

416 10887

**PROTECTIVE COVENANTS AND RESTRICTIONS FOR TREELAND HILLS  
A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA**

**PART A - PREAMBLE**

1. These Covenants shall apply to Lots 1 through 5, inclusive, Block 1, Lots 1 and 2, Block 2, all in Treeland Hills, a subdivision in Douglas County, Nebraska, as surveyed, platted and recorded.
2. Nothing herein contained shall in any way be construed as imposing upon the undersigned any liability, obligation or requirement for the enforcement of this instrument or any of its provisions, by the undersigned, except at the option of the undersigned.

**PART B - RESIDENTIAL AREA COVENANTS**

1. This property is to be used for single-family residential dwelling purposes only.
2. Dwellings erected hereon shall have a minimum of 1500 square feet finished living space, exclusive of garage, porches and basement. However, in the case of split-level dwellings, at least 1200 square feet of main living area shall be above grade. All dwellings shall have a (2) two-car garage, either attached or grade level, whichever is necessary to conform to the landscape. Dwellings must be of a permanent nature and conform to Second Suburban Zoning Code of City of Omaha. Any auxiliary buildings must be 20 feet within lot line and such buildings must be of neat appearance.
3. Dwellings constructed in another location shall not be moved onto any lot within this addition.
4. Septic tank laterals for dwellings must be kept 75 feet within lot lines, except along the lot line parallel to a street.
5. Any purchaser of a lot in this addition shall be required to erect and maintain fencing to surround such lot, which is adequate to contain within lot confines any animals, fowls, or other pets kept on premises.
6. No noxious or offensive trade or activity shall be carried on, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood.

**PART C - GENERAL PROVISIONS**

1. These Covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of ten (10) years from the date these Covenants are recorded, after which time said Covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said Covenants in whole or in part.
2. If any of the owners of the property covered herein, their heirs, assignees, or grantees shall violate, or attempt to violate, any of these Covenants, any of the owners of part or all of the property covered herein may prosecute any proceedings at law or equity against any violator, to prevent such violation and/or to recover damages therefor.
3. Invalidation of any one of these Covenants by agreement or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

September 4, 1964

(Date)


*Ethel M. E. Day*  
Ethel M. E. Day

416/638

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS)

On this 4th day of September, 1964, before me, a Notary Public duly commission-  
ed and qualified, in and for said County, appeared Elizabeth E. Day  
who is personally known by me to be the identical person whose name is affixed  
to the foregoing instrument, and she did acknowledge her execution thereof to be  
her own voluntary act and deed.

WITNESS my hand and Official Seal, in Omaha, Nebraska, the date last  
said.

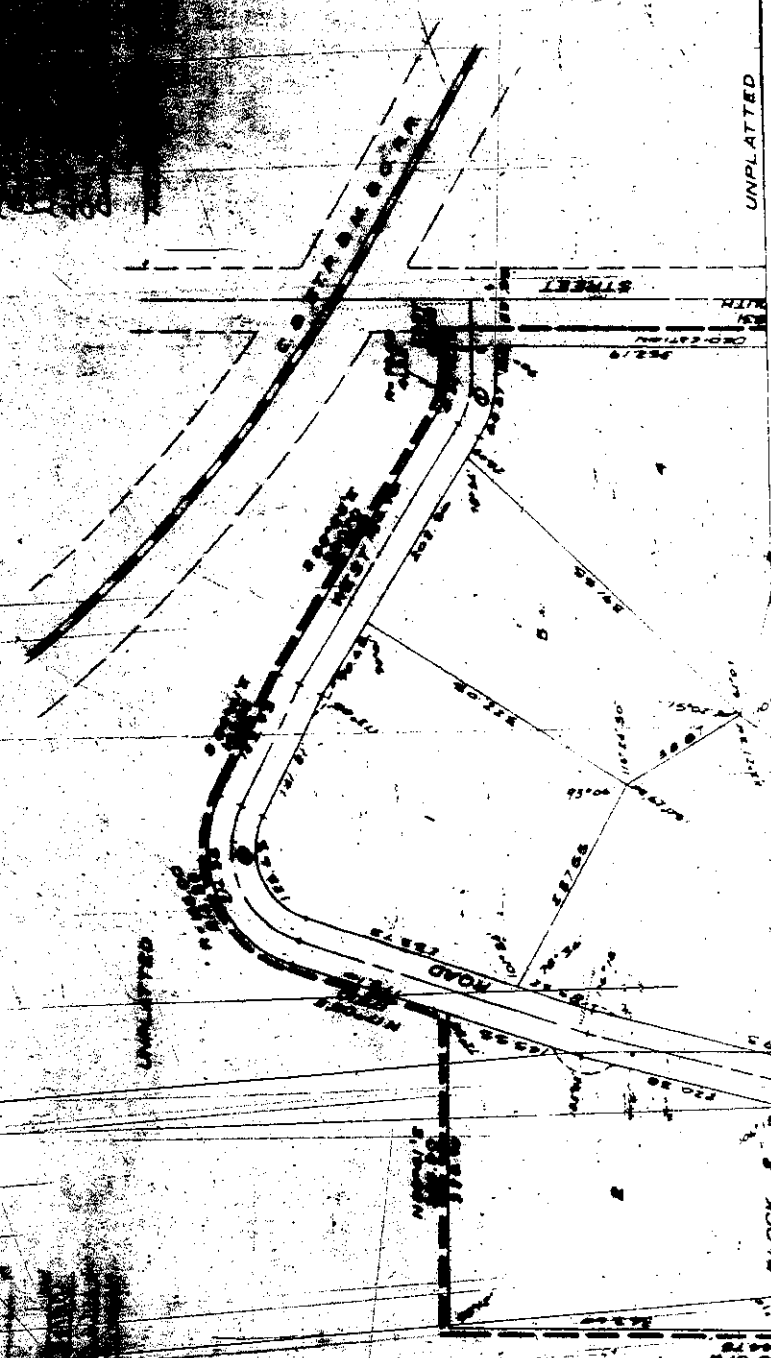
*Elizabeth E. Day*  
Notary Public  


My Commission Expires on Oct. 14, 1966.

RECEIVED  
SEP 4 1964  
THOMAS J. O'CONNOR  
REGISTER OF DEEDS  
COUNTY OF DOUGLAS  
416  
637  
Loring - Register  
416-637  
516  
519

# TREELAND HILLS

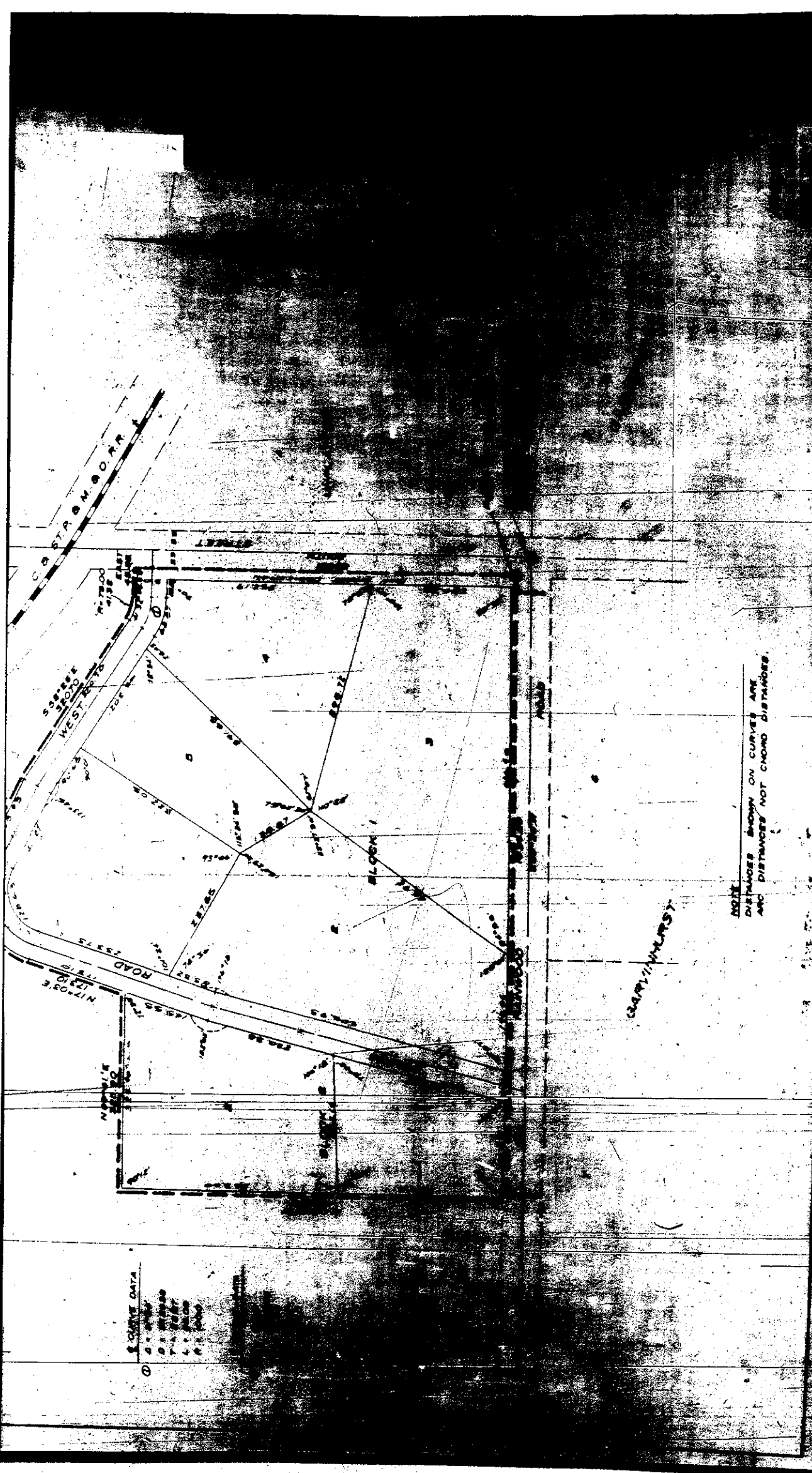
LOTS 1 THRU 5, INCLUSIVE, BLOCK 1, LOTS 1 & 2, BEING A PLATTING OF PART OF THE SE 1/4 OF THE 1/4 OF SECTION 13, T16N. R16E. OF THE 6TH RANGE, COUNTY, NEBRASKA, TOGETHER WITH VACATED ROAD WEST, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.



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NOTE:  
 DISTANCES SHOWN ON CURVES ARE  
 ARC DISTANCES NOT CHORD DISTANCES.

GARY HWY

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY that I have accurately surveyed and staked, with iron pipe, all corners of all lots, streets, and points, and ends of all curves in TREELAND HILLS, Lots 1 thru 5 inclusive, Block 1, and Lots 1 & 2, Block 2, and a platting of part of the SE 1/4 of the SE 1/4 of Section 13, T 26 N, R 12 E, of the 6th P.M., Douglas County, Nebraska, together with vacated Briggs Road West, as surveyed, platted and recorded in Douglas County, Nebraska, beginning at a point 33.0 feet North of and 33.0 feet S. 89° 28' W of the SE corner of said Sect. on 13; thence, continuing S. 89° 28' W along a line 33.0 feet North of and parallel to the South line of the SE 1/4 of the SE 1/4 of said Sect. 1036.29 feet; thence N 00° 07' W, 604.75 feet; thence N 89° 28' E, 325.90 feet; thence N 17° 03' E, 133.00 feet to a point of curve; thence on a curve to the right (radius being 125.0 ft.) for an arc distance of 214.32 feet; thence S 64° 41' E, 143.53 feet; thence S 58° 26' E, 120.74 feet to a point of curve; thence on a curve to the left (radius being 75.0 ft.) for an arc distance of 41.32 feet; thence East 45.83 feet; thence South, along a line 33.0 feet S. 28' W of and parallel to the East line of the SE 1/4 of the SE 1/4 of said Section 13, 636.31 feet to the point of ending. (The East line of the SE 1/4 of the SE 1/4 of said Section 13 assumed North-South in direction.)

[Signature]  
Date

[Signature]  
Evan O. Kold, C. E. 50

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That I, Ethel M. E. Day, being owner of the property described within the Surveyor's Certificate and embraced within this plat, have caused said property to be divided into lots and streets, to be numbered and named as shown, said Subdivision to be hereafter known as TREELAND HILLS, and I do hereby ratify and approve of the disposition of my property as shown on this plat; and I do hereby dedicate to the public, for public use, the streets and easements as shown on this plat. I do further grant a perpetual license in favor of and granted to the Omaha Public Power District and the Northwestern Bell Telephone Company, their successors and assigns, to erect and operate, maintain, repair and renew cables, conduits and poles with the necessary supports, sustaining wires, cross-arms, guys and anchors, and other instrumentalities, and to extend thereon wires for the carrying and transmission of electric current for light, heat, and power, and for all telephone and telegraph and message service over, upon, or under a 6-foot strip of land adjoining the rear and side boundary lines of said lots (these easements apply only to land within said Subdivision), said license being granted for the use and benefit of all presents and future owners of lots in said Subdivision; provided, however, that said side lot line easement is granted upon the specific condition that if both said utility companies fail to construct poles and wires along any of said side lot lines within 36 months of the date hereof, or if any poles or wires are constructed but hereafter removed without replacement within 60 days after their removal, then this side line easement shall automatically terminate and become void as to such unused or abandoned easement ways.

[Signature]  
Ethel M. E. Day

PETITION

KNOW ALL MEN BY THESE PRESENTS: That we, Ethel M. E. Day and Mariellen Martig, being the sole owners of the abutting property, hereby petition the City Council of Omaha, Nebraska, to vacate Briggs Road West, which is described as follows: BRIGGS ROAD WEST VACATION Description of 50 ft. Road on Centerline: Beginning at a point on the North line of Briggs Road 82.0 feet East and 33.0 feet North of the SE corner of the said SE 1/4 of Sec. 13-16-12; thence North-Right; thence 117.0 feet to the P.C. of a curve to the right with  $\Delta = 98^\circ 18'$ ,  $T = 115$  ft.,  $R = 100$  ft. and  $L = 171.53$  ft.; thence right on the curve 171.53 ft. to the P.T. of curve; thence on a curve to the left, with  $\Delta = 29^\circ 00'$ ,  $T = 19.39$ ;  $R = 75$  ft.,  $L = 37.90$  ft.; thence on curve left, 37.90 ft. to P.T. of curve; thence on curve tangent extended 65.0 feet to a point on the west line of 50th Street 646.3 ft. North and 33 ft. West of the SE corner of said SE 1/4 of Sec. 13-16-12.

[Signature]  
Mariellen Martig

[Signature]  
Ethel M. E. Day

ACKNOWLEDGMENTS OF NOTARY

STATE OF NEBRASKA) ss: On this 14th day of JUNE, 1964, before me, a Notary Public, duly commissioned and qualified in and for said county, appeared Ethel M. E. Day, who is hereby known by me to be part owner of the property described in the Surveyor's Certificate of this plat, and she did acknowledge her execution of the foregoing Dedication and Petition to be her voluntary act and deed.  
Witness my hand and official seal in Douglas County, Nebraska, the date last aforesaid.

My commission expires SEP 14 1962

[Signature]  
Notary Public

STATE OF NEBRASKA) ss: On this 14th day of JUNE, 1964, before me, a Notary Public, duly commissioned and qualified in and for said county, appeared Mariellen Martig, who is hereby known by me to be the identical person whose name is affixed above, and she did acknowledge the execution of the foregoing Dedication and Petition to be her voluntary act and deed.  
Witness my hand and official seal in Douglas County, Nebraska, the date last aforesaid.

My commission expires SEP 14 1962

[Signature]  
Notary Public

COUNTY TREASURER'S CERTIFICATE

This is to certify that I find no regular or special taxes, due or delinquent, against the property described in the Surveyor's Certificate and embraced in this plat, as shown by the records of this office, this 19 day of July, 1964.

Deputy

Douglas County  
Douglas County

APPROVAL OF CITY ENGINEER

I hereby approve the plat of TREELAND HILLS on this 21 day of July

A.P. Baird  
City Engineer

APPROVAL OF CITY PLANNING BOARD

This plat of TREELAND HILLS was approved by the City Planning Board of the City of Omaha, this 21 day of July, 1964.

William J. ...  
Chairman, City Planning Board

APPROVAL OF OMAHA CITY COUNCIL

This plat of TREELAND HILLS was approved and accepted by the City Council of Omaha on this 21 day of July, 1964.

James J. ...  
President

		TREELAND HILLS PLAT NO. 63-20	PLANNING NUMBER 63-20
		FINAL PLAT	PLANNING NUMBER 63-20

# Tree Land Hills

Plat and Dedication

Filed 9-4-64, in Book 1230 at Page 197, Instrument No. \_\_\_\_\_

Grants a perpetual easement in favor of

Omaha Public Power District,

U.S. West Communications

Northwestern Bell Telephone Company

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 5 foot wide strip of land ~~abutting the front~~ <sup>adjoining rear</sup> 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,

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Declaration of Covenants, Conditions, Restrictions and Easements, 416-637 filed 9-4-64

Restrictive Covenants

Protective Covenants

or

Omaha Public Power District,

U.S. West Communications

Northwestern Bell Telephone Company

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 \_\_\_\_\_ 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.

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.

Architectural Control

\*\*\*\*\*  
Easement Right of Way 12, 2<sup>nd</sup> 3<sup>rd</sup> or \_\_\_\_\_ Amendment to \_\_\_\_\_

Dated \_\_\_\_\_ Filed \_\_\_\_\_, Book \_\_\_\_\_ at Page \_\_\_\_\_, Instrument No. \_\_\_\_\_

451-175 Waiver Agreement 7-12-67 Copy

510-77 Vac filed 3-16-73 Copy