

45-667

DEVONSHIRE ESTATES

RESTRICTIVE COVENANTS

The undersigned hereby declares that the following covenants are to run with the land shall be binding on all present and future owners of all or any of the following described real estate until January 1, 2000:

Lots 1 through 69, inclusive, in Devonshire Estates, a subdivision in Sarpy County, Nebraska.

If the present or future owners of any of said lots shall violate or attempt to violate any of these covenants, it shall be lawful for any other person 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 covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation. In validation of any of these covenants by judgment or court order shall in no way affect any of the other provisions thereof, which shall remain in full force and effect.

A. Lots 1 through 69 shall be used for only single-family purposes and for accessory structures incidental to residential use, for park, recreational, church or school purposes.

B. No noxious or offensive trade or activity shall be carried 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 outbuilding 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.

D. No livestock, cattle, horses, pigs, chickens, ducks, geese, or any other form of animals shall be kept, raised or harbored on the premises.

E. No fence of any type shall be constructed between the front of the house and the street.

F. The height, style, design and material type of any rear yard fence shall be approved by Sedlacek Bros. Inc. prior to beginning any construction.

G. No recreational vehicle, boat, boat trailer, snowmobile, camper (portable or self contained) motor home or tow type, or any other type shall be parked between the front of the house and the street for more than 24 hours. Vehicles of this type owned by residents of Devonshire Estates shall be parked or stored in the rear yard or outside the boundary of Devonshire Estates.

H. No outside antenna of any type for television or radio reception or transmission shall be permitted.

FILED FOR RECORD 12-1-83 AT 3:00 P.M. IN BOOK 45 OF Miss. Rec.
PAGE 667 Carl L. Hillebrand REGISTER OF DEEDS, SARPY COUNTY NEB. 29-25

Spec # 022811

I. A perpetual license and easement is hereby reserved in favor of and granted to the 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 or conduits, poles with the necessary supports, sustaining wires, cross-arms, guys and anchors and other electric and telephone utility facilities, and to extend thereon wires for the carrying and transmission of electric current for light, heat and power and for all telephone and telegraph message service over, under, through and upon a five (5) foot strip of land adjoining the side boundary lines of said lots in said Addition; and five (5) foot wide strip of land adjoining the rear boundary lines of all interior lots; and a ten(10) foot wide strip of land adjoining the rear boundary lines of all exterior lots, said license being granted for the use and benefit of all present and future owners of the lots in said Addition; 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 said line easement shall automatically terminate and become void as to such unused or abandoned easementways. No permanent buildings but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights granted herein.

J. 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 seven feet six inches (7' 6") back of street curb line and shall be constructed by the then owner of the lot at the time of completion of the main structure and before occupancy or use thereof. No sidewalks need to be built along the Western side of lots 1, 4, 5, 9, 10, 11, 60, 61, 65, 67 and 69.

K. 1. Where lots are improved with single family dwellings, the following minimums shall be required for finished living areas exclusive or open porches, breezeways and garages:

a. All houses shall have garages capable of enclosing two standard size automobiles.

b. All houses shall have driveways with a minimum width of twenty feet (20'). All driveways shall be concrete.

c. Houses with attached garages:

(1) 1200 square feet on the ground floor for a one story house.

(2) 1300 square feet throughout the house for a 1 1/2 story house, bi-level, tri-level, split-level, or split entry houses but the foundation wall must enclose an inside ground area of not less than 1100 square feet.

d. House with basement or garage under the main floor:

(1) 1300 square feet throughout the house. Basement walls must enclose an inside ground area not less than 1300 square feet.

e. Full (2) story houses shall have a foundation wall that encloses a minimum of 960 square feet.

K. 1. f. The exterior face of fireplace chimney shall be brick or stone faced.

g. The front elevation of each house shall have a minimum of 50% of this area faced with brick or stone. Houses on corner lots shall have a brick or stone facing equal to 25% of the combined area of the street side elevations. This brick or stone facing may be placed on one face or on both faces.

h. The exposed portion (above grade) of the front and sides of the foundation shall be faced completely with brick or stone.

2. Where lots are improved with single-family dwellings, the following shall apply: Minimum area of building plot: 9,375 square feet. Minimum front yard: 40 feet. Minimum side yard for main residential structure: 7 feet, except where applicable zoning may require a greater size yard.

L. Notwithstanding the provision of Paragraphs No. A and No. F, the restrictive provisions for lot use, lot area, side yards, and front yard shall automatically be amended as to any lot for which the proper administrative or governing body of the City of Gretna shall determine and permit a lesser area or distance or a different use either by means of rezoning or the granting of waivers or special use permits.

M. In no event will any construction begin or any structure be erected or permitted to remain on any lot until the plans and specifications, plot plan and lot grading plan have first been submitted to and have received the written approval of the undersigned as to exterior design, use of exterior materials, lot grading and placement of structures on the lot. No sign or billboard of any kind or size shall be erected, placed or permitted to remain on any lot until the undersigned has given its written approval therefor. The restrictions of this paragraph shall terminate January 1, 1980.

N. Kennels for dogs shall be limited in size such that space for one (1) dog only is provided. Fenced dog runs shall not be allowed.

