

RESTRICTIVE COVENANT

406/573

406/573

Dated 10/28/63

Filed 12/27/63

WHEREAS, VICTOR L. OLSEN and ELIZABETH F. OLSEN, husband and wife, are the owners of Lots 19 and 20, Block 19, Ambler Place, an addition to the City of Omaha, Douglas County, Nebraska, and said Olsens hereinafter referred to as parties of the first part; and

WHEREAS, MARCELLINE RIESER, single, is the owner of Lot 1, Block 19; JAMES E. SMITH and FLORENCE R. SMITH, husband and wife, are the owners of Lot 2, Block 19; GERALD D. McWILLIAMS and VIVIAN McWILLIAMS, husband and wife, are the owners of Lot 3, Block 19; HARRY A. KOCH COMPANY is the owner of Lot 18, Block 19; and CENTER, INC. is the owner of Lots 10 and 11, Block 20, all in Ambler Place, an addition to the City of Omaha, Douglas County, Nebraska, and that all of said parties mentioned in this paragraph be referred to as parties of the second part.

NOW, THEREFORE, parties of the first part, for valuable consideration received, do hereby covenant with the parties of the second part that until January 1, 1983, parties of the first part agree that the property described as Lots 19 and 20, Block 19, Ambler Place, an addition to the City of Omaha, Douglas County, Nebraska, shall not be used during said period for any purpose other than occupying as a dwelling the existing dwelling house on said property, or for an office building not more than two stories plus a basement in height and that if said office building is hereafter constructed, the said office building shall face to the west, shall have a flat roof, and shall have an exterior constructed principally of brick or masonry material;

that if said office building is constructed, it shall be set back at least 35 feet from 44th Street and the premises shall also contain accessory auto parking spaces and landscaping. This covenant shall run with the land and be binding upon the parties hereto, their heirs, successors, and assigns.

Victor L. Olsen
VICTOR L. OLSEN

Elizabeth F. Olsen
ELIZABETH F. OLSEN

Parties of the First Part

Marcelline Rieser
MARCELLINE RIESER

James E. Smith
JAMES E. SMITH

Florence R. Smith
FLORENCE R. SMITH

Gerald D. McWilliams
GERALD D. McWILLIAMS

Vivian McWilliams
VIVIAN McWILLIAMS

HARRY A. KOCH COMPANY

By Harry A. Koch

CENTER, INC.

By Harry A. Koch

Parties of the Second Part

406-575

STATE OF NEBRASKA)

) ss:

COUNTY OF DOUGLAS)

On this 19th day of October, 1963, before me, the undersigned, a Notary Public in and for said County, personally came VICTOR L. OLSEN and ELIZABETH F. OLSEN, husband and wife, to me known to be the identical persons whose names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last-above written.

Charles P. Davy
NOTARY PUBLIC

STATE OF NEBRASKA)

) ss:

COUNTY OF DOUGLAS)

On this 19th day of October, 1963, before me, the undersigned, a Notary Public in and for said County, personally came MARCELLINE RIESER, single, to me known to be the identical person whose name is subscribed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last-above written.

Charles P. Davy
NOTARY PUBLIC

STATE OF NEBRASKA)

) ss:

COUNTY OF DOUGLAS)

On this 28th day of October, 1963, before me, the undersigned, a Notary Public in and for said County, personally came JAMES E. SMITH and FLORENCE R. SMITH, husband and wife, to me known to be the identical persons whose names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last-above written.

Charles P. Davy
NOTARY PUBLIC

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

On this 22nd day of October, 1963, before me, the undersigned, a Notary Public in and for said County, personally came GERALD D. McWILLIAMS and VIVIAN McWILLIAMS, husband and wife, to me known to be the identical persons whose names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last above written.

Charles C. Clary
NOTARY PUBLIC

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

On this 20th day of October, 1963, before me, the undersigned, a Notary Public in and for said County, personally came *Harry A. Koch*, the *President*, of the HARRY A. KOCH COMPANY, to me known to be the identical person whose name is subscribed to the foregoing instrument, and acknowledged the execution thereof to be the voluntary act and deed of the said Harry A. Koch Company.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last above written.

Charles C. Clary
NOTARY PUBLIC

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

On this 22nd day of October, 1963, before me, the undersigned, a Notary Public in and for said County, personally came *John C. Weber*, the *President*, of the CENTER, INC., to me known to be the identical person whose name is subscribed to the foregoing instrument, and acknowledged the execution thereof to be the voluntary act and deed of the said Center, Inc.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last above written.

Charles C. Clary
NOTARY PUBLIC

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