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 PAGE 614 Carl L. Hillebrand REGISTER OF DEEDS, SARPY COUNTY, NEBR.

# RESTRICTIVE COVENANTS

The undersigned being all of the owners of property located within Granada II, a subdivision in Sarpy County, Nebraska, hereby revoke the prior Restrictive Covenants dated the 18th day of November, 1976, and filed of record with the Sarpy County Register of Deeds on December 2, 1976, and filed of record with the Sarpy County Register of Deeds on December 2, 1976, and found at Book 49, Miscellaneous Records, Page 746. The undersigned hereby declare that the following covenants are to run with the land and shall be binding on all present and future owners of all or any part of the following described real estate until January 1, 2000:

Lots One (1) through Ninety Four (94), both inclusive, in GRANADA II, a subdivision in Sarpy County, Nebraska.

If the present or future owners of any of said lots, or their grantees, heirs, or assigns, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of said real estate to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

A. Said lots shall be used only for single-family purposes and for accessory structures incidental to residential use, or for park, recreational, church or school purposes.

B. No noxious or offensive trade or activity shall be carried on upon any plot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

C. No trailer, basement, tent, shack, garage, barn or other out-building erected on said real estate 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. Once construction of a dwelling has been commenced, outside framing of same must be completed within nine (9) months thereafter. Pre-existing dwellings constructed in another addition or location shall not be moved to any lot within this addition. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lots, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

D. No junk cars or unlicensed motor vehicles of any kind, or boats, trucks, trailers, or car bodies shall be stored, parked, kept or maintained in any yards or on any driveways or streets. Outside trash containers are prohibited unless enclosed in a fully fenced-in area. Fences may only be located around the perimeter of the rear yard and not extend any closer to the front lot line than the front yard building setback line. All cars parked in any driveway or on any street must be in running condition with all tires inflated, and no outside repair of any automobile will be permitted.

E. 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, replace and renew buried or underground cables, conduits, poles with the necessary supports, sustaining wires, crossarms, 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, under, through and upon a five (5) foot strip of land adjoining the rear and side boundary lines of said lots in said subdivision; said license being granted for the use and benefit of all present and future owners of lots in said subdivision; provided, however, that said side lot line easement is granted upon the specific condition that if both of said utility companies fail to construct cables, conduits or poles along any of said side lot lines within 36 months of date hereof or if any poles or wires are constructed but are thereafter removed without replacement within 60 days after their removal, then this side line easement shall automatically terminate and become void as to such unused or abandoned easementways.

F. Portland concrete public sidewalks, four feet wide by four inches thick, shall be constructed in front of each built-upon lot and along the street

side of each built-upon corner lot. The sidewalk shall be placed four feet back of the street curb line, and shall be completed before occupancy or use of the main structure.

G. The following building restrictions for single-family dwellings shall apply to said lots:

(1) The following minimums shall be required for finished living areas exclusive of open porches, breezeways and garages: 800 square feet on the main floor for a one-story house or a bi-level house (below grade space will not be counted when computing square footage for a one-story house); 1,000 square feet throughout the house for a tri-level or split-level house; 750 square feet on the main floor and 750 square feet on the second level for a two-story house. The foundation walls for all houses must enclose a ground area of not less than 800 square feet. In addition, each single-family dwelling shall provide fully enclosed parking space for at least one (but not more than three) cars. Only attached or basement garages are permitted.

(2) The following lot minimums shall apply: Minimum area of building plot: 6,000 square feet. Minimum front yard: 25 feet. Minimum side yard for main residential structure: 5 feet. Minimum rear yard: 25 feet.

H. Notwithstanding the provision of Paragraph G (2), the restrictive provisions for lot area and front, side and rear yards shall automatically be amended as to any lot for which the proper administrative or governing body of a city or county shall determine and permit a lesser area or distance.

I. The following construction requirements for single-family dwellings shall apply to said lots:

(1) Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

(2) At the penetration of exterior walls by pipes, ducts, or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

(3) Window and/or through-the-wall ventilation units shall not be used.

(4) Through-the-wall/door mail boxes shall not be used.

(5) Exterior stud walls shall be at least  $3\frac{1}{2}$ " in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

(a) Interior surface of the exterior walls shall be of gypsum board or plaster at least  $\frac{1}{2}$ " thick, installed on the studs.

(b) Continuous composition board, plywood or gypsum board sheathing at least  $\frac{1}{2}$ " thick or styrafoam sheathing at least  $\frac{3}{4}$ " thick shall cover the exterior side of the wall studs behind wood, or metal siding. Asphaltic or wood shake shingles are acceptable in lieu of siding sheathing panels or styrafoam shall be butted tightly.

(c) Insulation material at least  $3\frac{1}{2}$ " thick (or material having an R-Factor of 13) shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

(d) Two mill polyethylene shall be installed between the wall studs and the gypsum board or plaster.

(6) Window glass shall be at least SSB.

(7) All operable windows shall be airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

(8) Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

(9) The perimeter of window frames shall be sealed airtight to the exterior wall construction.

(10) The total area of glass in both windows and doors in sleeping spaces shall not exceed 20% of the floor area.

(11) All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least  $1\frac{3}{4}$ " thick and shall be fully weather stripped.

(12) Exterior sliding doors shall be weather stripped with an efficient airtight gasket system with performance as specified in Section 1-4C. The glass in the sliding doors shall be at least  $\frac{3}{16}$ " thick.

(13) Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.

(14) The perimeter of door frames shall be sealed airtight to the exterior wall construction.

(15) With an attic or rafter space at least 6" deep, and with a ceiling below, the roof shall consist of closely butted  $\frac{3}{8}$ " composition board, plywood or gypsum board sheathing topped by felt paper (15 lb.) and asphalt shingles (235 lb.).

(16) If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6", the roof construction shall have a surface weight of

at least 25 pounds per square foot. Rafters, joists or other framing may not be included in the surface weight calculation.

(17) Gypsum board or plaster ceilings at least  $\frac{1}{2}$ " thick shall be provided where required by Paragraph 1-6B above. Ceilings shall be substantially airtight, with a minimum number of penetrations.

(18) Glass fiber or mineral wool insulation shall be provided above the ceiling between joists with batt type insulation at least 8" thick or blown insulation at least 12" thick.

(19) Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed 2% of the floor area of the occupied rooms.

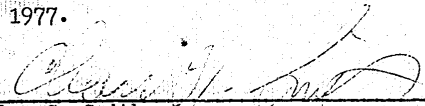
(20) Gravity vent openings in attic shall not exceed code minimum in number and size.

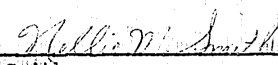
(21) If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with 1" thick coated glass fiber, and shall be at least 5 ft. long with 90° bend.

(22) Fireplaces shall be provided with well-fitted dampers.

J. No sign or billboard of any kind or size shall be erected, placed or permitted to remain on any lot until Charles G. Smith, one of the undersigned, has given his written approval therefor. The restriction of this paragraph shall terminate January 1, 1979.

IN WITNESS WHEREOF, Charles G. Smith and Nellie M. Smith, husband and wife, being the owners of all said real estate, have executed these covenants this 15th day of August, 1977.

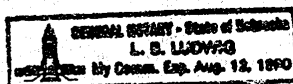
  
Charles G. Smith

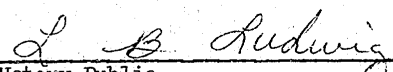
  
Nellie M. Smith

STATE OF NEBRASKA )  
COUNTY OF SARPY ) ss.

On the day and year last above written, before me, the undersigned, a Notary Public, in and for said County, personally came CHARLES G. SMITH and NELLIE M. SMITH, husband and wife, to me personally known to be the identical persons whose names are affixed to the above Restrictive Covenants, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.



  
Notary Public