

## RESTRICTIONS AND EASEMENTS FOR UNDERWOOD PARK 2nd ADDITION

Lots in Underwood Park 2nd Addition, the plat of which is recorded in Book 892 Page 525 in the Register of Deeds Office, in the Douglas County Court House, Douglas County, Nebraska, are subject to the following restrictions which shall run with the land from the date hereof until January 1st, 1980.

- (1) All lots shall be used for residential purposes only.
- (2) Only one single family dwelling may be erected on Lots 2, 3, 4, that part of Lot 5 lying North of Cole Creek as it now exists and Lot 6 and shall be not more than two stories in height, shall have at least 1000 square feet of ground floor space in the case of a one story structure and 800 square feet of ground floor space in the case of a one and a half or two story structure (exclusive of porches, breezeway or garage), shall cost not less than \$7,500.00 and shall be built on a solid foundation (not pillars) and shall have wooden, slate or composition shingles on the roof, new standard wood siding (asbestos shingle siding or imitation brick siding can not be used) and shall be painted with at least two coats of good standard outside house paint, if frame, or may be built of masonry. Cement block construction may be used only in basement wall construction. That part of Lot 5 lying South of Cole Creek as it now exists is to be joined and sold with Lot 124 in Underwood Park Addition and as such will constitute a corner lot facing Cass Street, and in this case the west dwelling building line shall be at least 15 feet back from the side street line on 77th Street. The building set back line on the Cass Street side of Lot 4 shall be 40 feet.
- (3) On Lots 3, 4, ~~and~~ that part of Lot 5 lying North of the center line of Cole Creek as it now exists and Lot 6 all dwellings shall be placed at least fifty feet back from the front lot line (open porches and bay windows excepted). On Lot 2 the dwelling shall be at least 35 feet back from the front lot line (open porches and bay windows excepted). On Lots 2, 3, 4, that part of Lot 5 lying North of the center line of Cole Creek as it now exists and Lot 6 no building other than the dwelling (and breezeway and/or garage if attached to the dwelling) shall be closer to the front lot line than the rear building line of the dwelling.
- (4) Any detached garage or outbuilding shall comply with the construction requirements for a dwelling except that it shall not be limited as to ground floor area nor need it be on a permanent foundation. No fence shall be constructed closer to the front lot line than the front building line of any dwelling, except that shrubbery or a hedge may be used in lieu of a fence anywhere.
- (5) Underwood Park 2nd Addition has been zoned as a fourth residential district by the City of Omaha. There shall be no outdoor privies or cesspools. A perpetual easement is granted to the owners, their heirs and assigns, of Lots 1, 2, 3, and 4 to install, operate and maintain a sewer line on Lots 2, 3, and 4 along a line parallel to and 25 feet east of the west line of said lots. An Additional easement for sewer line across Lot 4 is of record in Book 260, Page 669, Register of Deeds Office, Douglas County, Nebraska.
- (6) No building shall be moved onto any lot and no unused building materials, junk or rubbish shall be left exposed on any lot except during actual building operations.
- (7) No trailer, basement, tent, garage, barn or other outbuilding shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
- (8) A perpetual license is granted to the Northwestern Bell Telephone Company and The Omaha Public Power District, jointly, their successors, lessees, and assigns, to erect and operate, maintain, repair and renew poles with the necessary supports, sustaining wires, cross arms, guys and anchors, and other instrumentalities, and to extend thereon wires for carrying and transmission of electric current for lights, heat and power, and for all telephone, telegraph and message purposes for the use and benefit of all the owners and occupants thereof along the rear and side boundary lines of all lots.
- (9) No building shall be erected on any residential lot until the design thereof shall have been approved in writing by S. J. Cullingham, S. J. Cullingham Co. or his or its heirs or assigns. However, if said person or persons fail to disapprove the design of a proposed building within 20 days after same is submitted to him, or them, then such approval will not be required provided such design and location on said lot conforms to and harmonizes with existing structures and meets the requirements of the building restrictions herein contained.

Dated at Omaha, Nebraska this 18<sup>th</sup> day of July, 1951.

Sidney J. Cullingham  
Charlotte A. Cullingham

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

On this 18<sup>th</sup> day of July, 1951, before me, a Notary Public in and for said County, personally came the above named Sidney J. Cullingham and Charlotte A. Cullingham, husband and wife, who are personally known to me to be the identical persons whose names are affixed to the above instrument, and they acknowledge said instrument to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

Frances Taylor  
Notary Public  
Commission expires May 8, 1955.

