

22992

PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, EDWARD E. WILCZEWSKI, is the owner and developer of the following described real estate, to-wit:

A tract of land located in the North Half of Section 10, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of said Section 10; thence westerly along the north line of said Section 10 a distance of 813.06 feet more or less to the point of beginning; thence south 37 degrees 05 minutes 46 seconds west (assumed bearing) a distance of 477.55 feet more or less; thence south 89 degrees 59 minutes 32 seconds west a distance of 1920 feet more or less; thence north 00 degrees 00 minutes 28 seconds west a distance of 369.91 feet more or less to a point on said north line of Section 10; thence easterly along said north line of Section 10 a distance of 2208.12 feet more or less to the point of beginning.

A tract of land located in the South Half of Section 3, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southeast corner of said Section 3; thence westerly along the south line of said Section 3 a distance of 813.06 feet more or less to the point of beginning; thence continuing westerly along said south line of Section 3 a distance of 2208.12 feet more or less; thence north 00 degrees 00 minutes 28 seconds west a distance of 64.32 feet more or less; thence northeasterly on a curve to the left with a radius of 2523.90 feet and central angle of 27 degrees 16 minutes 01 seconds and whose initial tangent is north 79 degrees 43 minutes 38 seconds east a distance of 1201 feet more or less; thence north 52 degrees 27 minutes 37 seconds east a distance of 513.52 feet more or less; thence northeasterly on a curve to the right with a radius of 1779.14 feet and a central angle of 25 degrees 50 minutes 19 seconds a distance of 802 feet more or less; thence south 08 degrees 23 minutes 44 seconds east a distance of 453.09 feet more or less; thence southeasterly on a curve to the left with a radius of 685.39 feet a distance of 431 feet more or less to a point 100 feet northwesterly of the northwesterly right of way line of Interstate Highway No. 80; thence southwesterly on a line parallel to and 100 feet northwesterly of said northwesterly right of way line of Interstate Highway No. 80 a distance of 441.28 feet more or less to the point of beginning.

to which the owner has filed with the City of Lincoln, Nebraska, an application for change of zone from AA Rural to G-1 Planned Commercial; and

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WHEREAS, as a part of such subdivision and development, the undersigned desires that certain conditions and restrictions in the public interest be imposed as covenants upon said real estate; and

WHEREAS, it is in the public interest that the City of Lincoln, Nebraska, a municipal corporation, have the authority under such covenants to regulate and control the development of the above described real estate under a G-1 Planned Commercial zoning classification insofar as said classification pertains to the development of said real estate and the overall planning and development of the City of Lincoln; and

WHEREAS, under conditions presently existing the development of the above described real estate under the G-1 Planned Commercial zoning classification is appropriate and proper under certain terms and conditions to be imposed by the undersigned as covenants upon said property; and

WHEREAS, the City of Lincoln, as a municipal corporation and governmental subdivision of the State of Nebraska, has the authority and obligation imposed upon it by law to protect the public and to protect the environment and the development of the City of Lincoln in an orderly and meaningful manner in the interest of promoting and securing the public health, safety, and general welfare of the inhabitants of the City of Lincoln; and

WHEREAS, the aforesaid interest of the City of Lincoln runs to the development of the above described real estate under the G-1 Planned Commercial zoning classification; and

WHEREAS, the undersigned believes that as conditions now exist it is in the public interest that certain conditions be imposed upon the development of said above described real estate which include the amount of land actually devoted for the construction of buildings, the heights of said buildings, and the time in which said development commences, all of which the undersigned is willing to provide as protective covenants affecting said land; and

WHEREAS, the undersigned desires to make said protective covenants and the restrictions contained therein a matter of

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record and to provide for the future enforcement thereof by the City Council of the City of Lincoln, Nebraska;

NOW, THEREFORE, the undersigned, in consideration of the premises and the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby covenant and undertake with respect to said real estate above-described only, that not more than 20 percent of the area of said real estate above described shall ever have any building erected thereon; provided however, said covenant may be waived by resolution of the City Council of the City of Lincoln, Nebraska, as constituted from time to time, and that no building whatsoever of any kind shall ever be constructed upon any part of the remaining 80 percent of the area of said real estate above described; provided however, that said covenant may be waived by resolution of the City Council of the City of Lincoln, Nebraska, as constituted from time to time.

The undersigned does further covenant and undertake with respect to said real estate above-described only, that no building constructed upon said above described real estate shall be more than two stories in height above finished grade; provided however, that said covenant may be waived by the City Council of the City of Lincoln, Nebraska, as constituted from time to time.

The undersigned does further covenant and undertake with respect to said real estate above-described only, that no construction of a building shall commence on said above described real estate until the 1st day of December, 1976; provided however, that said protective covenant may be waived by the City Council of the City of Lincoln, Nebraska, as constituted from time to time. The leveling of land, installation of utilities, and site preparation shall not constitute the erection of a building thereon, nor shall be considered to be a violation of this covenant.

The undersigned does further covenant that the foregoing covenants on the part of the undersigned shall attach to and run with the real estate above described and shall be binding and obligatory upon the heirs, successors and assigns of the undersigned to all or any part thereof; provided however, that said covenants

may be waived by resolution of the City Council of the City of Lincoln, Nebraska, as constituted from time to time.

IN WITNESS WHEREOF, the undersigned has executed these presents this 30 day of NOVEMBER, 1973.

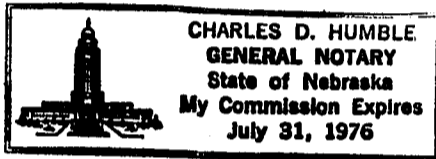
Edward E. Wilczewski

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me this 30 day of November, 1973, by Edward E. Wilczewski.

Witness my hand and notarial seal this 30th day of November, 1973.

Charles D. Humble
Notary Public



APPROVED AS TO FORM
Richard R. Wood
CITY ATTORNEY

INDEXED
MICRO - FILED
GENERAL

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603*

LANCASTER COUNTY NEBR.
Humboldt St. Registration
REGISTER OF DEEDS
1973 DEC -4 PM 1:26

FILED FOR RECORDS AS:

INST. NO. 73-

22992

\$12.50

City Clerk