

56-69

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CERTAIN LOTS LOCATED
IN THE TOWN, SARPY COUNTY, NEBRASKA

THIS DECLARATION, made on the date hereinafter set forth, is made by the JANCIS CO., a Nebraska corporation, MIKE HOGAN CONSTRUCTION CO., a Nebraska corporation and MIKE HOGAN DEVELOPMENT CO., a Nebraska corporation, hereinafter collectively referred to as the "Declarants".

PRELIMINARY STATEMENT

The Declarants are the owners of certain real property located within Sarpy County, Nebraska and described as follows:

Lots 13, 15, 16, 24, 25, 26, 27, 28, 34, 35, 36, 37, 40 through 51, 54 through 62, 64, 66, 67, 68, 72, 86, 87, 100, 101, 121, 122, 130, 131, 132 in the Town, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska

Such lots are hereinafter referred to collectively as the "Lots" and individually as the "Lot".

The Declarants desire to provide for the preservation of the values and amenities of the Lots and for the maintenance of the character and integrity of the area in general.

NOW, THEREFORE, the Declarants hereby declare that all of the Lots described above, shall be held, sold and conveyed subject to the following restrictions, covenants and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of such Lots. These restrictions, covenants and conditions, shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in the above-described Lots, or any part thereof, as is more fully described herein. The Lots are and will be subject to all and each of the following conditions and other terms:

ARTICLE I.

RESTRICTIONS AND COVENANTS

1. These covenants, conditions and restrictions shall be in addition to the Declaration of Covenants, Conditions and Restrictions of the Town, Sarpy County, Nebraska previously filed

File # 01134

56-67A
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For record on July 9, 1975 in Book 48 of Miscellaneous Records at Page 337 of the Register of Deeds of Sarpy County, Nebraska ("the First Declaration").

2. This declaration now being filed is meant to supplement the First Declaration. In the event of any inconsistencies or contradictions between this declaration and the First Declaration, the terms, conditions, covenants and restrictions of this declaration shall control over those of the First Declaration.

3. The ground floor finished and enclosed living area of main residential structures, exclusive of porches, breeze-ways, basements and garages, shall be not less than the following minimum sizes:

- a) 1,096 square feet for a one-story dwelling or split-entry;
- b) 1,800 square feet for a one and one-half story or two-story dwelling; and
- c) 1,100 square feet for a tri-level dwelling (the "ground floor" and basement are deemed not to be included as living areas).

ARTICLE II.

CONSTRUCTION REQUIREMENTS

1. The following construction requirements shall apply to the Lots:

- a) Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.
- b) 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.
- c) Window and/or through-the-way air conditioner units shall not be used.
- d) Through-the-way/door mail boxes shall not be used.

- e) Exterior stud walls shall be at least 3½" in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.
 - (i) Interior surface of the exterior walls shall be of gypsum board or plaster at least ½" thick, installed on studs.
 - (ii) Continuous composition board, plywood or gypsum board sheathing at least ½" thick or styrafoam sheathing at least ¾" thick shall cover the exterior side of the wall studs being wood, or metal siding. Asphaltic wood shake shingles are acceptable in lieu of siding. Sheathing panels or styrafoam shall be butted tightly.
 - (iii) Insulation material at least 3½" 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.
 - (iv) Two mill polyethylene shall be installed between the wall studs and the gypsum board or plaster.
- f) Window glass shall be at least SSB.
- g) 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.
- h) 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.
- i) The perimeter of window frames shall be sealed airtight to the exterior wall construction.
- j) The total area of glass in both windows and doors in sleeping spaces shall not exceed 20% of the floor area.
- k) All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least 1-¾" thick and shall be fully weather stripped.
- l) Exterior sliding doors shall be weather stripped with an efficient airtight gasket system. The glass in the sliding doors shall be at least 3/16" thick.

- m) Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.
- n) The perimeter of door frames shall be sealed airtight to the exterior wall construction.
- o) With an attic or rafter space at least 6" deep, and with a ceiling below, the roof shall consist of closely butted 3/8" composition board, plywood or gypsum board sheathing topped by felt paper (15 lb.) and asphalt shingles (235 lb.).
- p) If the underside of the roof is exposed, or if the attic or rafter depth 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.
- q) Gypsum board or plaster ceilings at least 1/2" thick shall be provided where required by Paragraph 1-6B above. Ceilings shall be substantially airtight, with a minimum number of penetrations.
- r) 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.
- s) 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.
- t) Gravity vent openings in attic shall not exceed code minimum in number and size.
- u) If a fan is used for forced ventilation, (not including bathroom and kitchen exhaust fans), 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 not be at least 5 ft. long with 90° bend.
- v) Fireplaces shall be provided with well-fitted dampers.

56-610

ARTICLE III.

MISCELLANEOUS

1. The covenants, conditions and restrictions of this declaration shall run with and bind the Lots for a term of twenty (20) years from the date of this declaration. This declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) of the Lots covered by this declaration.

2. The Declarants or any owner of a Lot named herein shall have the right to enforce by proceeding at law or in equity, all reservations, restrictions, conditions and covenants now or hereinafter imposed by the provisions of this declaration either to prevent or restrain any violation or to recover damages or other consequences of such violation. Failure by the Declarants or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

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

JANCIS CO., a Nebraska corporation

ATTEST:

Clare J. Collet

By:

Michael J. Hogan
President

MIKE HOGAN CONSTRUCTION, a Nebraska corporation

ATTEST:

Clare J. Collet

By:

Michael J. Hogan
President

MIKE HOGAN DEVELOPMENT CO., a Nebraska corporation

ATTEST:

Clare J. Collet

By:

Michael J. Hogan
President

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 31 day of December, 1982, by Michael J. Hogan

