

51-107

RESTRICTIVE COVENANTS

DATED: This 17th day of August, 1985.

This Declaration made by Douglas J. Robb and Kathleen L. Robb, husband and wife, and Edward L. Krajicek and Beverly A. Krajicek, husband and wife, hereinafter referred to as "Declarants", whether one or more, on the date hereinabove set forth, pertains to a subdivision to be known as Robb's Country Estates, that being a part of Lots 1 and 2 of Robb's Addition and Tax Lot 4, all in Section 13, Township 13, North, Range 12 East of the 6PM in Sarpy County, Nebraska, and this Declaration shall be referred to as "Restrictive Covenants", and shall set forth certain covenants, conditions and restrictions relative to the above described real estate.

WITNESS:

(1) Declarants are the owners of their respective parcels of the above described real property.

(2) Declarants hereby declare that any of the above property sold shall be held, sold and conveyed subject to the following restrictions and covenants, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property.

(3) The restrictions and covenants shall run with the real property and shall be binding upon all parties having or acquiring any right, title or interest in the described lots or any part thereof, and shall enure to the benefit of each owner thereof.

(4) Declarants declare that the above described real property shall at no time during the existence of these declarations be modified or replatted, or a variance or exception sought thereon to allow further subdivision or rezoning so as to allow or create additional building lots, except the plat of this subdivision may be amended without the approval required by Paragraph 17 so as to enlarge any of the lots, but the resulting smaller lots may not be smaller than the existing smallest lot. Further, no more than one single family residential dwelling and permitted outbuildings can be constructed on any of said designated lots as

PLAT FOR RECORD 8-3-85 1:27P Ed Miss 59.00
BY 1605 Carl L. Hobbler Rec. QSC# 119348
REGISTER OF DEEDS, SARPY COUNTY, NEB.

set forth in the subdivision plat or any amended plat.

(5) All Telephone, cable television and electric power service lines shall be underground except as to such service to the exterior lots abutting Fairview Road and 63rd Street, which may be overhead. A perpetual license and easement is hereby reserved in favor of and granted to Omaha Public Power District, Northwestern Bell Telephone Company, any Company which has been granted a franchise to provide a cable television system in the area to be subdivided, or to their successors and assigns, to erect, operate, maintain, repair and renew underground, or overhead as above excepted, conduit and wires for the carrying and transmission of electric current for light, heat and power, and for all telephone, telegraph and message service over, upon and below an eight foot (8') strip of land adjoining the rear, front and side boundary lines of said lots in said addition; said license and easement is granted for the use and benefit of all present and future owners of lots in said addition. No permanent buildings, trees, retaining walls or loose rockwalls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

(6) A perpetual license and easement is hereby reserved in favor of and granted to a water district which is to be formed for the purpose of supplying water to this subdivision and to construct, operate, maintain, repair and renew said water system upon and below an eight foot (8') strip of land adjoining the rear, front and side boundary lines of said lots in said addition, and said license and easement is granted for the use and benefit of all present and future owners of said lots in said addition. No permanent buildings, trees, retaining walls or loose rockwalls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

The cost of construction, operation, repairs and maintenance of said water system shall be borne by assessments against the lot Owners equally, except as to the Owners of Lots 1,2,3 and 4 as set forth below, unless any said lot Owner connects to the water

E. J. ...

district, and then that lot Owner will be required to pay an assessment equally with all other connected lot Owners.

The Owners of lots 1,2,3, and 4 shall, at their own expense, be able to provide themselves with water from other sources and not be charged with any expense relative to the proposed water district; however, said lots shall continue to be subject to the above referred to perpetual license and easement.

(7) A perpetual license and easement is hereby reserved in favor of and granted to a road improvement district which is to be formed for the purpose of constructing and maintaining a rock and or gravel road surface over the roadways as shown in the plat of this subdivision, specifically including all interior streets as well as Fairview Road going west from its junction with 63rd Street. Said license and easement is granted for the use and benefit of all present and future owners of said lots in said addition. The costs of construction, maintenance and repair shall be borne by assessments against the lot Owners equally, including the cost of intersections, except as to Owners of Lots 1,2,3 and 4 as set forth below.

The Owners of Lots 1,2,3 and 4 shall not be charged with any expense relative to the proposed road district, or its continued maintenance; however, said lots shall continue to be subject to the above referred to perpetual license and easement.

(8) No unused building material, junk, vehicles or material of any nature shall be left exposed at any building site except during construction of said building.

(9) No structure of a temporary character, basement, tent, shack or other building shall be erected upon, or used, on any lot at any time as a residence, either temporary or permanently; however, recreational trailers, motor homes or other recreational vehicles may be stored on any lot, but not used as a residence, either temporary or permanent.

(10) Any dwelling on which construction has begun must be completed, except as to interior work, within one year from the date the digging of the foundation was completed, or the Declarants will thereupon have the right to repurchase the lot at the same price paid, without interest, and any improvements to said lot

shall be deemed abandoned by the prior owner.

(11) Nothing that is visibly offensive shall be stored, parked or abandoned on the premises.

(12) No obnoxious or offensive activity shall be carried on upon any premises, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to any other property owner of any of the above described real property.

(13) No commercial livestock or poultry use, contrary to permitted hobby use, shall be permitted.

(14) No modification of the existing tributary flowing North to South through the general area of Lots 13,14,17,16 and 11 to Zwiebel Creek shall be allowed, except for road improvement purposes.

(15) All lots shall be subject to Sarpy County zoning, building and subdivision regulations now in effect, applicable to AGR and RE respectively, unless more so restricted herein pursuant to the attached Exhibit A, same made a part hereof by this reference.

(16) The Declarants, or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants and reservations, now or hereinafter imposed by the provisions of this Declaration, either to prevent or restrain any violation of same, or to recover damages or other dues for such violation. Failure by the Declarant 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.

(17) The Covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty five (25) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by an instrument signed by the Owners of not less than 100% of the parcels. Any amendments must be recorded.

(18) All Declarations are subject to the power of eminent domain.

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

58-11050

IN WITNESS WHEREOF, the parties of these presents have hereunto set their hands and seals the day and year first above written.

Douglas J. Robb
DOUGLAS J. ROBB

Kathleen L. Robb
KATHLEEN L. ROBB

Edward L. Krajicek
EDWARD L. KRAJICEK

Beverly A. Krajicek
BEVERLY A. KRAJICEK

STATE OF NEBRASKA)
COUNTY OF SARPY) ss.

On this 7th day of AUGUST, 1985, before me the undersigned, a Notary Public, duly commissioned and qualified for said County, personally came Douglas J. Robb and Kathleen L. Robb, husband and wife and Edward L. Krajicek and Beverly A. Krajicek, husband and wife, known to me to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and seal the day and year last above written.

 Walter B. Kamp
NOTARY PUBLIC

58-1605E

SECTION 11

AGR AGRICULTURAL RESIDENTIAL DISTRICT (3 acres)

This district is intended to provide a transition from land used for agriculture to a low density residential use with a limited infringement of other uses.

11.1 Permitted Principal Uses:

The following principal uses are permitted in the AGR Agriculture Residence District:

- 11.1.1 Agricultural farms, truck gardens, green houses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
- 11.1.2 Single family dwellings.
- 11.1.3 Roadside stands offering for sale agriculture products produced on the premises.
- 11.1.4 Churches, temples, seminaries, and convents, including residences for pastors and teachers.
- 11.1.5 Public and parochial schools, colleges, universities.
- 11.1.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
- 11.1.7 Fire Stations.
- 11.1.8 Public parks and recreation areas, play grounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies.
- 11.1.9 Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
- 11.1.10 Public overhead and underground local distribution utilities.
- 11.1.11 Railroads.
- 11.1.12 Irrigation facilities.
- 11.1.13 Hospitals, nursing homes, and eleemosynary institutions.
- 11.1.14 ~~Private and commercial kennels and facilities for raising, breeding, and boarding of dogs and other small animals, provided all buildings and facilities are at least 100 feet from the property line and 2600 feet from any RE, RS, RD, and RC Districts.~~

11.2 Permitted Special Uses:

The following special uses are permitted in the AGR Agriculture Residence District with the issuance of a special use permit:

57-1105F

- 11.2.1 ~~Radio and television towers and transmitters.~~
- 11.2.2 ~~Overhead and underground utilities main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.~~
- 11.2.3 ~~Sanitary land fill.~~
- 11.2.4 ~~Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots, and similar uses.~~
- 11.2.5 Private stables, poultry houses containing not more than 400 square feet of ground floor area and not more than one story in height, rabbit houses containing not more than 100 square feet of ground floor area and not more than one story in height, dog kennels for not more than three dogs in each, barns for not more than one animal for the first acre of land and one additional animal for every two additional acres.
- 11.2.6 Sanitary sewage treatment facilities.
- 11.2.7 Cemeteries, provided mausoleums, columbariums, cinerariums, crematories, and other similar structures shall be located at least 500 feet from all property lines.
- 11.3 Accessory Uses:
The following accessory uses are permitted in the AGR Agriculture Residence District:
 - 11.3.1 Buildings and uses customarily incidental to the permitted uses.
 - 11.3.2 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
 - 11.3.3 General home occupations.
 - 11.3.4 Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
 - 11.3.5 Private garages, private stables, private poultry houses containing not more than 400 square feet of ground floor area and not more than one story in height, private rabbit houses containing not more than 100 square feet of ground floor area and not more than one story in height, private dog kennels for not more than three dogs in each, private barns for not more than one animal for the first acre of land and one additional animal for every two additional acres.

58-16008

11.4 Height and Lot Requirements:

11.4.1 The height and minimum lot requirements shall be as follows except as provided in Section 36.

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Dwelling	3 Acres	200'	70'	25'	50'	35'
Seasonal Dwelling	40,000 sq. ft.	150'	50'	25'	35'	35'
Other Permitted Uses	3 Acres	200'	70'	25'	50'	65'
Accessory Buildings	---	---	100'	15'	15'	15'

11.4.2 A lot used for a seasonal dwelling which is connected to a community sanitary sewer system and a community water system approved by the County Board may have a minimum lot area of 10,000 square feet and a minimum lot width of 100 feet, except a corner lot which shall be not less than 150 feet in width. No structure may be erected closer than 50 feet to any side street line.

11.5 Other Applicable Provisions:

11.5.1 No new building shall be hereafter erected or any existing building structurally altered with any portion of said building closer than 100 feet to the R.O.W. line of a U.S. or State designated highway or a major County Highway and not closer than 90 feet to the centerline of a minor county road.

11.5.2 A single family house with no basement shall contain at least 1,000 square feet of floor area on one level; a split-level or multi-level single family house shall contain at least 1,200 square feet as the total sum of the nearest floor levels separated by not more than 5 vertical feet provided that the floor level or levels nearest the grade or groundlines used for living purposes shall contain at least 600 square feet; and a single family house with a split entry shall contain at least 1,000 square feet of floor area on the lower story, if more than fifty (50) percent of the space is finished and used for living purposes, all exclusive of garages and other attached accessory floor areas.

SECTION 12

RE RESIDENTIAL ESTATE DISTRICT (1 acre)

The purpose of this district is to prevent the excessive concentration of population in areas where a low population density is desirable due to limited community facilities and other factors which may have an economic effect on the county.

12.1 Permitted Principal Uses:

The following principal uses are permitted in the RE Estate Residence District:

- 12.1.1 Single family dwellings.
- 12.1.2 Public and parochial schools, colleges, universities.
- 12.1.3 Churches, temples, seminaries, and convents, including residences for teachers and pastors.
- 12.1.4 Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, auditoriums, recreation areas.
- 12.1.5 Eleemosynary institutions, hospitals, nursing homes.
- 12.1.6 Golf courses, swimming pools, tennis clubs, country clubs.
- 12.1.7 Private clubs operated for non-profit.
- 12.1.8 Community water works.
- 12.1.9 Public overhead and underground local distribution utilities.
- 12.1.10 Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry feeding and production shall be excluded.

12.2 Permitted Special Uses:

The following special uses are permitted in the RE Estate Residence District with the issuance of a special use permit:

- 12.2.1 ~~Commercial recreational areas and camping areas~~
- 12.2.2 ~~Overhead and underground utilities main transmission lines including power, telephone, fuel, gas, or fertilizer, substations, terminal facilities, and reservoirs.~~
- 12.2.3 Cemeteries, provided mausoleums, columbariums, cinerariums, crematories and other similar structures located at least 500 feet from all property lines.

12.3 Accessory Uses:

The following accessory uses are permitted in the RE Estate Residence District:

- 12.3.1 Building and uses customarily incidental to the permitted uses.

58-1605 I

- 12.3.2 Limited home occupations.
- 12.3.3 Private Swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
- 12.3.4 Private garage, private stable, private poultry house containing not more than 400 square feet of ground floor area and not more than one story in height, private rabbit house containing not more than 100 square feet of ground floor area and not more than one story in height, private dog kennel for not more than three dogs in each, private barn for not more than one animal for the first acre of land and one additional animal for every two additional acres.

12.4 Height and Lot Requirements:

12.4.1 The height and minimum lot requirements shall be as follows except as provided in Section 36.

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Side Street Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Dwelling	one acre	100'	35' (2)	7'	25'	25'	35'
Other Permitted Uses	one acre	200'	35' (2)	10'	25'	25'	65'
Accessory Buildings	---	---	70'	5'	25'	5'	15'

12.4.2 A lot used for single family dwelling purposes which is connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 20,000 square feet, and a minimum lot width of 100 feet, except corner lots which shall be not less than 150 feet in width.

12.4.3 No new buildings shall be hereafter erected or any existing building structurally altered with any portion of said building closer than 100 feet to the right of way line of a U.S. or designated highway or a major county highway.

12.5 Other Applicable Provisions

12.5.1 A single family house with no basement shall contain at least 1,000 square feet of floor area on one level; a split level or multi-level single family house shall contain at least 1,000 square feet as the total sum of the nearest floor levels separated by not more than 5 vertical feet, provided that the floor level or levels nearest the grade or ground lines used for living purposes shall contain at least 500 square feet, and a single family house with a split-entry shall contain at least 1200 square feet of floor area on the lower story, if more than fifty (50) percent of the space is finished and used for living purposes, all exclusive of garages and other attached accessory floor area.

EASEMENT

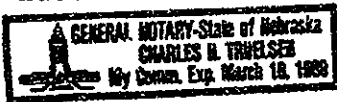
Douglas J. Robb and Kathleen L. Robb, Husband and Wife, a/k/a Douglas John Robb and Kathleen Lee Robb, for valuable consideration received, hereby grant to Joseph F. Green and Mary M. Green, Husband and Wife, their heirs, assigns and successors, a nonexclusive ingress and egress roadway easement on and over the South 66 feet of Lots 11 and 18 of Robb's Country Estates, a replat of Robb's Addition and Tax Lot 4, Located in the N.W. 1/4 of the N.E. 1/4 of Section 13-T13N-R12E of the 6th P.M., Sarpy County, Nebraska to traverse to and from the Northeast Quarter of the Northwest Quarter of Section 13, Township 13 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska.

[Signature]
DOUGLAS J. ROBB

[Signature]
KATHLEEN L. ROBB

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on November 24, 1987 by Douglas J. Robb and Kathleen L. Robb, Husband and Wife.



600

[Signature]
Notary Public

60-3478

DEC -2 PM 1:56

REGISTER OF DEEDS

[Handwritten mark]

19321 ✓

Robb's Country Estates

Plat and Dedication

Filed 8-8-85 in Book 8 at Page 77, Instrument No. _____

Grants a perpetual easement in favor of:

Omaha Public Power District, Qwest Communications, Cox Cable NWBTC
and any cable company granted a cable television franchise system, and/or

Water District

for utility, installation and maintenance, on over through under and across or

a 8 foot wide strip of land abutting the front and the side boundary lines of all lots;

an _____ foot wide strip of land abutting the rear boundary line of all interior lots.

And a _____ foot wide strip of land abutting the rear boundary line of all exterior lots.

Does it include the following?? Yes or No (Circle One)

Also grants an easement to Metropolitan Utilities District _____ for utility,
installation and maintenance on, through, under and across a _____ foot wide strip of land
Abutting all cul-de-sac streets.

Any additional info,

Declaration of Covenants, Conditions, Restrictions and Easements, Restrictive Covenants, Protective Covenants or:

Filed 8-8-85, in Book 58 at Page 1605, Instrument No. _____

Omaha Public Power District, Qwest Communications, Cox Cable NWBTC
and any cable company granted a cable television franchise system: And / or

for utility, installation and maintenance on, over, through, under and across: or

a 8 foot wide strip of land abutting the front ^{rear} and the side boundary lines of all lots;

an _____ foot wide strip of land abutting the rear boundary lone of all interior lots;

and a _____ foot wide strip of land abutting the rear boundary line of all exterior lots.

Does it include the following?? Yes or No (Circle One)

Also grants an easement to Metropolitan Utilities District _____ for utility,
installation and maintenance on, through, under and across a _____ foot wide strip of land
abutting all cul-de-sac streets.

Does it include the Following ?? Homeowners Association Yes or No. (Circle One)

Does it include the Following ?? Possible Telephone Connection Charge Yes or No. (Circle One)

Any additional info.

And perpetual license Easement granted to Water Dist upon and below an .8 ft strip of land adjoining the rear, front and side boundary lots and

Easement Right of Way 1st, 2nd, 3rd or _____ Amendment to _____
Dated _____ Filed _____ Book _____ at Page _____, Instrument No. _____

↳ also road improvement district for the purpose of constructing, and maintaining a rock and gravel road surface over the roadway and repair shall be borne by assessment against the lot owners equally including cost of intersection except as to owners of lot 1, 2, 3 and 4

Ear 60-3478 filed 12-2-87 COPY