

MISCELLANEOUS RECORD

PROTECTIVE COVENANTS 31

WITNESSETH: That THE CATHOLIC BISHOP OF LINCOLN, a corporation of Lincoln, Lancaster County, Nebraska, hereinafter known as the Corporation, being owner

of the following described real estate, located in Lincoln, Lancaster County, Nebraska, to wit:

Lots 1 to 3 inclusive, Block 1  
All lots except lot 4 and lots 11 to 13 inclusive  
Lots 1 to 3 inclusive, Block 3  
Lots 1 to 24 inclusive, Block 4  
Lots 1 to 6 inclusive, Block 5  
and all of Block 6

all in Bishop Heights, a subdivision of Lincoln, Lancaster County, Nebraska,

hereby creates, adopts and establishes the following restrictions against and upon said real estate, to-wit:

- A. All lots herein described shall be used exclusively for private single family dwellings not to exceed two (2) stories in height and a private garage which may be either attached to or detached from the dwelling; except that on Lots 23 to 38 inclusive, Block 1, churches may be built.
- B. No dwelling shall be located on any lot nearer than 30 feet to the front lot line, nor nearer than 10 feet to the side lot line. In case of a corner lot, the dwelling shall not be nearer than 30 feet to the side street line. No detached garage building or other outbuilding shall be nearer than 65 feet to the front lot line, nor nearer than 2 feet to the side lot line. In case of a corner lot, the garage or other outbuilding shall not be nearer than 30 feet to the side street line.
- C. No residential structure shall be erected or placed on any building lot which has an area of less than 9,000 square feet, except for dwellings facing on Calvert Street, Bonacum Drive and O'Reilly Drive the lots for which must have an area of not less than 10,500 square feet. Not more than one dwelling and garage shall be built upon any lot, but nothing herein stated shall prevent the construction of one dwelling and garage on a portion of two or more lots where the area owned is not less than 9,000 square feet, except on lots facing Calvert Street, Bonacum Drive and O'Reilly Drive, where the area owned must contain at least 10,500 square feet. In such case the restrictions herein pertaining to the side lot lines shall be construed to apply to the side lines of such tract.
- D. The construction of a dwelling shall not be started until there is first secured from the Corporation written approval of the building plans and specifications which must show the size, exterior material, design, plot plan and location of the dwelling and garage upon the lot or lots. The Corporation reserves to itself, its successors and assigns, the sole right to approve or reject any building plans if in its opinion the size, materials, design or plot plan do not conform to the general standard and value of development in the subject area. The opinion of the Corporation as to these matters shall be final. To insure the enforcement of these provisions one set of said plans and specifications signed by the owner shall be left on permanent file with the Corporation. It is the responsibility of the owner however to see that the building in all aspects complies with the City building ordinances.
- E. No noxious or offensive trade, activity or practice shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

- F. No trailer, basement, tent, shack, barn or any other outbuilding erected in or on any lot, shall at any time be used as a residence, temporarily or permanently; nor shall any structure of a temporary character be used as a residence; nor shall any trailer, shack, tent, barn or other outbuilding be placed or suffered to remain on said premises for any reason whatsoever.
- G. No building of any kind whatsoever shall be moved onto any building lot.
- H. No nuisance, advertising sign, billboard or other advertising device shall be permitted, erected, placed or suffered to remain upon said lots or upon any improvements thereon. Said lots shall not be used in any way or for any purpose which may endanger the health, or reasonably disturb the quiet of any holder of adjoining lots. No business of any kind or anything that may be construed as a business may be conducted on the lots covered by these covenants except that this restriction shall not prevent the Corporation from placing upon any lots owned by said Corporation sale signs advertising the subdivision.
- I. The Corporation expressly reserves to itself, its successors and assigns, the sole and exclusive right to establish grades and slopes on all lots, and to fix the grade at which any dwelling shall be hereafter erected or placed thereon so that the same may conform to a general plan.
- J. The herein enumerated restrictions, rights, reservations, limitations, agreements, covenants and conditions shall be deemed as covenants and not as condition hereof, and shall run with the land, and shall bind the several owners until the 1st day of January, 1984, in any event; and continuously thereafter unless and until any proposed change shall have been approved in writing by the owners of the legal title to all of the land on both sides of the street within the block in which is located the property the use of which is sought to be altered by said proposed change.
- K. In the event that any person shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning any other real estate in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.
- L. Any excess dirt from site grading or basements must be first offered at no cost to the Corporation before hauling off Bishop Heights. The Corporation is to direct where the dirt is to be placed.
- M. No horses, livestock or fowl shall be kept, permitted or maintained on any of said premises, nor shall any barns, stables or sheds be erected in or upon any



*Walter D. White*  
 Witness - Secretary

THE CATHOLIC BISHOP OF LINCOLN, a corp.

*James V. Casey*  
 President

Lincoln, Nebraska  
 November 30 19 59

STATE OF NEBRASKA ) ss On this 30th day of November 1959, before me,  
 LANCASTER COUNTY ) the undersigned, a Notary Public in and for  
 said County, personally came JAMES V. CASEY,  
 President of THE CATHOLIC BISHOP OF LINCOLN, a corporation, to me  
 personally known to be the President and the identical person whose  
 name is affixed to the above instrument and acknowledged the execution  
 thereof to be his voluntary act and deed as such officer and the  
 voluntary act and deed of the said THE CATHOLIC BISHOP OF LINCOLN, and  
 that the corporate seal of the said THE CATHOLIC BISHOP OF LINCOLN was  
 thereat affixed by its authority.

Witness my hand and Notarial Seal at Lincoln in said county  
 the day and year last above written.

My commission expires the 25<sup>th</sup> day of January 1965 *Robert J. Doherty*  
 Notary Public

24-413-417-421-423-427-

GENERAL COMPARED PAGES 31

for Bishop Heights  
Vestibule Counters

STATE OF NEBRASKA } ss.  
Lancaster County }  
Entered on numerical index and  
filed for record in the Register of  
Deeds Office of said County the  
1 day of DEC. 19 52  
at 2 o'clock and  
minutes of M. and recorded in  
Book of  
at page  
By Kenneth P. Johnson  
REG. OF DEEDS  
Deputy

44 65

✓  
PT

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH  
Bureau of Vital Statistics  
CERTIFICATE OF DEATH

BIRTH No. 126

PLACE OF BIRTH  
USUAL RESIDENCE

NAME OF DECEASED  
Fritz Brauer

SEX  
Male

RACE  
White

EDUCATION  
High School

RELIGION  
None

CAUSE OF DEATH

MEDICAL CERTIFICATION

Barth

THIS CERTIFIES THE ABOVE TO BE A TRUE COPY OF AN ORIGINAL  
CERTIFICATE ON FILE WITH THE STATE DEPARTMENT OF HEALTH,  
BUREAU OF VITAL STATISTICS, WHICH IS THE LEGAL DEPOSITORY  
FOR VITAL RECORDS.

*Arden J. Hein*  
DIRECTOR OF VITAL STATISTICS AND ASSISTANT STATE REGISTRAR  
LINCOLN, NEBRASKA  
Issued December 1, 1952

INDEXED with 44  
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20

with the Bank of America, Lincoln, Nebraska