

21-16-14

RESTRICTIVE COVENANTS AND EASEMENTS

The undersigned, being all of the owners of the following described real estate situated in Douglas County, Nebraska, to-wit:

That part of the West one-half W½) of the Southwest Quarter (SW¼) of Section Twenty-One (21), Township Sixteen (16) North, Range Twelve (12) East of the 6th P.M., lying North and East of State Highway No. 133;

do hereby state, declare and publish that such portion of said property zoned as First Industrial District shall be held under and subject to the following covenants and easements:

1. Uses Excluded.

In addition to such uses as may be excluded under applicable First Industrial District Zoning classification, the following uses are hereby prohibited:

- (a) Abattoirs, packing houses, slaughter houses or tanneries.
- (b) Asphalt plants, redi-mix concrete plants, rock crushers, stone mills, or places of extraction of earth minerals.
- (c) Blast furnaces, foundrys, smelters or other ore reduction plants.
- (d) Brick, tile or terra cotta manufacture or storage.
- (e) Cement, lime or gypsum manufacture or storage.
- (f) Bulk chemical processing, manufacture or storage.
- (g) Fertilizer plants.
- (h) Fire works or explosive manufacture or storage.
- (i) Incineration or reduction of garbage, animals, offal or refuse.
- (j) Junk yards or auto salvage yards.
- (k) Petroleum or other flammable liquid or gas refineries, pipeline terminals, or bulk storage facilities.
- (l) Stock yards, feed yards, dairies, piggeries or poultry farms.
- (m) Any other industry or business whose manufacturing processes or methods of operation constitute a nuisance by reason of offensive noise, air pollution, odor, litter, vibration, glare or explosion hazard.

2. Method of Operation.

Any commercial, industrial, distribution or warehousing use shall conform in its operation to the provisions of Paragraphs 1 to 5 inclusive, of Section 55.35.030 of the Municipal Code of the City of Omaha.

3. Enclosures.

Every use shall be operated substantially within a completely enclosed structure of a permanent type construction. Open storage of raw materials, finished or semi-finished products or production

equipment shall be permitted only when surrounded by a solid screen fence or wall at least 7 feet in height.

4. Outdoor Lighting.

Lighting facilities intended to illuminate yards, grounds, parking areas, drives or external portions of structures shall be designed and arranged so that they do not focus or shine on adjacent properties or public thoroughfares.

5. Signs.

All signs shall be designed, erected, located and maintained in accordance with the following regulations:

- (a) Entrance Sign. One entrance sign designating the business enterprise and direction or place of entrance may be erected for each business, provided such sign shall not project over any street right-of-way.
- (b) Wall or Roof Signs. Signs identifying or advertising the name of the business enterprise and describing the products manufactured, distributed, sold or serviced on the premises may be mounted on the roof or attached to any facade of the main structure on the lot. If mounted on the roof, such sign shall not exceed the over-all maximum height limitations of this section.
- (c) Temporary Sign. One temporary sign relating to the sale or lease of the premises, not to exceed 20 square feet in area, may be erected by the owner or a licensed real estate broker in each front and side yard of the lot.

6. Height Limitations.

No building shall exceed 40 feet in height except that antennas, chimneys, bins, tanks, cooling towers, water towers, machinery lofts or penthouses and similar production accessory appurtenances (not including signs) may be erected to exceed this height limit, provided however, such exceptions shall not exceed 65 feet in height.

7. Area Regulations:

- (a) Front Yard. No building shall be erected within 35 feet of the right-of-way line of State Highway No. 133, nor within 35 feet of the right-of-way line of any other street. A minimum of 10 feet of such front yard shall be devoted to landscaped area, except for driveways or sidewalks.
- (b) Side Yards. There shall be a minimum side yard of 10 feet.
- (c) Lot Width. The minimum lot width shall be 100 feet.
- (d) Parking Areas. No parking areas shall be permitted within 10 feet of Highway No. 133.

8. Approval of Plans.

Prior to commencement of any grading or construction, the final grading and building plans must be submitted to the undersigned for approval. No trailer, basement, shack, barn or other outbuilding of a temporary character shall be constructed upon said property.

9. Easements.

A perpetual license and easement is hereby reserved in favor of and granted to Omaha Public Power District and Northwestern Bell Telephone Company, their successors and assigns, to erect and operate, maintain, repair and renew sewer mains and appurtenances, conduits, poles with the necessary supports, sustaining wires, cross-arms, guys and anchors and other instrumentalities and to extend thereon wires for the carrying and transmission of electric current for light, heat and power and for all telephone and telegraph and message service over and upon a five (5) foot strip of land adjoining the rest or side boundary lines of all lots.

10. Amendment.

The foregoing Covenants and Easements shall run with the land and be binding upon all persons for a period of twenty (20) years from the date hereof, unless amended by written agreement executed by all of the owners of said property and by the Planning Director of the City of Omaha, Nebraska. Nothing contained herein shall be construed as imposing upon the undersigned the duty or obligation of enforcement hereof.

A. S. Battiato  
A. S. Battiato, Trustee

Robert J. Wade  
B. & W Company

August J. Paulsen & Vivian Paulsen  
August J. Paulsen & Vivian Paulsen, husband & wife

Bernard Sommer  
Bernard Sommer

Robert J. Wade  
A. S. Battiato Construction Co., Inc.

Ronald D. Rydberg  
Rodstrom Plumbing Co.

James M. Krejci & Kathryn Krejci  
James M. Krejci & Kathryn Krejci, Joint Tenants

James S. Bauer  
Bauer Plumbing Co., Inc.

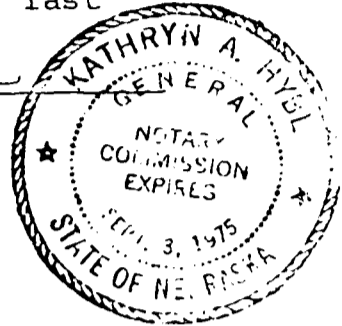
W & H Construction Co.  
W & H Construction Co.

STATE OF NEBRASKA )  
 ) SS.  
COUNTY OF DOUGLAS )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came A. S. BATTIATO, TRUSTEE,  
to me known to be the identical person whose name is affixed to  
the foregoing instrument and acknowledged the same to be his  
voluntary act and deed.

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

Kathryn A. Hyebl  
Notary Public



My Commission Expires:

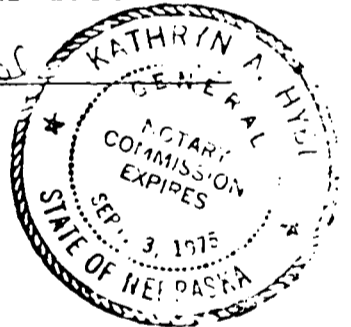
September 3, 1975

STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came Robert F. Wasto  
and A.S. Battiato, NEA Paulson Company  
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hyebl  
Notary Public



My Commission Expires:

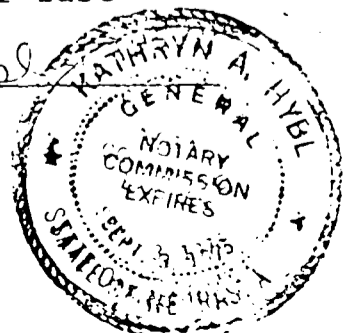
September 3, 1975

STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came August J. Paulson  
and Vivian Paulson husband & wife  
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hyebl  
Notary Public



My Commission Expires:

September 3, 1975

STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came Bernard Sommer

to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hybl  
Notary Public

My Commission Expires:

September 3, 1975



STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came Roland F. Waide,  
President of A.S. Battista Construction Co., Inc.

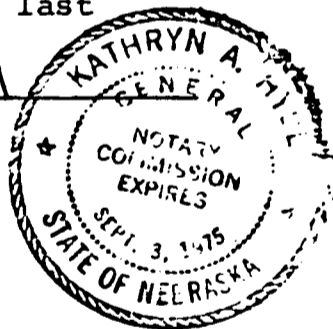
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hybl  
Notary Public

My Commission Expires:

September 3, 1975



STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came Donald E. Rudberg,  
Vice President of Reflection Plumbing Co.

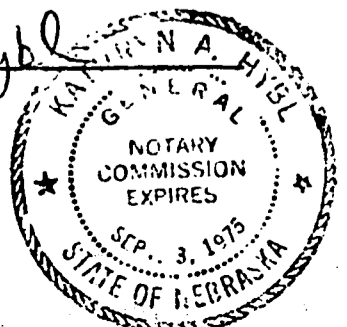
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hybl  
Notary Public

My Commission Expires:

September 3, 1975

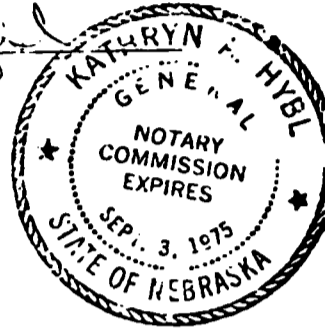


STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 2nd day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came James M. Krejci  
and Kathryn Krejci, as Joint Tenants  
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hybl  
Notary Public



My Commission Expires:

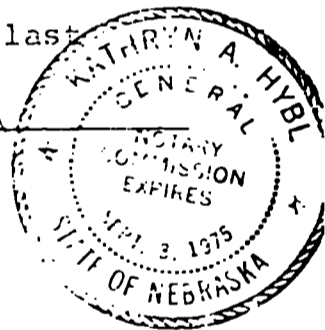
September 3, 1975

STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 4th day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came James S. Bauer,  
President of Bauer Plumbing Co., Inc.  
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hybl  
Notary Public



My Commission Expires:

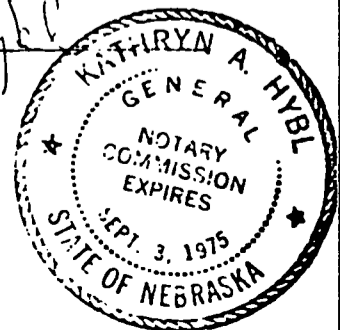
September 3, 1975

STATE OF Nebraska )  
 ) SS.  
COUNTY OF Douglas )

On this 1st day of February, 1974, before me, the under-  
signed, a Notary Public, duly commissioned, qualified for and  
residing in said County, personally came Clas N. Hansen,  
Partner of W & H Construction Co.  
to me known to be the identical person(s) whose name(s) is  
affixed to the foregoing instrument and acknowledged the same  
to be his, her or their voluntary act and deed and the voluntary  
act and deed of said corporation.

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

Kathryn A. Hybl  
Notary Public



My Commission Expires:

September 3, 1975

32 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
AT 10:10 AM. C. HAROLD OSTLER, REGISTER OF DEEDS  
1974 FEB 7 DAY OF Feb