

17-367

WAIVER AND RELEASE OF PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED, BEING THE FEE SIMPLE TITLE OWNERS OF LOT 49, BLOCK 1, RUSHART ADDITION TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, FOR AND IN CONSIDERATION OF THE SUM OF \$1.00 AND OTHER VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY FOREVER RELEASE, WAIVE AND DISCHARGE ALL RESTRICTIONS, INCLUDING BUT NOT LIMITED TO TYPE OF BUILDING, SET-BACK, USE AND AREA, CONTAINED IN CERTAIN PROTECTIVE COVENANTS, DATED OCTOBER 22, 1942, AND RECORDED ON NOVEMBER 23, 1942, IN BOOK MISCELLANEOUS 11, AT PAGE 535; IN THE OFFICE OF THE COUNTY CLERK OF SARPY COUNTY, NEBRASKA, IN-AS-FAR AS AFORESAID RESTRICTIONS CONTAINED IN SAID PROTECTIVE COVENANTS PERTAIN TO OR AFFECT LOTS 85, 86, 87, 88, 89, 90, 97, 98, 99, 100, 101 AND 102, IN BLOCK 1, RUSHART ADDITION TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA.

THIS WAIVER AND RELEASE SHALL BE BINDING UPON THE UNDERSIGNED HEIRS, SUCCESSORS AND GRANTEEES.

IN PRESENCE OF:

Robert B. Rind

Herewith W. Jull

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 16 DAY OF August, 1954.

Charles E. Thompson

~~Notary Public~~  
CHARLES E. THOMPSON  
1st. Lt. USAF  
Staff Judge Advocate 195

MY COMMISSION EXPIRES \_\_\_\_\_

Authority to take acknowledgments granted by Art. 136 USMJ and Nebraska Revised Statutes, 1943, sec. 76-227; Laws 1943, c. 170.

Entered in Public Records of Sarpy County, Nebraska  
\_\_\_\_\_ 1954





# Deed Record No. 60

## SURVEYORS CERTIFICATE

I hereby certify that I have accurately surveyed, and staked the lots and street of Rushart Addition with 1/2" Iron Stakes, as shown on this plat, and that the same is located in the SW 36 T14N R13E of the 6th Principal Meridian, Sarpy County, Nebraska. That said Rushart Addition is a re-plat of Blocks 356-357-358- N 353 -330-354-331-355- W 329 - W 327 Lots 1-2-3-11-12 & W 38 ft Lot 10 Block 326 of Bellevue Nebraska. In witness whereof I have hereunto set my hand this 23rd day of July 1941.

\*\*\*\*\*  
 \* REGISTERED PROFESSIONAL ENGINEER \* R.E. Gibson  
 \* STATE OF NEBRASKA \* Surveyor  
 \* RODNEY E. GIBSON E-138 \*  
 \*\*\*\*\*

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That I Geo. F. Rushart, widower, owner of Block 330-331-332-354-355-356-357-358-N 353- W 326- W 327 & W 329; original City of Bellevue Nebraska being all the land described in the Surveyors Certificate as shown on this plat hereby certify that I have caused the above tract to be re-platted into lots and numbered as they appear on this plat. Said addition to be hereafter known as Rushart Addition in the City of Bellevue Sarpy County Nebraska. Said plat and addition is made with my consent and in accordance with my desires, and I hereby dedicate the streets an pedestrian way as shown hereon to the public for their use as such. In witness whereof I have signed these presents this 30 day of July 1941.

Witness:

\_\_\_\_\_  
 Geo. F. Rushart

## ACCEPTANCE BY CITY COUNCIL OF BELLEVUE

Accepted by the City Council of the City of Bellevue, Nebraska this 30 day of July AD. 1941

Elizabeth P Smith  
 City Clerk

F H Freeman  
 Mayor

\*\*\*\*\*  
 \* CITY OF BELLEVUE SEAL \*  
 \* SARPY COUNTY NEBRASKA \*  
 \*\*\*\*\*

## COUNTY TREASURERS CERTIFICATE

Aug. 6, 1941  
 Papillion, Nebr.

This is to certify that the records of my office show no regular or special taxes due or delinquent upon the property described in the above Surveyors Certificate

C W Sorensen  
 County Treasurer  
 \*\*\*\*\*  
 \* SARPY COUNTY \*  
 \* NEBRASKA \*  
 \* TREASURER'S SEAL \*  
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## ACKNOWLEDGEMENTS

State of Nebraska )  
 County of Sarpy ) ss

On this 30 day of July 1941, before me, a Notary Public, duly commissioned and qualified in and for said County, personally came the above Geo. F. Rushart who is personally known to me to be the identical person whose name is affixed to the above dedication, and he acknowledged the signing of said dedication to be his voluntary act and deed. Witness my hand and official seal at Bellevue Nebraska, in said County, the date last aforesaid.

My commission expires on the 15 day of March AD 1942

W. L. Cockrell  
 Notary Public

\*\*\*\*\*  
 \* W.L. COCKRELL NOTARIAL SEAL \*  
 \* SARPY COUNTY, NEBRASKA \*  
 \* COMMISSION EXPIRES MAR. 15 1942 \*  
 \*\*\*\*\*

August 12 1941

We acknowledge and accept the inclusion in "Rushart Addition" The E 1/2 of Alley through Block 329 adjoining lots 7 to 12 of said Block and the N 1/2 of 21st Av adjoining Lot 1 Block 328 and Lot 12 Block 329 of the original City of Bellevue Nebraska as platted & recorded.

St. Columbian's Foreign  
 Mission Society

By T. Connolly, Asst. Treasurer

MISCELLANEOUS RECORD No. 11

RUSHART BUILDING CORPORATION :  
TO  
WHOM IT MAY CONCERN  
Prot. Covenants \$2.40 Pd.

Filed November 23, 1942 at 3 o'clock P.M.

*James Peter*  
County Clerk

PROTECTIVE COVENANTS

TO WHOM IT MAY CONCERN:

Future conveyance of the following described property is herewith made subject to Protective Covenants by the owners thereof as follows: Lot to be used for residence purposes only. No structure shall be erected altered, placed or permitted to remain on any lot, other than one detached, single, family dwelling, not to exceed two stories in height, and a private garage for not more than two cars.

No building shall be located on any of these lots nearer than 25 feet to the front lot line.

No building, except garage or other outbuilding located 60 or more feet from the front lot line, shall be nearer than 5 feet to any side lot line.

No residence shall be erected or placed on any of these lots which lot has an area of less than 5000 square feet, nor a width of less than 40 feet at the front building set-back line.

No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract, shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

No dwelling costing less than \$3,500.00 shall be erected on any lot, the ground floor area of the main structure exclusive of one-story porches, and garages shall be not less than 500 square feet. An easement is reserved over the rear 5 feet of each lot for utility installation and maintenance.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1970; at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the then owners of the lots, it is agreed to change the said covenants in whole or in part.

If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any of these Covenants by judgment or court order shall in no way effect any of the other provisions, which shall remain in full force and effect.

Dated October 22, 1942.

Covering the vacant lots in Rushart Addition, City of Bellevue, Sarpy County, Nebraska, more specifically described and identified as follows: Lots 1, 4, 5, 6, 9, 10, 11, 13, and Lot "A" all in Block 2, Rushart Addition; Lots 2 to 5 inclusive; Lots 7, 13 to 17 inclusive; Lots 22 to 45 inclusive; Lots 47, 52 to 67 inclusive; Lots 71 to 102 inclusive in Block 1, (Lot "H" excepted) Rushart Addition, as surveyed, platted, and recorded.

\*\*\*\*\*  
RUSHART BUILDING CORPORATION  
CORPORATE SEAL  
\*\*\*\*\*

Rushart Building Corporation  
By George F. Rushart President  
Attest:  
Wm. J. Fitzpatrick Secretary

George F. Rushart

Approved and signed as to Lots 1, 4, 5, 6, 9, 10, 11, 13, and Lot "A" all in Block 2, Rushart Addition; Lots 2 to 5 inclusive; Lots 7, 13 to 17 inclusive; Lots 22 to 45 inclusive; Lot 47, Lots 55 to 102 inclusive, all in Block 1, Rushart Addition.

\*\*\*\*\*  
RUSHART BUILDING CORPORATION  
CORPORATE SEAL  
\*\*\*\*\*

RUSHART BUILDING CORPORATION  
by George F. Rushart  
President  
Correct Attest  
by Wm. J. Fitzpatrick  
Secretary

STATE OF NEBRASKA )  
COUNTY OF Douglas ) ss.

On this 2 day of Nov., 1942, before me, a Notary Public, in and for said Sarpy County, Nebraska, duly commissioned and qualified, personally appeared George F. Rushart, President of Rushart Building Corporation, who signed the above and foregoing instrument, and who is known to me to be the president of said Rushart Building Corporation and acknowledged the signing of same as to Lots 1, 4, 5, 6, 9, 10, 11, 13, and Lot "A", all in Block 2, Rushart Addition; Lots 2 to 5 inclusive; Lots 7, 13 to 17 inclusive; Lots 22 to 45 inclusive; Lot 47, Lots 55 to 102, all in Block 1, Rushart Addition, to be his voluntary act and deed, and the voluntary act and deed of said

Vertical text on the right margin, likely a recording index or date stamp, including numbers like 113-94-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000