

30-606

9. A perpetual license is hereby reserved in favor of and granted to Northwestern Bell Telephone Company, Omaha Public Power District and all public utility companies now or hereafter operating within said addition, their successors 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 the carrying and transmission of electric current for light, heat and power and for all telephone and telegraph and message services along, across, over and under the rear five feet of each lot in said addition.

10. If the present or future owners of any of said lots, their grantees, heirs or assigns, shall violate or attempt to violate any of the covenants and restrictions herein set forth, it shall be lawful for any other person or persons owning any other lots in said replat, or any part thereof, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any of the said covenants and restrictions and either to prevent him or them from so doing or to recover damages resulting from such violation or violations.

This paragraph shall not be construed as imposing upon any person or persons the duty of enforcing any one or all of these covenants or restrictions.

Invalidation of any one of these covenants by a judgment or court order shall in no way affect the validity and enforceability of any of the other covenants or restrictions herein contained.

Dated this 26<sup>th</sup> day of October, 1962.

AVERY REALTY COMPANY, INC.

By Alfred Cascio  
President

Attest:  
Alfred Cascio  
Secretary

STATE OF NEBRASKA }  
COUNTY OF Douglas } SS.

On this 26<sup>th</sup> day of October, 1962, before me, a Notary Public duly commissioned and qualified in and for said County, personally came the above named Alfred Cascio President and Alfred Cascio Secretary of Avery Realty Company, Inc., who are personally known to me to be the identical persons whose names are affixed to the above agreement as President and Secretary of said corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of said corporation.

WITNESS my hand and official seal, at Omaha in said County, the date aforesaid.

Margaret J. ...  
Notary Public

My Commission expires: Sept 13, 1967

