  
City Attorney

Staff Review Completed:

[Signature]  
Administrative Director

21615

DECLARATION  
OF  
APPROVAL, SATISFACTION AND RELEASE

WHEREAS, John L. Hoppe, Briar West Inc., and Helen E. Morrow and husband, John P. Morrow, Sarah Louise Meginnis, and husband, Harry W. Meginnis, and Edward M. O'Shea, Jr., and wife, Janet L. O'Shea, hereinafter called "Developers", are the owners or applicants for Community Unit Plan on that certain property described as:

Lots One through Twenty (1-20) inclusive, Block Six (6) and Outlot "A"; Briarhurst West Fourth Addition to the City of Lincoln, Lancaster County, Nebraska.

WHEREAS, Developers as required by the ordinances accepting the plat of Briarhurst West Fourth Addition have entered into agreements with the City of Lincoln to provide maintenance of walkways, driveways and parking areas; and

WHEREAS, said ordinances and agreements contemplate the release and discharge of Developers' obligation upon assumption by a reasonable successor, including a permanent and continuing agency of property owners within said Briarhurst West Fourth Addition; and

WHEREAS, Briarhurst West Fourth Addition Multi-Family Owners Association, a Nebraska Non-Profit Corporation, was duly incorporated on July 8, 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 the above-described portion of Briarhurst West Fourth Addition and to promote the health, safety and welfare of the residents within said addition and any additions thereto as may hereafter be brought within the jurisdiction of Briarhurst West Fourth Addition Multi-Family Owners Association and exercise all of the powers and privileges and to perform all of the duties and obligations set forth in that certain Declaration of Covenants, Conditions and Restrictions applicable to the described property and

WHEREAS, Outlot A as shown on the plat of Briarhurst West Fourth Addition will be conveyed by the Developers to Briarhurst West Fourth Addition Multi-Family Owners Association, and recorded with the Lancaster County Register of Deeds; and

WHEREAS, Article XIII of the Declaration of Covenants, Conditions and Restrictions described above, provides that the Briarhurst West Fourth Addition Multi-Family Owners 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 Developers and Ordinance approving final plat provide that the owner of the Briarhurst West Fourth Addition or successors in title may be relieved and discharged of such obligations of maintenance under the Community Unit Plan, upon creating a permanent and continuous agency of property owners

within the subdivision acceptable to the City of Lincoln, and subject to the approval by the City of Lincoln, for the performance of such maintenance by such permanent agency created; and

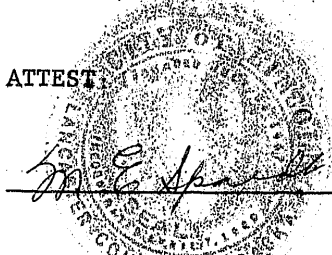
WHEREAS, Briarhurst West Fourth Addition Multi-Family Owners Association is charged with and has accepted responsibility for the performance of maintenance of the property previously described plus any additions thereto accepted by the Association.

NOW, THEREFORE, the City of Lincoln hereby accepts and approves the instrument creating the Briarhurst West Fourth Addition Multi-Family Owners Association and the assumption of maintenance responsibility as aforementioned by the Briarhurst West Fourth Addition Multi-Family Owners Association, and further agrees that John L. Hoppe, Sr., Briar West Inc., Helen Morrow and husband, John P. Morrow, Sarah Louise Meginnis, and husband, Harry W. Meginnis, Edward M. O'Shea, Jr., and wife, Janet L. O'Shea, as Developers, are hereby relieved and discharged of further obligation to maintain an open space, including plantings, grass waterways, culverts, sidewalks, private driveways, and parking areas under the Community Unit Plan provided for Lots One through Twenty (1-20) inclusive, Block Six (6) and Outlot A, Briarhurst West Fourth Addition to the City of Lincoln, Lancaster County, Nebraska, pursuant to the assumption of said responsibility by the Briarhurst West Fourth Addition Multi-Family Owners Association.

IN WITNESS WHEREOF, the City of Lincoln, Nebraska, a municipal corporation have caused this Declaration of Approval, Satisfaction and Release to be executed this 12 day of August, 1977.

ATTEST:

CITY OF LINCOLN, NEBRASKA,  
A Municipal Corporation



By Walter B. Small

APPROVED AS TO FORM:

W. J. Kest  
City Attorney of the City of  
Lincoln, Nebraska

INDEXED  
MICRO-FILED  
GENERAL

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187  
misc

LANCASTER COUNTY NEBR.  
Kenneth L. Ferguson  
REGISTER OF DEEDS

1977 AUG 17 PM 3:07

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 77- 21615

\$ 950

Barnes & Carter