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# AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF THE RIDGES,

## A Subdivision in Douglas County, Nebraska

GEORGE J. POLONICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBRASKA

The Amendments to the Declaration afore-titled are executed on the date hereafter set forth and are made by the Ridges Limited Partnership, a Nebraska Limited Partnership, by and through Ridges Corporation, A Nebraska corporation, General Partner, hereinafter and in the previously filed Declaration referred to as "Declarant".

### Preliminary Statement

The original Declaration of Covenants, Conditions, Restrictions and Easements aforementioned were filed in miscellaneous records of the office of the Register of Deeds, Douglas County, Nebraska at Book 1058, Page 568 through 596. These amendments are supplemental to the original Declaration file; and, to the extent these Amendments contradict or otherwise conflict with the originally filed Declarations, these Amendments shall nonetheless supersede the original provisions. To the full extent that these Amendments do not contradict nor conflict with the originally filed Declaration, such original Declaration of Covenants, Conditions, Restrictions and Easements shall remain in full force and effect and be unaffected herein.

These Amendments are promulgated and adopted pursuant to the express provisions of the originally filed Declaration of Covenants, Conditions, Restrictions and Easements aforementioned, as such unconditional right to amend is set forth under the originally filed Declaration at Article IX, GENERAL PROVISION, Paragraph 2.

1. Within Article I, RESTRICTION AND COVENANT, of the originally filed Declaration, certain of the provisions within paragraph 9 thereof are amended to provide the following:
  - a. Any residential lot which property line abuts the Shadow Ridge Golf Course, either Cherry Ridge pool, or is within any of the developments known as Shadow Ridge Estates, Cherry Ridge or South Pine Point, and which lot owner obtains permission to install a fence, said fence may only be constructed of simulated or real wrought iron material, black in color and of the design currently approved and adopted by the DRB. In no event will fencing of wood or any other material be considered, accepted, nor approved, with the exception of the permissible 500 square feet of privacy area immediately adjacent to the rear of the residential structure as otherwise described within the Declaration. Placement, including setback requirements, must be specified and approved by the DRB. Any additional lot line then fenced must also be of the same black, simulated or real, wrought iron.
  - b. Any interior lot, other than those interior lots within the developments known as Shadow Ridge Estates, Cherry Ridge and South Pine Point,

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which lot owner obtains permission to install a fence, said fence may only be constructed of black vinyl chain link fence, or real or simulated black wrought iron of the design currently approved and adopted by the DRB.

2. That relative to Article IX, GENERAL PROVISIONS, of the original Declaration, the following amendments are made:
  - a. Declarant, or its successor or assign, may designate, within the five (5) year period referenced in paragraph 2 or Article IX, GENERAL PROVISIONS, of the original Declaration, to cause any one or more of the residential developments within the Ridges (i.e., Shadow Ridge Estates, Cherry Ridge, Crimson Ridge, Shadow Lakes, Clubside, South Pine Point, etc.) to be a "gated community" access to which shall be controlled by security gates and determined security access parameters and apparatus. The particular design, placement and construction of the gated fencing and apparatus shall be subject to approval by the DRB. The cost of designing, constructing, operation and maintenance of the gated community apparatus and features shall be borne by the residential lots and residents' owners located within the parameters of the gated community. The Declarant's right to unilaterally determine and designate a residential development to be a gated community shall terminate at such time that the Declarant holds title to less than 50% of the residential lots within that particular residential development (i.e., Shadow Ridge Estates, Cherry Ridge, Crimson Ridge, Shadow Lakes, South Pine Point, Whispering Pines, Double Creek, etc.). Thereafter, upon the 75% favorable vote of the residential lot owners within that particular residential development, the same shall be made into a "gated community."
  - b. Declarant shall construct a community swimming pool within the Ridges in an area designated as a recreation area immediately South of Center Ridge Drive and bordered by 184th Circle to the East and 186th Circle to the West. The construction of such swimming pool shall be partially funded by membership bonds, which bonds shall be fully transferable and assignable, except as conditioned hereafter. Access and use of such community pool shall be restricted to those persons, including immediate family:
    - i. who purchase a construction bond;
    - ii. who are residents of The Ridges residential development, the Spring Ridge residential development, or members of the Shadow Ridge Golf Course; and
    - iii. who, at the commencement of each calendar year, pay the annual community pool maintenance and operation assessment, as determined and assessed annually by the Community Pool Committee.

Membership to the Community Pool shall be only for access to and use of the pool and attached changing/dressing area, as located within The Ridges recreational area.

Payment of the annual maintenance and operation assessment shall be due within 30 days of receipt of Notice of Assessment from the Community Pool Committee or The Ridges Homeowners Association. The construction bond shall have noted on the face thereof, its being subject to reduction in face value, for transfer and assignment purposes, of an amount equal to any unpaid annual assessment(s). Notwithstanding this remedy, access and use of the community pool shall be denied to any member, and immediate family, who fails to pay the annual assessment.

The Declarant, through the Association, shall authorize the creation and perpetual existence of the Community Pool Committee, whose function and authority shall be to maintain and regulate the pool and attached facilities, inclusive of determination of an annual budget and assessment to members for the payment thereof. The maintenance and regulation of such shall be consistent with the integrity and aesthetics of The Ridges. The Community Pool Committee shall be comprised of five (5) members. A member of the committee shall be elected for a two year term by a vote of the members. Until such time that there are a minimum of thirty (30) members, the Declarant shall act as the committee, or at Declarant's option, Declarant shall either appoint the committee members or assign its rights to The Ridges Homeowners Association.

The maintenance and regulation of the community pool shall be consistent with the integrity and aesthetics of The Ridges. Any proposed changes, modifications or post construction improvements to the community pool or its facilities shall be subject to the approval and architectural review of the DRB, in the same manner as lot improvements as otherwise provided for within the originally filed Declaration.

Relative to Article III, SPECIAL COVENANTS FOR LOTS AND POOLS IN CHERRY RIDGE SECTION; LOTS I THROUGH 107, 264 AND 273, certain of the provisions therein are hereby amended to provide the following:

1. That notwithstanding the existence of two (2) separate pools (i.e., East and West), there shall exist but one (1) combined annual budget for consideration and adoption by a singular Cherry Ridge Pool Committee, with the annual assessment discussed within the originally filed Declaration to be a like and equal assessment as to each and every residence/residential lot within Cherry Ridge.

This singular Cherry Ridge Pool Committee shall be comprised of six members, three (3) being residential lot owners within Lots 1 through 42 and 59 through 87 (East Pool) and three (3) being residential lot owners within Lots 43 and 58 and 88 through 107 (West Pool). A quorum shall be four (4)

