

DEDICATION OF RESTRICTIONS

STATE OF NEBRASKA)
COUNTY OF HOLT) ss.

KNOW ALL MEN BY THESE PRESENTS:

We, the undersigned, fee owners of lots in the Subdivision known as Fairway Acres Second Addition to the City of O'Neill, Holt County, Nebraska, located upon the following described real estate:

Lots 1 through 8, inclusive, Fairway Acres Second Addition to the City of O'Neill, Holt County, Nebraska;

which lands are described in the surveyor's certificate and embraced within the plat attached to the original dedication filed on the 18th day of December, 2001, with the Holt County Register of Deeds office in Plats Book "A", Page 251; do hereby make the following declarations as to limitations, restrictions and uses to which the lots and tracts constituting the said addition may be put, thereby specifying that said declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties hereto and all persons claiming under them and for the benefit of and limitations upon all future owners in said additions; this declaration of restrictions being designed for the express purpose of keeping said addition desirable, uniform in value and residential. Said declarations being as follows, to-wit:

1. These limitations, restrictions and uses shall be binding on all parties hereto and all persons claiming under them for a period of 25 years from the date these declarations and covenants shall be recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a two-thirds (2/3) majority of the owners of the lots, has been recorded, agreeing to change said covenants in whole or part. Determination of majority shall be by one vote per lot or partial vote for partial lot ownership, e.g. an owner of 1 1/2 lots will have 1 1/2 votes.
2. All lots shall be known, described and used as private single dwellings for the sole use of the respective owner of their designated occupant and for no other purpose whatsoever.
3. There shall not be erected on any lot or tract:
 - a. Any dwelling residence with above ground level floor space of less than 2,000 square feet; and
 - b. Any structure with an unpainted or uncolored exterior.

Said square footages are exclusive of any portion thereof used for a garage or for an outside porch or patio.

STATE OF NEBRASKA
FILED FOR RECORD
HOLT COUNTY, NE
Subscribed and sworn to before me this 28th day of December, 2001.
M. H. O'NEILL, County Clerk
in book 89 of 121
Page 89
MARY DEWALL, County Clerk
Notary Public
CHIEF CLERK

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4. Garages may be attached to or detached from the said dwelling and not be for more than three cars. Garages shall keep and be compatible with the residence in design, roof line, exterior, etc. No garage shall be constructed prior to the construction of the residence or town home.

5. Only one residence, or town home if allowed, shall be erected or constructed upon any lot or tract shown upon the annexed plat, unless a lot has been split and each tract thereof attached to a full size adjoining lot.

6. Other than the permanent dwelling as above described, no permanent or temporary buildings, structures or eyesores of any kind whatsoever may be erected, stored or maintained on said building lots or tracts, (ie. trailer houses, casements, tents, shacks, barns, out buildings, pens and fenced areas, are allowed).

7. Homes shall be properly maintained in good repair with the exteriors generally compatible with other homes in the Subdivision. Yard areas shall be maintained in an orderly and attractive manner. Front yards shall be adequately watered to maintain green.

8. Storage sheds shall be allowed under the following conditions:

- a. Behind residence.
- b. At least 300 square feet.
- c. On a permanent foundation.
- d. Concrete driveway (if regular driving access).
- e. Structure type to be compatible with residence.
- f. Height shall be in relationship to corresponding residence.
- g. No storage shed shall be constructed prior to construction of the residence or town home.

9. No one, whether resident or their guests may engage in any kind of activity or use of the property that is deemed by another resident to be a nuisance, annoyance, offensive or an eyesore to the resident(s) or Subdivision.

10. There shall be no storage of vehicles, trailers, boats, or recreational vehicles of any kind on any lot or tract, except behind a residence or town home and no nearer to any lot line than the building setback requirements herein. Any such storage shall be on an appropriately sized cement pad.

11. No previously constructed dwelling or building may be moved from another location onto any of the lots or tracts.

12. No dwelling house, or any part thereof, except the steps or bay window or any of the usual projections thereof, shall be erected on any lot or tract within 25 feet of the front line of said lot.

13. No structure except fencing shall be located on a building lot or tract nearer than 20 feet to any side line of said lot, except 5 feet cul-de-sac lots.

14. Privacy fencing shall be allowed. Fences shall not extend beyond the front line of the home. No chain link fences shall be erected on the perimeter of any lot, subject to the size restriction in these declarations. All fences shall be placed on the lot boundary, unless otherwise agreed in writing by the parties, which agreement shall be recorded at the Register of Deeds.

15. Hedges and tress shall be planted at least six feet inside the lot boundary line.

16. Perimeter trees will be maintained and replaced as reasonably needed. All other trees and hedges shall be reasonably maintained in good condition.

17. Domestic pets shall be kept inside of the house only.

18. No livestock shall be allowed within the subdivision.

19. All trash shall be stored inside, except may be placed outside on day of pickup.

20. All driveways will be concrete.

21. No commercial signs for any purpose shall be erected on a lot or placed on any building.

22. All residences or town homes shall have multiple roof lines.

23. All utility lines shall be installed underground. All utility boxes shall be located behind the residence.

24. No recreational motorized vehicles shall be operated in the subdivision except on streets.

25. These declarations as to setback shall also apply in the event that one purchaser or owner shall use two contiguous lots or one lot and part of a contiguous lot which shall be called a tract, for a building site. In the event that distance shall be measured from the property lines of the tract, rather than the lot lines.

26. Further, we grant a perpetual license in favor of any public utility, their successors and assigns, to operate, maintain and repair said utility service in the location it exists on the date of this Amendment. Said license being granted for the use and benefit of all the present and future owners of lots and tracts in said Subdivision.

27. It is further declared that invalidation of any of these declarations by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Marvin F. Fritz
MARVIN F. FRITZ, Owner

Dee J. Fritz
DEE J. FRITZ, Owner

STATE OF NEBRASKA)
)
COUNTY OF HOLT)

ss.

The foregoing Declaration of Restrictions was acknowledged before me this 28th day of June, 2002, by Marvin F. Fritz and Dee J. Fritz, Husband and Wife

Janet L. Krotter Chvala
Notary Public

