



MISC 2016022242



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
03/30/2016 09:25:18.00



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FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ROANOKE BUSINESS PARK

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ROANOKE BUSINESS PARK (this "First Amendment") is made effective the ___ day of March, 2016 (the "Effective Date"), by Roanoke Development, LLC, a Nebraska limited liability company ("Declarant").

RECITALS:

WHEREAS, the Declarant, as the then owner of all of the real property within the Roanoke Business Park, entered into that certain Declaration of Covenants, Conditions, Restrictions and Easements for Roanoke Business Park recorded on January 16, 2008 as Instrument No. 2008005984 with the Douglas County, Nebraska Register of Deeds (the "Declaration");

WHEREAS, pursuant to and as permitted by Section 13.2 of the Declaration, the Declarant desires to amend the Declaration to: (i) permit assisted living facilities within Roanoke Business Park, and (ii) amend the definition of "Common Areas" to include the access road depicted on the exhibit attached hereto as Exhibit "A"; and

WHEREAS, this First Amendment shall be filed of record against the following described real estate, to wit:

Lots 4 through 18, inclusive, Roanoke Business Park, a subdivision as surveyed, **63-33662** platted and recorded in Douglas County, Nebraska; and Lot 1, Roanoke Business **63-33663** Park Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (collectively, the "Property").

NOW, THEREFORE, in furtherance thereof, the Declarant hereby adopts, declares, and provides as follows:

1. Definitions. All capitalized terms used in this First Amendment shall have the meanings set forth in the Declaration except as otherwise defined herein.

2. Amendment to Section 9.2.2. Section 9.2.2 is hereby deleted in its entirety and is replaced with the following:

“9.2.2. Residential/Lodging. Any single-family residential use; mobile home parks and trailer courts; recreational vehicle parks; camping or labor camps. In no event shall this provision be deemed to cover hotel/motel and/or assisted living or memory care facility uses, or any incidental uses related thereto, which such uses are hereby expressly permitted.”

3. Amendment to the Definition of “Common Area” and “Common Areas”. The definition of “Common Area” and “Common Areas” found in Section 1.8 of the Declaration is hereby amended to include the access road depicted on the attached Exhibit “A”, which access road shall be constructed by Declarant, at its sole cost and expense, on part of Lots 16 through 18, inclusive, Roanoke Business Park, and part of Lot 1, Roanoke Business Park Replat One.

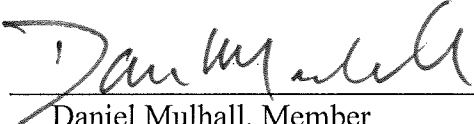
4. No Other Amendment. Except as specifically set forth herein, the Declaration shall remain in full force and effect.

5. Binding Effect. This First Amendment shall be binding upon and inure to the benefit of the Property and every grantee of any interest in the Property or any portion thereof and every Owner of the Property or any portion thereof.

[Remainder of page left intentionally blank; execution page follows.]

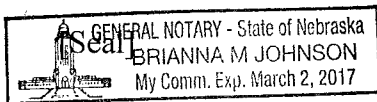
IN WITNESS WHEREOF, the undersigned has executed this First Amendment on the day and year first above written.

ROANOKE DEVELOPMENT, LLC,
a Nebraska limited liability company

By: 
Daniel Mulhall, Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged, subscribed and sworn to before me by Daniel Mulhall, being a Member of ROANOKE DEVELOPMENT, LLC, a Nebraska limited liability company, on behalf of said limited liability company, this 21st day of March, 2016.




Notary Public

Exhibit "A"

Attached.



PLAN LEGEND

- ⊙ REQUIRED STREET TREES
- ▬ MINIMUM 5' WIDE SIDEWALK
- ▬ 10' WIDE INTEGRALLY COLORED CROSSWALK
- ▨ BERMED, LANDSCAPED AREAS
- ▨ "COMMON AREA"

