

MISCELLANEOUS RECORD No. 39

It is understood that this Agreement shall be binding upon the parties hereto, their successors, grantees, heirs and representatives.

WITNESS our hands this 24th day of July, 1917.

METROPOLITAN WATER DISTRICT OF THE CITY OF OMAHA

Witness:
J. H. Kopietz.

By Frances J. Gibb, Asst. Secy.
Peter David
Marie F. David.

State of Nebraska.)
County of Douglas.) SS.

On this 24 day of July, 1917, before me a Notary Public in and for said County, personally appeared Peter David and Marie F. David personally known to me to be the person° whose names are affixed to the foregoing instrument, and that they acknowledged the same to be their voluntary act and deed, and the voluntary act and deed of their principals.

WITNESS my hand and seal this the day and year last above written.

F. J. Lichnovsky
Notary Public.



State of Nebraska,)
Douglas County.)

Entered on Numerical Index and filed for Record in the Register of Deeds Office of said County, the 7th day of August, A. D. 1917, at 4.00 o'clock P. M.

Harry Pearce,
Register of Deeds.

Compared by,

P&R

7. Copy of Ordinance.)
Mayor of City of Omaha)
To)
Whom it may Concern..)

ORDINANCE NO. 9671.

An Ordinance fixing and establishing exclusions and restrictions on private property and lands abutting upon both sides of 31st Avenue between Dodge and Davenport Streets, and abutting upon the west side of 31st Avenue from the North line of Lots 11 and 12, Block 3, Summit Place Addition, to Dodge Street, in the City of Omaha, and abating and foreclosing the owners' right to use such property within such restrictions and exclusions.

WHEREAS, a proper petition has heretofore been filed as required by law, asking for the establishing and fixing of certain restrictions and exclusions upon the property mentioned in the title of this ordinance; and,

WHEREAS, all the proceedings required to be taken under the terms of Chapter 213 of the Laws of the Thirty-Fourth Session of the Nebraska Legislature have been complied with, and the City Council of the City of Omaha has found and hereby finds such to be the fact:

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That there is hereby fixed and established restrictions upon the tracts and parcels of land abutting upon both sides of 31st Avenue between Dodge and Davenport Streets, and abutting upon the west side of 31st Avenue from the north line of Lots 11 and 12, Block 3, Summit Place Addition, to Dodge Street, in the City of Omaha, as follows:

Prohibiting and excluding the erection and maintenance of any factory, store, or business house, theater, or moving picture house, upon and from the lots, tracts and parcels of land hereinafter described. The Lots, tracts and parcels of land to be affected by the

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proposed restrictions and exclusions, as above provided, are as follows:

Lots 1 to 10 inclusive, Block 3, Summit Place,

Lot 1, Block 6, West End Addition.

Lots 1 to 9 inclusive, Block 5, West End Add.

Lots 14 to 22, inclusive, Block 4, West End Add.

Lots 5 and 7, Block 6, Hillside Addition No. 1

All of said lots, tracts and parcels of land being situated in the City of Omaha, Douglas County, Nebraska.

And the owners' right to use said property within said restrictions is hereby abated and foreclosed.

Section 2. That the City Clerk is hereby directed to file a copy of this ordinance with the Register of Deeds of Douglas County, Nebraska, and cause a copy of said ordinance to be filed with the building department of the City, and the building department is hereby directed to file the same and keep a public record thereof in the office of said department.

Section 3. That this ordinance shall take effect and be in force from and after fifteen days after its passage.

Passed: July 31, 1917.

James C. Dahlman,

Mayor and President of City Council.

Attest: T. J. O'Connor,
City Clerk.

(Seal)

State of Nebraska)
County of Douglas.)

Entered on Numerical Index and filed for Record in the Register of Deeds Office of said County, the 7th day of August, A. D. 1917, at 4.15 o'clock P. M.

Harry Pearce,

Register of Deeds.

Compared by,

P&R

1. Affidavit.)

Edward F. Leary)

To,)

Whom it may concern.)

State of Nebraska,)

Douglas County.)

SS.

Edward F. Leary being first duly sworn on oath

deposes and says that he is of full age, and for the past 34 years has been a resident of Douglas County, Nebraska; that he is now, and in 1915, was attorney for The Drovers Cattle Loan Company, a corporation organized and existing under and by virtue of the laws of the state of Nebraska, with its principal place of business in the City of Omaha, and is familiar with the litigation leading up to the execution and delivery of a Quit Claim Deed by Thomas Hocter and Pauline C. Hocter, his wife, to Drovers Cattle Loan Company, conveying a number of lots in Hocter Terrace, an addition to the City of South Omaha, Douglas County, Nebraska, which deed was dated July 8, 1915 and recorded July 22, 1915, in Book 390 of Deed Records at page 160. In said deed the name of said grantee was inadvertently stated as Drovers Cattle Loan Company whereas The Drovers Cattle Loan Company was the name meant and intended, that name being the real, true name of said corporation and grantee.

Affiant knows personally that The Drovers Cattle Loan Company was the real, true name