



BK 1514 PG 374-386



MISC 2003 15430

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2003 MAY -2 PM 4:01

RECEIVED

After recording, please return to:

James F. Kasher, Esq.
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 South 72nd Street, Suite 1250
Omaha, NE 68124

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE GROVE, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by ONE NINETY-TWO, LLC, a Nebraska limited liability company, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the undersigned is the Declarant under a certain Declaration of Covenants, Conditions and Restrictions for The Grove, a subdivision in Douglas County, Nebraska (the "Declaration"), which Declaration was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on March 13, 2000, in Misc. Book 1330 at Pages 255 through 266, inclusive, and which governs Lots 1 through 101, inclusive, Lots 196, 197, and 198, and Outlots B through E, inclusive, in The Grove, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for The Grove, a subdivision in Douglas County, Nebraska (the "First Amendment to Declaration") which was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on May 17, 2001, in Misc. Book 1382 at Pages 206 through 207, inclusive, and which governs Lots 282 through 331, inclusive, in The Grove, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska; and

WHEREAS, Declarant is the owner of certain real estate hereinafter referred to as the "Properties" in the County of Douglas, State of Nebraska, described as follows:

Return to: Benchmark Homes
11011 Q St.
Omaha, Ne 68137

Misc.
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115

FEE	122.00	FB	OC-14523
BKP		CO	OC-11527
DEL		SCAN	COMP
			PY

①
Lots 334 through 340, inclusive, and Lots 343 through 444, ②
inclusive, and Outlots Z, AA, BB and CC, all in The Grove, ④
subdivisions as surveyed, platted, and recorded in Douglas
County, Nebraska; Lots 1 and 2, The Grove Replat 4, ③

WHEREAS, pursuant to the terms and conditions of Article VI, Section 3 of the Declaration, Declarant is desirous of subjecting the Properties to the easements, restrictions, covenants and conditions for use set forth in the Declaration for the purpose of protecting the value and desirability of the Properties; and

WHEREAS, pursuant to the authority granted in the Declaration, Declarant is desirous of amending the text of Article V to provide a perpetual easement reserved in favor of, and granted to Sanitary and Improvement District No. 438 of Douglas County, Nebraska, and the City of Omaha, in the State of Nebraska, a municipal corporation.

NOW THEREFORE, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration as if same had been included at the time of the execution and filing of the Declaration. The Properties now being included in the Declaration shall be subject to all of the time periods referenced in the Declaration in the same manner as if they had originally been included in the Declaration. It is the intent hereof that the Properties shall be considered to have been covered by the Declaration from the time of its filing to allow for continuity among all of the Lots covered by the Declaration.

FURTHER, the Declaration at Article I, Section 7 shall be amended to include the following Outlots:

Outlot Z:	Common facilities for path, sidewalk and/or green areas;
Outlot AA:	Common facilities for path, sidewalk and/or green areas;
Outlot BB:	Common entryway, green area and location of entrance monument;
Outlot CC:	Common entryway, green area and location of entrance monument;

FURTHER, the Declaration at Article V shall be amended to include a Section 12 which shall read as follows:

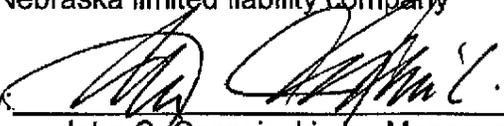
Section 12. Easements. A perpetual easement is hereby reserved in favor and granted to Sanitary and Improvement District No. 438 of Douglas County, Nebraska, and the City of Omaha, in the State of Nebraska, a Municipal corporation, (hereinafter collectively referred to as "Grantee") over the real estate described in Exhibit "A" attached and incorporated herein generally relating to Lot 335, Lot 347, Lots 349 through 363, inclusive, Lots 367 through 370, inclusive, and Lot 374. The scope and purpose of this easement is for the use, construction, repair, maintenance, replacement and renewal of channel and flood control improvements along the property described on Exhibit "A". The Grantee and its contractors and engineers

purposes of such easement; provided, however, that such easements as to said Grantee, City of Omaha only, shall have no force and effect unless and until the property described on Exhibit "A" is annexed as part of said City and until said City shall have a legal obligation to maintain such improvements as public facilities. By utilizing this perpetual easement grant, said Grantee, Sanitary and Improvement District No. 438 of Douglas County, Nebraska, agrees forthwith, and said Grantee, City of Omaha, agrees effective with the annexation of the property described on Exhibit "A", agrees forthwith, to make good or cause to be made good to the owner or owners of the property in which same are constructed, any and all damage that may be done by reason of construction, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, or other improvements thereon, including crops, vines and gardens. No surface improvements or fill, including but not limited to buildings, fences, patios, and/or other items of a similar nature, except bank stabilization, stabilization structures, poles and sign structures, shall be placed in any such easement right-of-way.

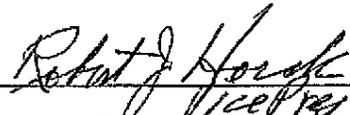
In all other respects, the Declaration heretofore executed, and its First Amendment, are hereby ratified and confirmed in their original form.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment to Declaration this 3 day of December, 2002.

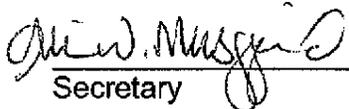
ONE NINETY-TWO, LLC,
a Nebraska limited liability company

By: 
John C. Czerwinski, Jr., Manager

FIRST NATIONAL BANK OF OMAHA, N.A.

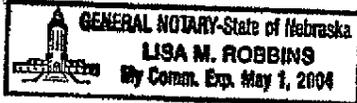
By: 
Its: Vice President

Attest:


Secretary

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

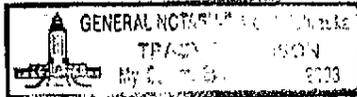
The foregoing instrument was acknowledged before me this 3 day of December, 2002, by JOHN C. CZERWINSKI, JR., Manager of One Ninety-Two, LLC, a Nebraska limited liability company, on behalf of the company.



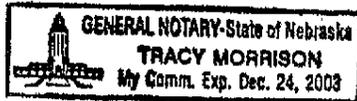
Lisa M. Robbins
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 11th day of December, 2002, by ROBERT J. HOENK, VICE PRESIDENT of FIRST NATIONAL BANK OF OMAHA, N.A., on behalf of the bank.



Tracy Morrison
Notary Public



LEGAL DESCRIPTION

THAT PART OF LOT 335, THE GROVE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA,
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID LOT 335;

THENCE N10°38'24"W (ASSUMED BEARING) 133.00 FEET ON THE EASTERLY LINE OF SAID LOT
335;

THENCE N51°12'59"W 102.50 FEET ON THE NORTHEASTERLY LINE OF SAID LOT 335;

THENCE S60°25'15"W 186.23 FEET ON THE NORTHWESTERLY LINE OF SAID LOT 335;

THENCE S02°34'45"E 70.00 FEET ON THE WESTERLY LINE OF SAID LOT 335;

THENCE N63°25'15"E 171.00 FEET;

THENCE S19°42'03"E 123.64 FEET TO THE SOUTHERLY LINE OF SAID LOT 335;

THENCE N84°19'15"E 69.00 FEET ON THE SOUTHERLY LINE OF SAID LOT 335 TO THE POINT OF
BEGINNING.

TOGETHER WITH

PART OF LOT 347, TOGETHER WITH PART OF LOTS 349 THRU 363, INCLUSIVE, TOGETHER WITH
PART OF LOTS 367, 368, 369, 370, 373 AND 374, ALL IN THE GROVE, A SUBDIVISION IN
DOUGLAS COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID LOT 374;

THENCE SOUTHWESTERLY ON THE NORTHWESTERLY LINE OF SAID THE GROVE ON THE FOLLOWING
DESCRIBED 18 COURSES;

THENCE S05°45'37"E (ASSUMED BEARING) 200.00 FEET;

THENCE S39°22'29"W 65.00 FEET;

THENCE S59°06'54"W 121.06 FEET;

THENCE S39°14'30"W 180.00 FEET;

THENCE S03°33'42"E 81.38 FEET;

THENCE S15°15'17"E 91.77 FEET;

THENCE S30°37'33"W 66.75 FEET;

THENCE S54°38'49"W 91.94 FEET;

THENCE S30°50'49"W 73.33 FEET;

THENCE S51°21'51"W 71.87 FEET;

THENCE S76°41'46"W 47.77 FEET;

THENCE N48°24'52"W 70.00 FEET;

THENCE S62°15'13"W 120.00 FEET;

THENCE S31°26'57"W 156.37 FEET;

THENCE S70°57'25"W 358.38 FEET;

THENCE N56°10'47"W 81.93 FEET;

THENCE N38°41'18"W 65.66 FEET;

THENCE S54°55'00"W 98.00 FEET;

THENCE S52°57'18"E 141.85 FEET;

THENCE S73°46'43"E 117.37 FEET;

THENCE N76°31'56"E 112.64 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 351, SAID
POINT BEING 98.00 FEET FROM THE NE CORNER OF SAID LOT 351;

THENCE N65°07'57"E 250.86 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 355,
SAID POINT BEING 72.00 FEET FROM THE NE CORNER OF SAID LOT 355;

THENCE N61°57'37"E 361.36 FEET;

THENCE N48°35'06"E 246.19 FEET;

THENCE N22°09'28"E 87.34 FEET;

THENCE N12°29'51"W 164.42 FEET;

THENCE N37°07'52"E 86.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 368,
SAID POINT BEING 75.00 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 368;

THENCE N53°16'10"E 233.66 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 373,
SAID POINT BEING 6.00 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 373;

THENCE N16°02'40"E 9.12 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 373,
SAID POINT BEING 6.00 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 373;

THENCE N09°13'51"E 78.90 FEET;

THENCE N05°45'37"W 175.00 FEET;

THENCE N16°31'33"E 20.00 FEET TO THE NORTHERLY LINE OF SAID LOT 374;

THENCE S85°13'19"W 79.60 FEET ON THE NORTHERLY LINE OF SAID LOT 374 TO THE POINT OF
BEGINNING.

EXHIBIT "A"

SHEET 2 OF 2

BENCHMARK HOMES, INC.

TD2 FILE NO.: 122-202-EASEZ

DATE: JUNE 15, 2001

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

**ADDITIONAL SIGNATURE PAGE FOR
SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE GROVE, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

The undersigned owners of the following described real estate:

Lot 338, in THE GROVE, a Subdivision, as surveyed, platted and recorded,
in Douglas County, Nebraska

request that said property be included in, and agree to be bound by the terms and conditions of the foregoing SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE GROVE to which this signature page has been attached and any amendments, modifications, or supplements thereto or to the Declaration described therein.

Tamara S. Vanderwilt

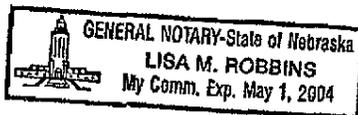
Tamara S. Vanderwilt

Michael T. Vanderwilt

Michael T. Vanderwilt

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 14 day of April, 2003, by TAMARA S. VANDERWILT and MICHAEL T. VANDERWILT.



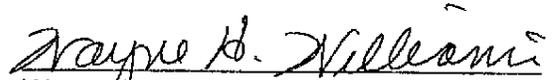
Lisa M. Robbins
Notary Public

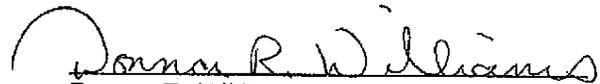
**ADDITIONAL SIGNATURE PAGE FOR
SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE GROVE, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

The undersigned owners of the following described real estate:

Lot 368, in THE GROVE, a Subdivision, as surveyed, platted and recorded,
in Douglas County, Nebraska

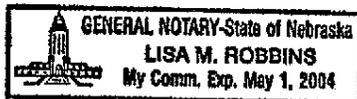
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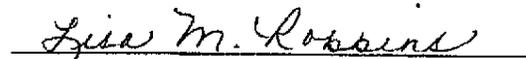

Wayne H. Williams


Donna R. Williams

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 18 day of April, 2003, by WAYNE H. WILLIAMS and DONNA R. WILLIAMS, husband and wife.




Notary Public

**ADDITIONAL SIGNATURE PAGE FOR
SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE GROVE, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

The undersigned owners of the following described real estate:

Lot 377, in THE GROVE, a Subdivision, as surveyed, platted and recorded,
in Douglas County, Nebraska

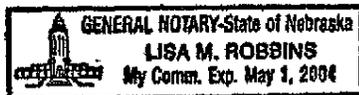
request that said property be included in, and agree to be bound by the terms and conditions of the foregoing SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE GROVE to which this signature page has been attached and any amendments, modifications, or supplements thereto or to the Declaration described therein.

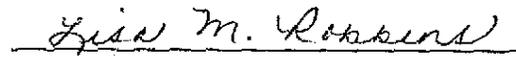

Scott D. Seaman


Michele R. Seaman

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 14 day of April, 2003, by SCOTT D. SEAMAN and MICHELE R. SEAMAN, husband and wife.



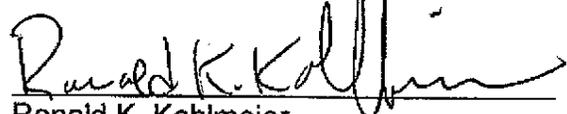

Notary Public

**ADDITIONAL SIGNATURE PAGE FOR
SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE GROVE, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

The undersigned owners of the following described real estate:

Lot 2, Replat 4, in THE GROVE, a Subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska

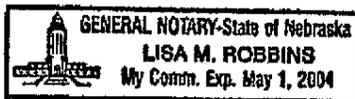
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Ronald K. Kohlmeier


Mia M. Kohlmeier

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 1 day of May , 2003, by RONALD K. KOHLMEIER and MIA M. KOHLMEIER, husband and wife.




Notary Public