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MEMORANDUM OF AGREEMENT FOR
ELMWOOD TOWNHOMES, Lots 1-20

WHEREAS, the City of Omaha, Nebraska (the "City") and Elmwood Townhomes, LLC (the "Developer"), a Nebraska limited liability company, having an office for the transaction of business at 2285 South 67th Street #250, Omaha, Nebraska, did on or about the 3rd day of May, 2022, make, execute and deliver, each to the other, a Subdivision Agreement (the "Agreement"), under which Developer agreed, in accordance with the terms of the Agreement, to develop and maintain certain real property located within the City and is or shall be more particularly described as follows:

Lots 1-21, Elmwood Townhomes, as further described on Exhibit "A" attached hereto (hereinafter referred to as the "Development Property"); and

WHEREAS, the City and Developer desire to record a Memorandum of the Agreement referring to the Development Property and their respective interests therein.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The recording of this Memorandum of Agreement for Elmwood Townhomes, Lots 1-20 shall serve as notice to the public that the Agreement contains 1) provisions regulating and restricting development and use of the Development Property, 2) the improvements to be installed, located and/or operated on such Development Property, and 3) ongoing and future rights and duties of the Developer (or their successors and assigns). Lot 21, Elmwood Townhomes, is part of the Development Property but is not subject to the terms of Section 4 herein.

2. All of the provisions of the Agreement and any subsequent amendments thereto, if any, even though not set forth herein, are by the filing of this Memorandum of Agreement for Elmwood Townhomes, Lots 1-20 made a part hereof by reference. Anyone making any inquiry or claim regarding any of said Development Property in any manner whatsoever shall be fully

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advised as to all of the terms and conditions of the Agreement, and any amendments thereto, as if the same were fully set forth herein.

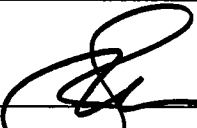
3. A copy of the Agreement and any subsequent amendments thereto, if any, shall be maintained on file for public inspection during ordinary business hours in the office of the City Clerk, Omaha, Nebraska.

4. The topics, regulations, rights, and duties contained in the Agreement include, but are not limited to, the following:


- a. The owners of Lots 1-20, Elmwood Townhomes, shall be members of Elmwood Townhomes Owners Association.
- b. All permanent maintenance (including repair, upkeep, replacement, and snow removal) of the pavement in Outlot A, Elmwood Townhomes, shall be the responsibility of the owners of Elmwood Townhomes Owners Association.
- c. Some of the lots within the subdivision do not have frontage to public right-of-way and/or a public street. Such lots will be served by a paved access that will be privately maintained; no maintenance will be performed on this access by the City.

IN WITNESS WHEREOF, the City and Developer have executed this Memorandum of Agreement for Elmwood Townhomes on the 9th day of June, 2022.


TS Elmwood Townhomes, DEVELOPER

By  5/18/22
Date
Jay B. Nodde

CITY OF OMAHA, NEBRASKA

 6-9-22
Mayor Date

ATTEST:

 6-9-22
City Clerk Date

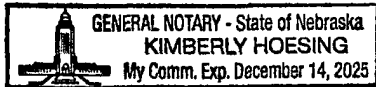
APPROVED AS TO FORM:

 6/3/22
Assistant City Attorney Date

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 9th day of June, 2022, before me, a Notary Public in and for said County, personally came Elizabeth Butler, City Clerk of the City of Omaha, Nebraska, a Municipal Corporation, to me personally known to be the respective officer of said Municipal corporation and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as City Clerk and the voluntary act and deed of said Municipal Corporation. WITNESS my hand and Notarial Seal the day and year last above written.

Notary Seal:

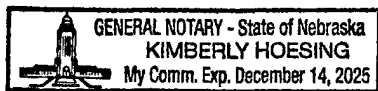


Kimberly Hoelsing
NOTARY PUBLIC

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 9th day of June, 2022, before me, a Notary Public in and for said County, personally came Jean Stothert, Mayor of the City of Omaha, Nebraska, a Municipal Corporation, to me personally known to be the respective officer of said Municipal corporation and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her respective voluntary act and deed as Mayor and the voluntary act and deed of said Municipal Corporation. WITNESS my hand and Notarial Seal the day and year last above written.

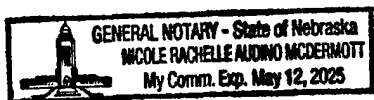
Notary Seal:



Kimberly Hoelsing
NOTARY PUBLIC

STATE OF Nebraska)
) ss.
COUNTY OF Douglas)

On this 18th day of May, 2022, before me the undersigned, a Notary Public in and for said State, personally appeared Jay B. Noddle, to me personally known, who, being by me duly sworn, did say that he/she is the Manager of Elmwood Townhomes, LLC and that said instrument was signed on behalf of said entity; and that the said Manager, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said entity, by him/her voluntarily executed.



Nicole Rachelle Audino McDermott
Notary Public in and for the State of Nebraska