

712
PROTECTIVE COVENANTS
MIDWAY ESTATES SUBDIVISION

1. These covenants shall run with the land and continue until January 1, 1988, after which time they shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of said land shall have been recorded in the office of the County Clerk of Washington County, Nebraska, agreeing to change the same in whole or in part.
2. If the present or future owners, users or occupants of any of said lots 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 proceedings at law or equity against the person violating or attempting to violate any such covenant and either to prevent him from so doing or to recover damages for such violation.
3. If any provisions hereof shall be adjudged unlawful or unenforceable, same shall in no manner affect or change the other provisions hereof, which shall remain in full force and effect.
4. Said lots shall be used only for single-family residential purposes.
5. Prior to any construction or grading, the owner must first submit construction plans to the undersigned and secure the written approval thereof. Plans shall include site plans showing location of residence, other buildings and structures. Said plans shall include at least four (4) exterior elevations, exterior materials, floor plan, foundation plan, plot plan, landscaping plan, drainage plan and sight lines. Plans will not be returned to the owner. Within thirty days after receipt of said plans, the undersigned shall either notify the owner in writing of its approval of plans or of disapproval with reasons therefor, but if undersigned shall fail to send either notice within the 30 day period, then such plans shall be deemed approved. Said plans shall include the plans, specifications and diagram for the septic system.
6. Construction on or improvement of any lot shall be subject to the following restrictions:
 - a) Minimum Yards: The minimum front, side and rear yard requirements of the Washington county R-1 Zoning District as now enacted, shall govern this subdivision. Any waiver or change of such restriction by Washington County shall not be effective to alter this covenant unless the undersigned likewise consents in writing to such waiver or change.
 - b) Minimum Buildable Area: No lot shall be used as a building site for a residential structure if the lot has been reduced in area below it's originally platted size.
 - c) Minimum Dwelling Size: Each dwelling shall contain not less than 1500 square feet of finished living space.
 - d) Garages: Each residence shall include an enclosed garage for at least two cars (attached, detached or basement).
 - e) Construction of each dwelling or structure must be completed within one year after excavation for footings.

1978 MAY -1 PM 3:01

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 817
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 1st DAY OF May AD 1978
AT 3:01 O'CLOCK P M AND RECORDED IN
BOOK 117 AT PAGE 712-713
COUNTY CLERK Charlotte Peterson
DEPUTY Karen Madison

7. Any and all livestock maintained on premises shall be kept in accordance with the requirements of R-1 Zoning and shall be located to the rear of the residence. On corner lots, said livestock shall be maintained no closer to the street than the residence set-back on the adjoining lot. All structures used for the housing of maintenance of livestock, and any areas where livestock are maintained or kept shall be maintained at all times in a clean neat orderly manner by the owner of said real estate. All manure must be removed from the premises. All fencing must be kept in good condition and not allowed to deteriorate or look shabby. The owner of each lot shall take all reasonable and necessary steps to insure adequate rodent control on said lot.

8. Easements are dedicated and granted as follows:

5.0 feet in width along all side Lot lines; 5.0 feet in width on all rear lot lines of interior lots; 15.0 feet in width on all rear lot lines of exterior lots; Said Easements being granted to any public or private utility company and for reciprocal use by abutting property owners for the sole purpose of construction and maintenance of utility lines.

No permanent buildings, trees, retaining walls or loose rock walls shall be placed in said easements, but same may be used for other purposes that do not then or later interfere with the uses or rights granted herein.

9. No trees, shrubs, hedges or other plants shall be maintained or permitted in such proximity to any lot as will interfere with the use and maintenance of any street or walk or the unobstructed view at street intersection sufficient for the safety of pedestrians and vehicles. The owner shall take whatever steps are necessary to control noxious weeds on his real estate. Ground cover shall be maintained on all lots in order to prevent erosion. Any and all dead trees and shrubbery must be removed at the owner's expense.

10. None of the land shall be used in whole or in part for the storage of any property or thing that will cause the land to appear in an unclean or untidy condition, or that will be obnoxious to the eye; nor shall any substance or material be kept upon the land that will emit a foul or obnoxious odor, or cause any noise that will or might disturb the peace, quiet, comfort, or serenity of the occupants of the surrounding property. All rubbish, trash and garbage shall be removed from the subdivision and shall not be allowed to accumulate thereon.


EXECUTED this 22 day of Feb, 1978.

MIDWAY ESTATES SUBDIVISION

BY: Roger Stueckrath
Roger Stueckrath, Owner

Dona Rene Stueckrath
Dona Rene Stueckrath, Owner

WITNESS: Warren D. Whitaker

 GENERAL NOTARY - State of Neb.
WARREN D. WHITAKER
My Comm. Exp. Feb. 8, 1980