

1948

PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: WHEREAS, Kimco Addition, Inc., a corporation, hereinafter referred to as Owner, is the owner of the following described real property:

Lots One (1) through Twenty-One (21),  
Block One (1), Kimco Industrial Park,  
Lincoln, Lancaster County, Nebraska

and does hereby create, establish and adopt the following covenants and restrictions against and upon the property.

I.

No lot shall be used other than for industrial or commercial purposes.

II.

Any building constructed upon any lot shall be completed within six (6) months from and after the commencement of construction.

III.

The Owner reserves to itself, its successors and assigns, the exclusive rights to establish grades and slopes upon all lots and to fix the grade at which any structure or improvement shall be placed or constructed upon any lot in conformity with the general plan for the development of the property. Plans for any structure or improvement to be placed or constructed upon any lot shall be submitted to the Owner and shall show the size, exterior material and color, design, plot plan and yards for the structure or improvement. One set of such plans, signed by the owner of the lot, shall be left on permanent file with the Owner. The construction of the structure or improvement shall not be commenced unless and until written approval of the plans has first been secured from the Owner. Written approval or disapproval of such plans shall be given by the Owner within thirty (30) days from and after the receipt thereof. Approval of such plans shall not be unreasonably withheld, and in the event of the disapproval of such plans, a written statement of

Austin Realty  
3910 South (06)

1948

the grounds for such disapproval shall be given to the Owner of the lot. The Owner reserves to itself, its successors and assigns, the exclusive right to approve or disapprove any such plans, to include setbacks, yards, and exterior storage, if in its opinion the plans do not conform to the general standard and value of development within the property.

IV.

All buildings shall be constructed in conformity with the requirements of the applicable building codes of the City of Lincoln, Nebraska. All driveways and parking areas shall be paved.

V.

No noxious or offensive activity shall be carried on or permitted upon any lot, nor shall anything be done thereon which is or may become a nuisance or shall endanger the health or unreasonably disturb the quiet of the owners or occupants of adjoining lots.

VI.

No advertising signs, billboards, or other advertising device shall be erected, placed or permitted on any lot, provided that a sign advertising a single lot for sale or for lease may be placed upon such lot by the owner thereof.

VII.

The exterior of any building and the grounds of any lot shall be maintained in good condition.

VIII.

These covenants and restrictions shall run with the land and shall be binding upon and enforceable by the Owner, all persons claiming under the Owner, and their respective successors and assigns. These covenants and restrictions may be terminated or modified, at any time, by an instrument executed by the owners of two-thirds of the lots within the property, agreement to a termination or modification thereof.

IX.

The enforcement of these covenants and restrictions shall be by proceedings at law or in equity against any person

or persons violating or attempting to violate any provisions or provisions hereof. Such proceedings may be to restrain such violation or to recover damages.

X.

The invalidation of any one of these covenants and restrictions shall not effect the validity of the remaining provisions hereof which shall remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands this 4 day of April, 1978.

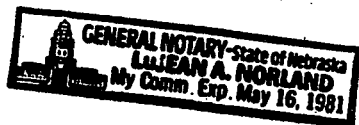
KIMCO ADDITION, INC., A Corporation,

BY Steve Miers President  
John R. Watson, Treas.

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF LANCASTER)

On this 4th day of April, 1978, before me a Notary Public, personally appeared Steve Miers, to me known to be the President of Kimco Addition Inc., a corporation, and the person who executed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said corporation.

L. Jean A. Norland  
Notary Public



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Misc.

LANCASTER COUNTY NEBR.  
Kenneth L. Ferguson  
REGISTER OF DEEDS

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ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 78- 7918

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