

13554

C O N T R A C T

THIS CONTRACT AND AGREEMENT made and entered into this 14th day of October, 1971, by and between WELLINGTON GREENS HOMES ASSOCIATION, INC., a corporation, Party of the First Part, hereinafter termed "Association", and THE CITY OF LINCOLN, a municipal corporation, Party of the Second Part, hereinafter termed "City", WITNESSETH:

WHEREAS, City has issued Special Permit No. 409 for Community Unit Plan and has approved a plat of part of the West Half of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, as more particularly described in said plat, to be known as Wellington Greens Replat, an addition to Lincoln, Lancaster County, Nebraska, under and by virtue of which Trend Homes of Nebraska, Inc., the Developer, has added and annexed certain additional land to the property originally described as Wellington Greens, an addition to Lincoln, Lancaster County, Nebraska, and

WHEREAS, it is proposed by Developer and City to remove by administrative amendment ^{A portion of} Outlot B, Block 5/ Lot 1, Block 6, exhibit A) Lots 1, 2, 3 and 4, Block 7, and Lots 1 and 2, Block 9, Wellington Greens Replat, from the Community Unit Plan as approved by Special Permit No. 409, and

WHEREAS, a Declaration of Covenants, Conditions and Restrictions has heretofore been filed in Book 108 of Miscellaneous Records at Page 333 of the records in the office of the Register of Deeds of Lancaster County, Nebraska, which said Declaration was originally applicable to the land embraced within the plat of Wellington Greens but which, by reason of the addition and annexation of additional land by the Developer and as a requirement and condition to the approval of the plat of Wellington Greens Replat by the City, are now applicable to all of the land embraced within the plat of Wellington Greens Replat, except ^{a portion of} Outlot B,

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(as described in attached exhibit "A")
Block 5, Lot 1, Block 6, Lots 1, 2, 3 and 4, Block 7 and Lots 1
and 2, Block 9, thereof, and

WHEREAS, Association is a corporation organized and existing under and by virtue of the laws of the State of Nebraska as contemplated and required under the terms of said Declaration,

NOW, THEREFORE, in consideration of the approval of the said plat and the granting of Special Permit No. 409 and administrative amendment thereto by City, and in further consideration of the mutual promises and agreements as herein contained, the Association and the City do hereby contract and agree as follows:

1. That the Declaration of Covenants, Conditions and Restrictions has heretofore filed in Book 108 of the Miscellaneous Records at Page 333 of the records in the office of the Register of Deeds of Lancaster County, Nebraska, are applicable to and binding upon all of the land embraced within the plat of Wellington Greens Replat, an addition to Lincoln, Lancaster County, Nebraska, a portion of (as described in attached exhibit "A") except/Outlot B, Block 5, Lot 1, Block 6, Lots 1, 2, 3 and 4, Block 7 and Lots 1 and 2, Block 9, thereof.

2. Association does hereby agree to well and faithfully perform all of its obligations, duties and requirements, and to exercise all of its rights and privileges as in said Declaration set forth with respect to all of the land embraced within the plat of Wellington Greens Replat, an addition to Lincoln, Lancaster County, Nebraska, a portion of (as described in attached exhibit "A") except/Outlot B, Block 5, Lot 1, Block 6, Lots 1, 2, 3 and 4, Block 7, and Lots 1 and 2, Block 9, thereof, including but not limited to the following:

- (a) Association shall promote the recreation, health, safety and welfare of the residents in the property, and the services and facilities devoted to these purposes and relating to the use and enjoyment of the Common Area, and of the homes situated on the property.
- (b) Association agrees to properly maintain and repair all Common Areas and the walks, drives, open drainage areas, parking areas, parking islands and all structures and improvements in the Common Area in accordance with reasonable standards as generally required by City.
- (c) Association shall fix, levy and exercise its powers to collect all assessments authorized

13554

under the terms of Declaration for the purposes described and contemplated by Declaration.

2. In the event Association should fail to perform its obligations, duties and requirements, or should fail to exercise its rights and privileges, all as provided and set forth in the Declaration, then City may bring any appropriate proceedings at law or in equity for the enforcement thereof; or City, at its option, may enter into and upon the Common Areas and perform necessary maintenance and repair, and may assess the cost thereof to the Common Areas and may require Association to levy assessments against all of the property for its payment.

3. City agrees to cooperate with Association in connection with the purposes for which Association was organized, and to exercise or decline to exercise its options as provided in the Declaration upon request and without undue delay.

4. This Contract and Agreement shall be binding upon the parties hereto and their successors.

IN WITNESS WHEREOF, the parties hereto have executed this Contract and Agreement the day and year first above written.

WELLINGTON GREENS HOMES ASSOCIATION, INC., a corporation, Party of the First Part

ATTEST:

[Signature] Secretary By [Signature] Its President

CITY OF LINCOLN, a municipal corporation, Party of the Second Part

ATTEST:

[Signature] City Clerk By [Signature] Mayor

13554
STATE OF NEBRASKA :
 : ss
Lancaster County :

On this 14th day of October, 1971, before me, the undersigned, a Notary Public duly commissioned and qualified for said County, personally came James A. Strauss, President of Wellington Greens Homes Association, Inc., a corporation, known to me to be the President and the identical person who signed the foregoing instrument on behalf of said corporation, and he acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation, and that its Corporate Seal was thereto affixed by its authority.

WITNESS my hand and Notarial Seal on the day and year last above written.

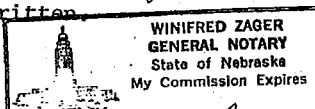
W. R. Hunt
Notary Public

My Commission Expires: April 15, 1974.

STATE OF NEBRASKA :
 : ss
Lancaster County :

On this 22nd day of May, 1971, before me, a Notary Public in and for said County, personally came Sam Schwartzkopf, Mayor of the City of Lincoln, a municipal corporation, known to me to be the Mayor and identical person who signed the foregoing instrument for and on behalf of the City of Lincoln, and he acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the City of Lincoln and that its Corporate Seal was thereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.



Winifred Zager
Notary Public

My Commission Expires: June 20, 1973

EXHIBIT "A"

A portion of Outlot B, Block 5, of Wellington Greens Replat, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the most southerly corner of said Outlot "B"; thence N. 32° 42' 56" W a distance of 120'; thence N. 57° 17' 05" E a distance of 245±'; thence N. 00° 09' 35" E, a distance of 240.0 feet to the north line of said Outlot "B"; thence southeasterly and easterly on said North line to the northeast corner of said Outlot "B"; thence south on the east line of said Outlot "B", a distance of 150.50' to a point of curvature; thence southerly along a 260.00 foot radius curve to the right a distance of 259.22 feet; thence S. 57° 17' 05" W. a distance of 178.70 feet to the point of beginning.

INDEXED	29-201	LANCASTER COUNTY NEBR.
MICRO-FILED	-205	<i>Kenneth P. Ferguson</i>
GENERAL	-209	REGISTER OF DEEDS
	-213	
-253	-217	
-257	-221	JUL 27 2 28 PM '72
-261	-225	
-265	-229	ENTRANCE BY
-267	-233	NUMERICAL INDEX.
-271	-237	FILED FOR RECORD AS:
-275	-239	
-279	-243	
-283		INST. NO. 72- 13554
Misc.	-247	
	-251	

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*Grand / Women
1728 Ap. 138th St.
40th St. Lincoln*