

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2005-01352

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Glenn J. Dowling
REGISTER OF DEEDS

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FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS OF CIMARRON WOODS WEST, A SUBDIVISION
IN SARPY COUNTY, NEBRASKA

This First Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Cimarron Woods, a subdivision in Sarpy County, Nebraska, filed on or about August 10, 2004, as Instrument No. 2004-30795 in the Register of Deeds of Sarpy County, Nebraska (hereinafter referred to as the "Declaration") executed and filed by Torco Development, Inc. (hereinafter referred to as the "Declarant").

PRELIMINARY STATEMENT

A. The Declarant is the owner of certain real property located within Sarpy County, Nebraska and described as follows:

Lots 1 through 379, inclusive, and Outlots A and B, inclusive, all in Cimarron Woods, a Subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska,

B. Declarant desires to amend the Declaration for purpose of eliminating the requirement for wood fencing within the Industrial Landscape Buffer along with south boundary of the Subdivision,

C. Article V, Paragraph 4 of the Declaration grants Declarant the authority to amend the Declaration, in its full and absolute discretion.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article V, Paragraph 4 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. By deleting Paragraph 4 of Article III of the Declaration and adding in its place and stead the following:

4. Industrial Buffer. A permanent thirty (30') foot wide Industrial buffer zone a/k/a landscape buffer easement has been and is hereby reserved in favor of the Declarant and the Cimarron Woods Homeowners Association over, under, through and across the rear 30 feet of Lots 9-14, inclusive, Lots 29-39, inclusive, Lots 39-46, inclusive, Lots 54-55, Lots 59-61, inclusive, Lots 64-66, inclusive, and Outlot A, all in Cimarron Woods for the purpose of constructing a six (6') foot solid wood perimeter fence along the west boundary of Cimarron Woods and installing a treed buffer area along the west and south boundary of Cimarron Woods all within said buffer zone. Such installation of perimeter fencing and trees shall be performed by the Declarant or the Association, and the Association shall maintain and replace, if necessary, all perimeter fencing and trees within said buffer zone. All trees and fencing within said buffer zone shall be planted and installed in such a

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manner as to create a passage for service vehicles along the easement and shall be approved in writing by the City of La Vista. No structures, whether portable or temporary, and no private fencing shall be allowed within said buffer zone without the prior approval of the City Administrator. No building permit will be granted for any of the lots encumbered by said buffer zone until Declarant has fulfilled the requirements of the Residential Subdivision Agreement for Cimarron Woods relating to said buffer zone.

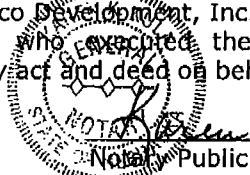
All other terms and provisions of said Declaration shall remain in full force and effect.

TORCO DEVELOPMENT, INC., "Declarant,"

By: Gerald J. Torczon
Gerald Torczon, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

~~KKK~~ 5 The foregoing instrument was acknowledged before me this 11 day of ~~December~~ ^{KKK JANUARY} 2005, by Gerald Torczon, President of Torco Development, Inc., a Nebraska corporation, to me known to be the identical person who executed the foregoing instrument and acknowledged the same to be his voluntary act and deed on behalf of said corporation.



MY COMMISSION EXPIRES:
JULY 23, 2005

THE CITY OF LAVISTA DOES HEREBY CONSENT TO THE FILING OF THE FOREGOING FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF CIMARRON WOODS WEST IN SARPY COUNTY, NEBRASKA

Dated this 7th day of January 2005.

CITY OF LAVISTA,

By: Harold Anderson
Printed Name and Title: HAROLD ANDERSON, MAYOR

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

The foregoing instrument was acknowledged before me this 7th day of January 2005, by HAROLD ANDERSON, as MAYOR for City of LaVista, to me known to be the identical person who executed the foregoing instrument and acknowledged the same to be his voluntary act and deed on behalf of said municipality.



Rita M. Ramirez
Notary Public