

25-181

RESTRICTIVE COVENANTS

The undersigned hereby declares 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.

The undersigned, being the owner of all lots in Tara Heights, a subdivision in Spawny County, Nebraska, are desirous of placing proper restrictions on said lots in said addition and, therefore, the following restrictions are hereby placed upon said Tara Heights Addition for a period of 25 years from the date hereof, and said lots shall be conveyed and used and be subject to the following covenants, conditions, restrictions and easements:

1. Lots A thru I, and 11 thru 82 shall be used for single family dwellings only, except lots 38, and 39 which may be used for multiple family dwellings.

2. If a detached garage is built on any single family or multiple family dwelling lot, the garage shall be placed not nearer than 5 feet from the rear of side lot line, exclusive of eaves except on corner lots, in which case the garage shall be placed not nearer than 15 feet to side lot line adjacent to the street.

3. No dwelling shall be constructed on any parcel of ground of less area than the smallest lot as now platted in the same block.

4. No dwelling shall be constructed nearer than 35 feet from the front lot line, excluding steps and open porches and eaves, and no dwelling shall be constructed nearer than 5 feet from the side lot line, excepting on corner lots the side yard shall extend at least 15 feet from the side lot line adjacent to the street.

5. No dwelling shall contain more than two stories and shall be permitted only when the dwelling contains the following minimum square footage:

(a) If a one-story building, not less than 900 square feet, exclusive of garage, open porches and basement.

(b) If a one and one-half story dwelling, the first story shall contain not less than 750 square feet, exclusive of garage, open porches and basement.

(c) If a two-story dwelling, the first story shall contain not less than 750 square feet, excluding garage, open porches and basement.

16. These covenants are to run with the land and shall be binding upon all parties and persons claiming under them for a period of 25 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 the majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

17. Enforcement shall be by proceedings at law or in equity against any person, or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

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

IN WITNESS WHEREOF, Michael J. Hogan and Jane F. Hogan, being the owners of all said real estate have executed these covenants this

15th day of July A.D. one thousand nine hundred and Eighty Nine.

Michael J. Hogan
Jane F. Hogan

STATE OF NEBRASKA }
County of Sarpy } ss

On this 15th day of July, A.D. 1959, before me, a Notary Public in and for said County, personally came Michael J. Hogan and Jane F. Hogan, husband and wife who are personally known to me to be the identical persons whose names affixed to the above Restrictive Covenants, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

Louis H. Strawn
Notary Public

RESTRICTIVE COVENANTS AMENDED

The undersigned hereby declares that the following amended 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.

The undersigned, being the owner of all lots in Tara Heights, a sub-division in Sarpy County, Nebraska, are desirous of placing proper restrictions on said lots in said addition and, therefore, the following restrictions are hereby placed upon said Tara Heights Addition for a period of 25 years from the date hereof, and said lots shall be conveyed and used and be subject to the following covenants, conditions, restrictions and easements:

1. Lots A thru I, and 11 thru 32 shall be used for single family dwellings only, except lots 38, and 39 which may be used for multiple family dwellings.

Entered in Numerical Index and Recorded in the Register of Deeds of Sarpy County, Nebraska
 10 Aug 1939 at 3:30 P.M., Esther Ruff, County Clerk 2 90

5. (a) If a one-story building, not less than 900 square feet, ground floor area, exclusive of garage, open porches and basement.

5. (b) If a one and one-half story dwelling, the first story shall contain not less than 750 square feet ground floor area, exclusive of garage, open porches and basement.

5. (c) If a two-story dwelling, the first story shall contain not less than 750 square feet ground floor area, excluding garage, open porches and basement.

13. A public concrete sidewalk of not less than 4 feet in width and 4 inches thick shall be installed for each improved lot by the lot owner on the side or sides of the lot adjacent to the street shall be not less than 1 foot outside the lot line

Michael J. Hogan
Michael J. Hogan

Jane F. Hogan
Jane F. Hogan

State of Nebraska) ss
Sarpy County)

On this 10th day of August 1959, before me, the undersigned Notary Public, duly commissioned and qualified for said county, personally came Michael J. Hogan & Jane F. Hogan, husband & wife to me known to be the identical person or persons whose name is or names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and Notarial Seal, the day and year last above written

Joseph H. Strawn
Notary Public

My commission expires the 16th day of June 1960