

**KNOW ALL MEN BY THESE PRESENTS:**

That CITY NATIONAL VAULTS, INC., a corporation organized and existing under and by virtue of the laws of the State of Nebraska, the sole fee simple owner of all lots in MAKKNER WEST, a re-plat of Blocks Twenty-Two (22), Twenty-Four (24), and all of Block Twenty-Three (23) except the East 474 Feet thereof, Bowling Green, an Addition in Douglas County, Nebraska, as surveyed, platted and recorded, does hereby make, publish and declare the following provisions and conditions on all lots in said MAKKNER WEST Addition, to wit:

For the 25-year period following the date of this instrument:

(1) No trailer, tent, shack, or barn shall be moved in or erected upon the premises; and no basement, cellar, or garage when erected thereon shall be used as a residence, either temporary or permanent. Any garage or other outbuilding erected on said premises shall conform with the general architecture of existing improvements.

(2) No fences shall be constructed except those that conform with the following conditions: (a) Fences to the rear of the front line of the house shall not be of greater height than four and one-half (4½) feet, and must be of uniform construction and architecture; (b) Fences forward of the front line of the house shall not be of greater height than two and one-half (2½) feet, and shall not extend beyond the front lot line, and must be of uniform construction and architecture.

repair and renew poles with the necessary supports, sustaining wires, cross arms, guys and anchors, and other instrumentalities, and to extend thereon wires for carrying and transmission of electric current for lights, heat and power, and for all telephone, telegraph and message purposes, along the rear and side boundary lines of said lots for the use and benefit of the owners and occupants of each block.

This instrument shall be included in all abstracts covering the above lots and said provisions and conditions shall run with the land and be binding on each and every owner thereof, their heirs, successors, or assigns for a period of twenty-five (25) years from this date.

DATED at Omaha, Nebraska this 17th day of February, 1953.

CITY NATIONAL VAULTS, INC.,

By J. H. Maenner  
President

ATTEST:  
[Signature]  
Secretary



[Signature]

{ STATE OF NEBRASKA }  
                                  } SS.  
{ COUNTY OF DOUGLAS }

On this 17th day of February, 1953, before me, the undersigned, a Notary Public in and for said County, personally came T. H. MAENNER, President of CITY NATIONAL VAULTS, INC., to me known to be the President and the identical person whose name is affixed to the above instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer, and the voluntary act and deed of City National Vaults, Inc., a corporation organized and existing under and by virtue of the laws of the State of Nebraska, and that the Corporate Seal of City National Vaults, Inc. was thereto

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA

BOOK 276 PAGE 133

*Plt 20422  
Bowling Green*

WHEREAS, the City National Vaults, Inc., and Theodore H. Kasper, owners of three-fourths (3/4ths) of the property abutting Decatur Street between 70th Avenue and 72nd Street, in Douglas County, Nebraska, did on November 17, 1952 file in the office of the County Commissioners a petition requesting the vacation of Decatur Street, between 70th Avenue and 72nd Street and the Metropolitan Utilities District, owners of the balance of the property, did on December 30th, 1952, file a statement offering no objection to said vacation, and

WHEREAS, the street to be vacated does not follow a section line and a public road lies not more than one-half mile distance from such road that will adequately serve the needs of the users thereof, and

WHEREAS, this request has been carefully investigated by the County Surveyor, who under date of January 7, 1953, recommended that the above stated Decatur Street between 70th Avenue and 72nd Street, be vacated for the reason this street has been used for farm land and has not been opened for public use since platted as a part of Bowling Green in 1887, and

WHEREAS, notice of said vacation has been published according to the statutes in this behalf.

THEREFORE, BE IT RESOLVED that the vacation of Decatur Street between 70th Avenue and 72nd Street, be and is hereby accepted and approved provided however that the vacation of the property herein described, and the revision thereof, shall be subject to the condition and limitation that there is reserved to the Metropolitan Utilities District of the City of Omaha, the Omaha Public Power District, Northwestern Bell Telephone Company or any other public utility the right to construct, maintain, repair, renew and operate present existing or hereafter installed water mains, pole lines, conduits and other similar services or equipment above, on and below the surface of the ground for the purpose of serving the general public or abutting property; and the right so reserved shall also include such lateral

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA

Resolved,  
Page Two

accomplish the above purpose at any and all times, and that the County Surveyor be and is hereby authorized and directed to correct the records, profiles and plats accordingly and that a copy of this resolution be filed in the Register of Deed's Office and the cost of same be charged to the petitioners.

George Woodward, Jr.

Leonard Bergman

Frank C. Best

H. B. Bergquist

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA

Motion by Bergman; Seconded by Bergquist

I move the adoption of the resolution.

ADOPTED: February 16, 1953.

YEAS: Bergman, Bergquist, Woodward, Best.

ABSENT: Munch.

(CERTIFIED COPY)

JOHN SLAVIK, COUNTY CLERK.

BY Salad Roman  
Deputy

