

47-367

PROTECTIVE COVENANTS

1. THESE 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, 1999:

LOTS 1 THROUGH 83, INCLUSIVE, IN MEADOW OAKS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

2. IF THE PRESENT OR FUTURE OWNERS, USERS OR OCCUPANTS OF ANY LOTS 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 PROCEEDINGS AT LAW OR EQUITY AGAINST THE PERSON VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND EITHER TO PREVENT HIM FROM SO DOING OR TO RECOVER DAMAGES FOR SUCH VIOLATION.

3. INVALIDATION OF ANY OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS. THE UNDERSIGNED RESERVES THE EXCLUSIVE RIGHT TO MODIFY, ALTER OR WAIVE THESE COVENANTS BY MEANS OF A RECORDED WRITTEN INSTRUMENT AS TO ANY LOT OR LOTS IN CASES WHERE THE UNDERSIGNED DEEMS IT NECESSARY OR ADVISABLE BECAUSE OF UNUSUAL CIRCUMSTANCES OR TO PREVENT HARDSHIP.

4. THE FOLLOWING IDENTIFIED LOTS SHALL BE USED ONLY FOR SINGLE-FAMILY RESIDENTIAL PURPOSES EXCEPT SUCH LOTS, OR PORTIONS THEREOF, AS MAY HEREAFTER BE CONVEYED OR DEDICATED BY THE UNDERSIGNED FOR RECREATIONAL, PUBLIC, CHURCH, EDUCATIONAL OR CHARITABLE USES, TO-WIT:

LOT 1 THROUGH 83, INCLUSIVE, IN SAID MEADOW OAKS, A SUBDIVISION (HEREINAFTER CALLED "RESIDENTIAL LOTS").

5. PRIOR TO ANY CONSTRUCTION OR GRADING ON RESIDENTIAL LOTS, THE OWNER MUST FIRST SUBMIT CONSTRUCTION PLANS TO THE UNDERSIGNED AND SECURE ITS WRITTEN APPROVAL THEREOF. PLANS SHALL INCLUDE SITE PLANS SHOWING LOCATION OF RESIDENCE, OTHER BUILDINGS AND STRUCTURES. SAID PLANS SHALL INCLUDE AT LEAST FOUR (4) EXTERIOR ELEVATIONS, EXTERIOR MATERIALS, FLOOR PLAN, FOUNDATION PLAN, PLOT PLAN, LANDSCAPING PLAN AND DRAINAGE PLAN. IN THE EVENT OWNER CONTEMPLATES CONSTRUCTION OF A FENCE, SUCH PLANS SHALL INCLUDE THE TYPE OF MATERIAL TO BE USED AND THE LOCATION THEREOF. PLANS WILL NOT BE RETURNED TO THE OWNER WITHIN THIRTY DAYS AFTER RECEIPT OF SAID PLANS. THE UNDERSIGNED SHALL EITHER NOTIFY THE OWNER IN WRITING OF ITS APPROVAL OF PLANS OR OF DISAPPROVAL WITH REASONS THEREFORE, BUT IF UNDERSIGNED SHALL FAIL TO SEND EITHER NOTICE WITHIN THE 30-DAY PERIOD, THEN SUCH PLANS SHALL BE DEEMED APPROVED. SAID PLANS SHALL ALSO INCLUDE THE PLANS, SPECIFICATIONS AND DIAGRAM FOR THE SEPTIC SYSTEM.

6. CONSTRUCTION ON OR IMPROVEMENT OF ANY RESIDENTIAL LOT SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

A. USE REGULATIONS: STRUCTURE USE FOR FOLLOWING PURPOSES:

a) SINGLE FAMILY DWELLING. IN CONNECTION WITH SUCH DWELLING, THE FOLLOWING ACCESSORY USES ARE PERMITTED; PRIVATE GARAGE, PRIVATE STABLE FOR NOT MORE THAN TWO HORSES ON A LOT CONTAINING ONE ACRE OR MORE, AND ONE ACRE FOR EACH ADDITIONAL HORSE, PRIVATE DOG KENNEL FOR NOT MORE THAN THREE DOGS.

b) UNIVERSITIES, COLLEGES AND ELEMENTARY AND HIGH SCHOOLS CONDUCTED NOT FOR PROFIT; BUT PROHIBITING PRIVATE MUSIC, DANCING, BUSINESS AND VOCATIONAL SCHOOLS.

c) CHURCHES.

d) PUBLIC AND COMMUNITY PARKS AND FOREST PRESERVES, BUT EXCLUDING COMMERCIAL ENTERPRISES THEREIN.

e) GOLF COURSES.

f) COMMUNITY WATER WORKS.

g) PUBLIC FIRE STATIONS.

h) NO OCCUPANCY OF A HOUSE TRAILER SHALL BE PERMITTED.

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B. HEIGHT REGULATIONS. NO RESIDENCE SHALL EXCEED 2-1/2 STORIES NOR 35 FEET IN HEIGHT, AND NO OTHER PERMITTED STRUCTURE SHALL EXCEED 65 FEET IN HEIGHT.

C. LOT REGULATIONS.

a) DENSITY: NO RESIDENCE MAY BE LOCATED ON A LOT HAVING LESS THAN 40,000 SQUARE FEET OF AREA. NO PERMITTED STRUCTURE MAY BE LOCATED ON A LOT HAVING LESS THAN 150 FEET WIDTH AT THE MINIMUM SET-BACK LINE FIRST SPECIFIED BELOW.

b) SET-BACK: NO STRUCTURE MAY BE ERECTED CLOSER THAN 50 FEET TO ITS FRONT OR REAR LOTS LINES, OR ANY SIDE STREET LINE; EXCEPT ACCESSORY BUILDINGS MAY BE LOCATED 15 FEET FROM THE REAR LOT LINE. ACCESSORY BUILDINGS, EXCEPT PRIVATE GARAGES, MAY NOT BE LOCATED CLOSER THAN 100 FEET TO THE FRONT LOT LINE.

c) SIDE YARD: NO STRUCTURE MAY BE ERECTED CLOSER THAN 25 FEET TO ITS SIDE LOT LINES, EXCEPT ACCESSORY BUILDINGS MAY BE LOCATED 15 FEET FROM SIDE LOT LINES.

D. DWELLING REGULATIONS.

a) FOR SAID LOTS 1 THROUGH 83, INCLUSIVE EACH DWELLING SHALL CONTAIN NOT LESS THAN 1500 SQUARE FEET OF FINISHED LIVING SPACE (EXCLUSIVE OF PORCHES, BREEZEWAYS AND GARAGES) AND THE FOUNDATION WALLS (EXCLUDING BREEZEWAYS AND ATTACHED GARAGES) MUST ENCLOSE A GROUND AREA OF NOT LESS THAN 1100 SQUARE FEET.

b) THE EXPOSED PORTION OF THE FRONT FOUNDATION WALL OF EACH DWELLING SHALL BE CONSTRUCTED OF OR FACED WITH BRICK OR STONE.

c) THE ROOFING MATERIAL FOR ALL DWELLINGS SHALL CONSIST OF WOOD SHINGLES; PROVIDED, THAT THE UNDERSIGNED MAY WAIVE THIS REQUIREMENT AND CONSENT IN WRITING TO THE USE OF OTHER SUITABLE ROOFING MATERIAL.

d) GARAGES - EACH RESIDENCE SHALL INCLUDE AN ENCLOSED GARAGE FOR AT LEAST TWO CARS (ATTACHED, DETACHED OR BASEMENT).

e) WIRING - ALL POWER AND TELEPHONE SERVICE WIRES SHALL BE BURIED UNDERGROUND.

f) DRIVES - DRIVEWAYS SHALL BE PORTLAND CONCRETE, ASPHALT OR CRUSHED ROCK.

g) CONSTRUCTION OF EACH DWELLING OR STRUCTURE MUST BE COMPLETED WITHIN ONE YEAR AFTER EXCAVATION FOR FOOTINGS.

h) SUBJECT TO THE RESTRICTIONS ON THE LOCATION THEREOF HEREINAFTER NOTED IN PARAGRAPH 9, BELOW, NOT LESS THAN THREE ORNAMENTAL OR DECIDUOUS SHADE TREES MUST BE PLANTED ON EACH RESIDENTIAL LOT WITHIN ONE YEAR AFTER EXCAVATION FOR FOOTINGS, AND THEREAFTER MAINTAINED IN GOOD GROWING CONDITION, OR REPLACED AS NECESSARY.

7. ANY AND ALL HORSES MAINTAINED ON PREMISES SHALL BE KEPT IN ACCORDANCE WITH THE REQUIREMENTS OF R-1 ZONING AND SHALL BE LOCATED TO THE REAR OF THE RESIDENCE. ON CORNER LOTS, SAID HORSES SHALL BE MAINTAINED NO CLOSER TO THE STREET THAN THE RESIDENCE SETBACK ON THE ADJOINING LOT, UNLESS SPECIFICALLY WAIVED BY THE OWNER OF THE LOT ADJACENT. ALL STRUCTURES USED FOR THE HOUSING OR MAINTENANCE OF HORSES, AND ANY AREAS WHERE HORSES ARE MAINTAINED OR KEPT SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN, NEAT, ORDERLY MANNER BY THE OWNER OF SAID REAL ESTATE. MANURE IN STABLES MUST BE COLLECTED AT LEAST DAILY AND PLACED IN CONCRETE OR METAL FLY-PROOF CONTAINERS. ALL MANURE MUST BE REMOVED FROM THE PREMISES AT LEAST WEEKLY. ALL HORSE FENCING MUST BE KEPT IN GOOD CONDITION AND NOT ALLOWED TO DETERIORATE OR LOOK SHABBY. THE OWNER OF EACH LOT SHALL TAKE ALL REASONABLE AND NECESSARY STEPS TO INSURE ADEQUATE RODENT CONTROL ON SAID LOT.

8. A PERPETUAL LICENSE AND EASEMENT IS HEREBY RESERVED IN FAVOR OF AND GRANTED TO THE OMAHA PUBLIC POWER DISTRICT AND NORTHWESTERN BELL TELEPHONE COMPANY (HEREINAFTER CALLED LICENSEES OR GRANTEEES), THEIR SUCCESSORS AND ASSIGNS, TO ERECT AND OPERATE, MAINTAIN, REPAIR, REPLACE AND RENEW BURIED OR UNDERGROUND CABLES OR CONDUITS AND OTHER ELECTRIC AND TELEPHONE UTILITY FACILITIES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER, UNDER, THROUGH AND UPON A FIVE (5) FOOT STRIP OF LAND ADJOINING THE SIDE BOUNDARY LINES OF SAID LOTS IN SAID SUBDIVISION AND AN EIGHT (8) FOOT STRIP OF LAND WITHIN THE STREET RIGHT OF WAY. A PERPETUAL EASEMENT IS ALSO RESERVED IN FAVOR OF AND GRANTED TO SANITARY AND IMPROVEMENT DISTRICT NO. 79 OF SARPY COUNTY, NEBRASKA, (HEREINAFTER CALLED GRANTEEES), THEIR SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, USE, MAINTAIN REPAIR, REPLACE AND RENEW WATER MAINS OVER, UNDER, THROUGH AND UPON SAID FIVE (5) FOOT STRIPS OF LAND ADJOINING THE SIDE BOUNDARY LINES OF SAID LOTS IN SAID SUBDIVISION. SAID LICENSE AND EASEMENTS ARE GRANTED FOR THE USE AND BENEFIT OF ALL PRESENT AND FUTURE OWNERS OF LOTS IN SAID SUBDIVISION; PROVIDED, HOWEVER, THAT SAID SIDE LOT LINE EASEMENTS ARE GRANTED UPON THE SPECIFIC CONDITIONS a) THAT AT LEAST ONE OF SAID LICENSEES OR GRANTEEES MUST CONSTRUCT SUCH FACILITIES ALONG SAID SIDE LOT LINES WITHIN SIXTY (60) MONTHS OF DATE HEREOF, OR b) IF ANY SUCH FACILITIES ARE CONSTRUCTED BUT ARE THEREAFTER REMOVED, SAME MUST BE REPLACED WITHIN SIXTY (60) DAYS AFTER THEIR REMOVAL, FAILING IN EITHER ONE OR BOTH OF SUCH CONDITIONS THESE SIDELINE EASEMENTS SHALL AUTOMATICALLY TERMINATE AND BECOME VOID AS TO SUCH UNUSED OR ABANDONED EASEMENTWAYS ON ANY OF SAID LOTS. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN THE SAID EASEMENTWAYS BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHT GRANTED HEREIN.

9. NO GARDEN OF FIELD CROPS SHALL BE GROWN UPON THAT PORTION OF ANY LOT NEARER TO THE STREET THAN PROVIDED FOR MINIMUM BUILDING SETBACK LINES; AND NO TREES, SHRUBS, HEDGES OR OTHER PLANTS SHALL BE MAINTAINED OR PERMITTED IN SUCH PROXIMITY TO ANY LOT AS WILL INTERFERE WITH THE USE AND MAINTAINENCE OF ANY STREET OR WALK OR THE UNOBSTRUCTED VIEW AT STREET INTERSECTIONS SUFFICIENT FOR THE SAFETY OF PEDESTRIANS AND VEHICLES. THE OWNER SHALL TAKE WHATEVER STEPS ARE NECESSARY TO CONTROL NOXIOUS WEEDS ON HIS REAL ESTATE. GROUND COVER SHALL BE MAINTAINED ON ALL LOTS IN ORDER TO PREVENT EROSION. ANY AND ALL DEAD TREES AND SHRUBBERY MUST BE REMOVED AT THE OWNER'S EXPENSE.

10. NONE OF THE LAND SHALL BE USED IN WHOLE OR IN PART FOR THE STORAGE OF ANY PROPERTY OR THING THAT WILL CAUSE THE LAND TO APPEAR IN AN UNCLEAN OR UNTIDY CONDITION, OR THAT WILL BE OBNOXIOUS TO THE EYE; NOR SHALL ANY SUBSTANCE OR MATERIAL BE KEPT UPON THE LAND THAT WILL EMIT A FOUL OR OBNOXIOUS ODOR, OR CAUSE ANY NOISE THAT WILL OR MIGHT DISTURB THE PEACE, QUIET, COMFORT OR SERENITY OF THE OCCUPANTS OF THE SURROUNDING PROPERTY. NO FIREARMS OR GUNS OF ANY TYPE OR NATURE WHATSOEVER SHALL BE FIRED OR DISCHARGED UPON, OVER OR ACROSS ANY LAND IN THE SUBDIVISION. ALL RUBBISH, TRASH AND GARBAGE SHALL BE REMOVED FROM THE SUBDIVISION AND SHALL NOT BE BURNED BY OPEN FIRE, INCINERATOR, OR OTHERWISE ON THE SUBDIVISION OR ANY PART THEREOF.

11. NO DWELLING HOUSE CONSTRUCTED IN ANOTHER AREA OR ADDITION AND NO PREFABRICATED HOUSE MAY BE MOVED ONTO OR PERMITTED TO REMAIN ON ANY LOT OR PORTION THEREOF IN THIS SUBDIVISION, WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UNDERSIGNED. ALL TRAILERS, BOATS, OR OTHER RECREATIONAL OR BUSINESS VEHICLES SHALL BE STORED IN EITHER ENCLOSED STRUCTURES OR TO THE REAR BUILDING LINE OF THE RESIDENCE. ALL TRUCKS HAVING A CAPACITY OF OVER 3/4 OF A TON SHALL BE ENCLOSED IN STRUCTURES, AND SUCH TRUCKS SHALL NOT BE PERMITTED TO BE PARKED IN DRIVEWAYS OR ON THE PUBLIC STREETS. NO OUTSIDE RADIO OR TV ANTENNAES MAY BE ERECTED ON ANY LOT OR PORTION THEREOF WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UNDERSIGNED. NO SIGNS OR BILLBOARDS OF ANY TYPE OR NATURE WHATSOEVER SHALL BE PLACED ON OR CONSTRUCTED OR ERECTED ON ANY LOT OR PORTION THEREOF WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UNDERSIGNED.

12. NO WATER COOLED AIR CONDITIONING UNITS MAY BE OPERATED OR USED IN ANY DWELLING UNLESS OPERATED IN CONJUNCTION WITH A WATER CONSERVING TOWER OR DEVICE OF DESIGN APPROVED IN WRITING BY THE UNDERSIGNED OR BY THE CLERK OF SANITARY AND IMPROVEMENT DISTRICT NO. 79 OF SARPY COUNTY, NEBRASKA.

13. ANY PROPANE GAS TANKS TO BE USED IN CONJUNCTION WITH PROVISION OF HEATING OF ANY RESIDENCES SHALL EITHER BE SCREENED WITH A SUITABLE FENCE OR SHALL BE BURIED UNDERGROUND AND SET BACK TO REAR OF THE RESIDENCE.

EXECUTED THIS 25th DAY OF June, 1974



MEADOW OAKS, INC.

BY: William F. Sullivan  
WILLIAM F. SULLIVAN, PRESIDENT

Louis G. Riha  
LOUIS G. RIHA

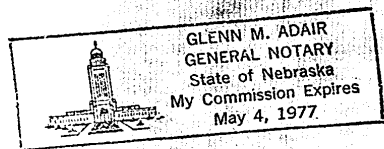
Shirley A. Riha  
SHIRLEY A. RIHA

ATTEST: Glenn M. Adair  
Glenn M. Adair, Secretary

STATE OF NEBRASKA )  
COUNTY OF SARPY ) SS

ON THIS 25th DAY OF June, 1974, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME WILLIAM F. SULLIVAN, PRESIDENT OF MEADOW OAKS, INC., A CORPORATION, TO ME KNOWN TO BE THE PRESIDENT AND IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS SUCH OFFICER AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION AND THAT THE SEAL OF SAID CORPORATION WAS THERETO AFFIXED BY ITS AUTHORITY.

WITNESS MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.



Glenn M. Adair  
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF SARPY ) SS

ON THIS 25th DAY OF June, A.D., 1974, BEFORE ME A NOTARY PUBLIC DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME LOUIS G. RIHA AND SHIRLEY A. RIHA, HUSBAND AND WIFE, PERSONALLY KNOWN TO ME TO BE IDENTICAL PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND THEY ACKNOWLEDGED THAT THEY EXECUTED SAID INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL AT Springfield, NEBRASKA, IN SAID COUNTY THE DATE LAST AFORESAID.

MY COMMISSION EXPIRES ON THE 3rd DAY OF February, 1978.

W. F. Sullivan  
NOTARY PUBLIC

