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RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE



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FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF LEGACY, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA

This First Amendment to Declaration is made on the date hereinafter set forth by LEGACY DEVELOPMENT, L.L.C., a Nebraska limited liability company, hereinafter referred to as the "Declarant."

PRELIMINARY STATEMENT

By Declaration for Legacy, a Subdivision in Douglas County, dated December 12, 2001, and recorded in Book 1412, Page 570 through 579 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (herein referred to as the "Declaration"), Declarant subjected the following described Lots to restrictions, covenants, conditions and easements:

Lots 39 through 46, inclusive, and Lots 38 and 47 in Legacy, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Article IV, Paragraph 2 of the Declaration provides as follows:

The covenants and restriction of this Declaration shall run with and bind the land in perpetuity. This Declaration may be amended by Legacy Development, L.L.C., a Nebraska limited liability company or any person, firm, corporation, partnership, or entity designated in writing by Legacy Development, L.L.C., a Nebraska limited liability company for a period of five (5) years from the date hereof. Amendments made to this Declaration by Declarant shall be in a manner that is reasonably consistent with and generally upholds the intended character of the subdivision. Thereafter this Declaration may be amended by an instrument signed by the owners of not less than sixty percent (60%) of the Lots covered by this Declaration.

Declarant does hereby substitute, amend and restate the Declaration in the following particulars only:

- a. The Declarant does hereby restate and substitute for Article I, Paragraph 16.
 - 16. Commencing with completion of construction of any Improvement on Lot 32 through 37, inclusive, and Lots 48 through 95, inclusive, a public sidewalk constructed of concrete five (5) feet wide by four (4) inches thick in a location and design as directed by the Declarant shall be installed and maintained in front of each Lot and upon each street side of each corner Lot. On Lots 39 through 46, inclusive, a public sidewalk constructed of concrete four (4) feet wide by four (4) inches thick in a location and design as directed by the Declarant shall be installed and maintained in front of each Lot. On Lots 38 and 47 a public sidewalk constructed five (5) feet wide by four (4) inches

thick in a location and design as directed by the Declarant shall be installed and maintained on the Valley Drive side of each Lot and a public sidewalk four (4) feet wide by four (4) inches thick in a location and design as directed by the Declarant shall be installed on the side yard facing 172nd Circle on Lots 38 and 47 to coincide with the four (4) feet wide sidewalks on Lots 39 through 46, inclusive. The sidewalk shall be placed a minimum of five (5) feet back of the street curb line and shall be constructed by the owner of the Lot prior to the time of completion of the main structure and before occupancy thereof; provided, however, this provision shall vary to comply with any requirements of the City of Omaha.

b. The Declaration is in all other matters ratified and affirmed.

The Declarant has executed this First Amendment to Declaration as of this 4th day of August, 2003.

LEGACY DEVELOPMENT, L.L.C., a Nebraska limited liability company, "Declarant"

By: _____

Jeffrey W. Johnson, Managing Member

STATE OF NEBRASKA)

) ss.:

COUNTY OF DOUGLAS)

On this 4th day of August, 2003, before me, a Notary Public in and for said County and State, personally appeared the above named Jeffrey W. Johnson, Managing Member, personally known to me to be the identical person(s) who executed the above and foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

Carole J. Hunsley
Notary Public

