

365055-298

FILED SARPY CO., NE

BOOK 55 OF Misc fees

PAGE 298

1982 MAY -5 PM 3:33

Carl H. Hillebrand
REGISTER OF DEEDS

RESTRICTIVE COVENANTS

The undersigned hereby declare that the following 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, 2000:

Lots One (1) through Ninety Eight (98), both inclusive, in Golden Hills II, a subdivision in Sarpy County, Nebraska.

1. If the present or future owners of any of said lots, or their grantees, heirs, or assigns, 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 any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either prevent him or them from so doing or to recover damages or other dues for such violation.

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

3. Said lots shall be used only for residential purposes and for accessory structures incidental to residential use, or for park, recreational, church or school purposes.

4. No noxious or offensive trade or activity shall be carried on upon any plot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

5. No trailer, basement, tent, shack, garage, barn or other out-building 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. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

6. No junk cars or unlicensed motor vehicles of any kind, or boats, trucks, trailers, or car bodies shall be stored, parked, kept or maintained in any yards or on any driveways or streets. Outside trash containers are prohibited unless enclosed in a fully fenced-in area. Fences may not extend any closer to the front lot line than the front yard building setback line. All cars parked in any driveway or on any street must be in running condition with all tires inflated, and no outside repair of any automobile will be permitted.

Handwritten
02504
(1)

5-27A

7. Portland concrete public sidewalks, four feet wide by 3½ 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 four feet back off the street curb line.

8. The following building restrictions for single-family dwellings shall apply to Lots 1 through 4 inclusive and Lots 73 through 98 inclusive:

(a) The finished living area of the residential structure, exclusive of open breezeways, porches and garages shall not be less than 1,250 square feet minimum size. The foundation walls for all houses must enclose a ground area of not less than 800 square feet. In addition, each single-family dwelling shall provide fully enclosed parking space for at least two (but not more than three) cars. Only attached or basement garages are permitted.

(b) The applicable zoning ordinances of the City of Bellevue shall determine minimum area of building plot and minimum set back requirements.

9. The following building restriction for single-family dwellings shall apply to Lots 5 through 29, inclusive and Lots 51 through 72 inclusive:

(a) The finished living area of the main residential structure, exclusive of open breezeways, porches and garages shall not be less than 1,000 square feet minimum size. The foundation walls for all houses must enclose a ground area of not less than 800 square feet. In addition, each single-family dwelling shall provide fully enclosed parking space for at least one (but not more than three) cars. Only attached or basement garages are permitted.

(b) The applicable zoning ordinances of the City of Bellevue shall determine minimum area of building plot and minimum set back requirements.

10. Notwithstanding the provision of Paragraph 8(b) and 9(b), the restrictive provisions for lot area and front, side and rear yards shall automatically be amended as to any lot for which the proper administrative or governing body of the city of Bellevue shall determine and permit a lesser area or distance.

11. The following construction requirements for single-family dwellings shall apply to Lots 36 through 50, Lots 56 through 61 and Lots 92 and 93:

(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-wall air conditioner units shall not be used.

(d) Through-the-wall/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 behind wood, or metal siding. Asphaltic or 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-b5-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 with performance as specified in Section 1-4C. 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.

25-2782

(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 be at least 5 ft. long with 90° bend.

(v) Fireplaces shall be provided with well-fitted dampers.

IN WITNESS WHEREOF, Charles G. Smith, Chairman of the Board of Landco, Inc. Attorney-in-fact for First Northwestern Trust Co., Trustee, being the owners of all said real estate, have executed these covenants this 27th day of February, 1981.

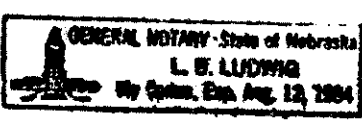
FIRST NORTHWESTERN TRUST CO., TRUSTEE
By: LANDCO, INC., A Nebraska Corporation
Its Attorney-in-fact

Charles G. Smith
Chairman of the Board

STATE OF NEBRASKA)
) SS.
COUNTY OF SARPY)

On the day and year last above written, before me, the undersigned a Notary Public, in and for said County, personally came CHARLES G. SMITH Chairman of the Board of Landco, Inc., to me personally known to be the identical person whose name is affixed to the above Restrictive Covenants, and acknowledge the execution thereof to be his voluntary act and deed and the voluntary act and deed of Landco, Inc.

WITNESS my hand and Notarial Seal at Papillion in said County the day and year last above written.



L. B. Ludwig
Notary Public

My Commission Expires :

2/12/84