

FILED SARPY CO. NE
INSTRUMENT NUMBER
2005-36366

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Glenn J. Lowling
REGISTER OF DEEDS

COUNTER 9h C.E. D
VERIFY JS D.E. A
PROOF D
FEES \$ 200.50
CHECK# 33964
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

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

This Second 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 changing the requirements for sidewalks within 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 14 of Article I of the Declaration and adding in its place and stead the following:

14. Zoning Ordinance Compliance, Setbacks, Sidewalks, Etc. All applicable zoning ordinances of the City of La Vista, including but not limited to Section 5.15 of the La Vista Zoning Ordinance No. 848, as the same may be amended from time to time, shall apply to all Lots, except that all Lots shall have a front yard setback of thirty (30') feet, a rear yard setback of twenty-five (25') feet, a side yard setback of five (5') feet for side yards not abutting a street, and in the case of a side yard abutting a street a setback of twenty-five (25') feet. A public sidewalk shall be constructed of concrete four (4') feet wide by four (4") inches thick in front of each Lot and upon each street side of each corner Lot. The sidewalk shall be placed four (4') feet back of the street curb line and shall be constructed by the owner of the Lot at the earlier of the following events: completed construction on of 75% of Lots abutting such block on which the Lot is located, five years from the date of recording the original plat of Cimarron Woods or prior to the time of completion of the main structure and before

Rth
FULLENKAMP, DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-4482

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occupancy thereof; provided, however, this sidewalk provision shall vary as needed to comply with any requirements of the City of La Vista by its ordinances or by the Residential Subdivision Agreement for Cimarron Woods.

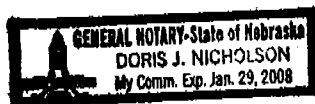
All other terms and provisions of said Declaration shall remain in full force and effect.

TORCO DEVELOPMENT, INC., "Declarant,"

By: Gerald Torczon
Gerald Torczon, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 10 day of August 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.



Doris J. Nicholson
Notary Public

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

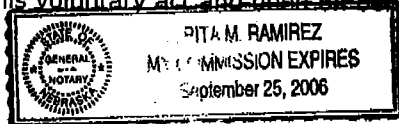
Dated this 27th day of September 2005.

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 27th day of September 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