

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 25, 2013
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
10:30 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on June 21, 2013.

Commissioners present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Roma Amundson
Jane Raybould
Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 18, 2013.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Schorr, Raybould, Amundson, Smoyer and Hudkins voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, June 25, 2013.**

MOTION: Raybould moved and Amundson seconded approval of the claims. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

3) **SPECIAL PRESENTATIONS:**

A. **Introduction of Roy Schoen for appointment to the Lancaster County Veterans Service Committee – Gary Chalupa, County Veterans Service Officer/General Assistance Director. (See 5A for correlating item.)**

Gary Chalupa introduced Roy Schoen and explained the process for soliciting applications. He noted that Schoen was recommended by Disabled American Veterans Chapter 7 and Veterans of Foreign Wars 10617. Schoen provided information on his military background.

B. **Recognition of Lancaster County as a Commemorative Partner with regard to the Commemoration of the 50th Anniversary of the Vietnam War – Gary Chalupa, County Veterans Service Officer/General Assistance Director.**

SPECIAL PRESENTATIONS CONTINUED:

Gary Chalupa said the County Board had approved the application to become a Commemorative Partner at a previous staff meeting. He said the only commitment is to participate in at least two Commemorative events per year from 2015 to 2017, which is at no cost to the County. Chalupa showed the certificates, posters and flags received for becoming an active member.

5) **NEW BUSINESS:**

- E. **Appointment of Dallas Jones to replace Randall Goyette and reappointment of Sean Brennan and Jeanelle Lust to the Lancaster County Indigent Defense Advisory Committee for three-year terms, expiring May 12, 2016.**

Dennis Keefe, Public Defender, said the Advisory Committee was set up in 1995 to provide counsel to the Board and the Public Defender's Office on indigent defense issues. He discussed the hours contributed by Committee members and the significant help they provide. Keefe noted that exiting member, Randy Goyette, was on the committee for 14 years and thanked him for his service.

MOTION: Raybould moved and Smoyer seconded approval of the appointment and reappointments. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.

- F. **Resolution authorizing the execution and delivery by The County of Lancaster, Nebraska of two amendments to existing lease agreements relating to certain industrial development revenue bonds, the proceeds of which were used for the acquisition and installation of certain equipment to be operated and used by PCE, Inc., as successor-in-interest to Plastic Companies Enterprises, Inc. (R-13-0038)**

Judith Schweikart, Kutak Rock, said the resolution would amend the existing lease agreements and modify a bond form for a lower interest rate.

MOTION: Smoyer moved and Amundson seconded approval of the resolution. Smoyer, Schorr, Raybould, Amundson and Hudkins voted aye. Motion carried 5-0.

4) **PUBLIC HEARINGS:**

- A. **Amusement license application from Event King, LLC, to hold an event at 5895 W. Sprague Road, on August 23, 2013. (See 5B and 5C for correlating items.)**

The Chair opened the public hearing.

Gerard Harbison, 19300 SW 58th Street, was administered the oath. He spoke in opposition of the amusement license application for the concert event at Bluestem Nursery & Vineyard, which is estimated to have 4,000 attendees. Harbison discussed the amount of space per person, the time it would take everyone to leave the event, the unfinished parking and driveway area, the excessive noise level, and the arrest of Billy Currington (the headlining act). He also noted there is a bridge out on W. Sprague Road about 1½ miles west of Highway 77.

PUBLIC HEARINGS CONTINUED:

Joan Brethouwer, 6467 W. Sprague Road, was administered the oath. She said her property is adjacent to the Bluestem property with no fence between the two. Because of this, she worried about vehicles driving on her property and possibly setting fire to her prairie grass. She discussed the covenant restrictions for the subdivision (Exhibit A).

Judi Korte, 5665 W Sprague Road, was administered the oath. She expressed concern over health issues and the noise level at the event. Korte discussed the loud music she had heard at previous smaller receptions held on the Bluestem property and attempts at calling the Sheriff's Office.

Terry Wagner, County Sheriff, was administered the oath. He addressed the issue of noise complaints, saying there had been complaints but deputies had always received cooperation from the property owners.

Marjorie Langell, 19300 SW 58th Street, was administered the oath. She discussed her concerns over the number of people and the noise the concert would create, noting the level of noise created by smaller events at Bluestem.

Don Hinds, 19080 SW 58th Street, was administered the oath. He said previous events at Bluestem had created a lot of loud noise and he had not had good results with calling law enforcement. He worried about the excess traffic and noise created from the event.

Aeloa Delany, owner of red9 and associate of Bluestem Nursery & Vineyard, was administered the oath. Delany explained that red9 provides the alcohol for Bluestem, noting their responsible serving history. She discussed the experience everyone involved has with planning large musical events and the jobs created by the event for local people, as well as charities involved.

Raybould questioned Billy Currington's felony charge and the effect on his performance. Delany thought everything was currently being settled with the parties' lawyers.

Hudkins asked what would be used for security fencing. Delany showed the property diagram with a wooden snow fence surrounding the property and a tall chain link fence around the backstage area.

Amundson questioned the covenants and the ability to hold these types of events with the noise restrictions. Delany was not sure if the landowner had signed the covenants.

Schorr questioned the layout of the concert area in relation to the winery area. Delany said the concert area would be in a slope of land that gives a natural bowl effect, which is away from the winery area.

Ken Schroeder, County Surveyor, was administered the oath. Schroeder said he has received the property access and driveway permits, which are being processed by the District Supervisor to check site distance and culvert drainage. He said the bridge closed on W. Sprague Road is tentatively scheduled to reopen on July 19.

Brooke Schultz, Director of Marketing and Promotions with Broadcast House, was administered the oath. She discussed work she has done for a variety of large events and the plans for this event, including security, safety and parking issues. She said Billy Currington's representatives told her his incident would be settled outside of court prior to the event.

PUBLIC HEARINGS CONTINUED:

Troy Peterson, Event King, LLC & red9, was administered the oath. He said no parking signs would be used on the road and there would be two entrances and exits for the parking area. He felt there was plenty of parking available, including VIP and handicap.

Vickie Rethmeier, 5701 W. Sprague Road, was administered the oath. She expressed concern over the traffic and noise generated by the event.

Ameeta Martin, owner of Bluestem Nursery & Vineyard and red9, was administered the oath. She spoke about the history of the property and noted only eight weddings are allowed at Bluestem per year. Martin discussed the layout for receptions and stated she has not observed excess noise during events. She noted the professionalism of the people involved with planning events and that requirements and regulations are always met.

Bill Brethouwer, 6467 W. Sprague Road, was administered the oath. He questioned how events such as this could be held on property zoned for agriculture and how multiple entrances could be approved.

Brittany Behrens, Deputy County Attorney, was administered the oath. She referenced comments from the Planning Department, which said the zoning code allows for one non-conforming event per calendar year on AG zoned property subsequent to an amusement license being authorized by the County Board. Raybould questioned if the event would conflict with the covenants in place. Behrens said the covenants are agreements between the property owners that that County has no authority to control. She stated the Board only has authority to approve the amusement license.

Les Korte, 5665 W. Sprague Road, was administered the oath. He questioned the event being advertised and planned prior to the County approving the amusement license. Smoyer said a plan would need to be laid out so it could be presented for the application.

Don Hinds referenced a 2005 County Board resolution noting one event per year and questioned other events previously held. He felt the event was being held in an inappropriate location.

Aeloa Delany reiterated the plans for parking and road signs. She offered to spray 58th Street to reduce dust, give neighbors free admittance to the event and/or provide a hotel room for that night.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **Appointment of Roy Schoen to the Lancaster County Veterans Service Committee, effective July 1, 2013, for a five-year period.**

MOTION: Raybould moved and Smoyer seconded approval of the appointment. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.

- B. **Amusement license application from Event King, LLC, to hold an event at 5895 W. Sprague Road, on August 23, 2013.**

Schorr said she understood the concerns of the neighbors but she also appreciated the applicant's efforts to handle the noise and number of people.

NEW BUSINESS CONTINUED:

Amundson felt the intention of moving to a rural area was to be in a quieter setting and she understood how disruptive a neighboring event could be.

Smoyer noted the reputation of Broadcast House and said he felt more comfortable with them involved.

Raybould felt this event would be a test for future events at Bluestem.

MOTION: Smoyer moved and Schorr seconded approval of the amusement license application. Smoyer, Schorr and Raybould voted aye. Amundson and Hudkins voted nay. Motion carried 3-2.

- C. **Special designated license from Bluestem Landscaping & Vineyard to provide alcoholic beverage service for an event located at 5895 W Sprague Road, Crete, on August 23, 2013.**

MOTION: Smoyer moved and Schorr seconded approval of the special designated license application. Schorr, Raybould and Smoyer voted aye. Amundson and Hudkins voted nay. Motion carried 3-2.

Raybould exited the meeting at 11:58 a.m.

- D. **Special designated license application from WunderRosa Winery to provide alcoholic beverage service for events on July 3-7, 2013, at 2361 Wittstruck Road, Roca.**

MOTION: Smoyer moved and Schorr seconded approval of the special designated license application. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

Items 5E and 5F were moved forward on the agenda.

- G. **Recommendation from the Purchasing Agent and County Corrections to award a contract to SDG Systems, LLC, in the amount of \$47,523 for RFID readers at the new adult detention facility. (B-13-0028)**

MOTION: Smoyer moved and Schorr seconded approval of the recommendation. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- H. **Contract with Ray O'Herron Company, Inc., for the purchase of corrections uniform accessories on an as needed basis. The County will pay for products according to the line item pricing as listed in the contractor's proposal. Term of the agreement is four years from the date of execution. (C-13-0270)**

MOTION: Smoyer moved and Schorr seconded approval of the contract. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- I. **Contract with Regional Uniform & Supply for the purchase of corrections uniform accessories on an as needed basis. The County will pay for products according to the line item pricing as listed in the contractor's proposal. Term of the agreement is four years from the date of execution. (C-13-0271)**

NEW BUSINESS CONTINUED:

MOTION: Schorr moved and Smoyer seconded approval of the contract. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- J. **Contract with Alamar Uniforms for the purchase of corrections uniform accessories on an as needed basis. The County will pay for products according to the line item pricing as listed in the contractor's proposal. Term of the agreement is four years from the date of execution. (C-13-0272)**

MOTION: Smoyer moved and Schorr seconded approval of the contract. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- K. **Contract with Lawmen's Shooters' Supply, Inc., for the purchase of corrections uniform accessories on an as needed basis. The County will pay for products according to the line item pricing as listed in the contractor's proposal. Term of the agreement is four years from the date of execution. (C-13-0273)**

MOTION: Schorr moved and Smoyer seconded approval of the contract. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- L. **Amendment to County Contract C-11-0422 with Commonwealth Electric Company for traffic signal construction. The amendment renews the contract for an additional one-year term from July 26, 2013, to July 25, 2014. (C-13-0274)**

MOTION: Amundson moved and Smoyer seconded approval of the amendment. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- M. **Amendment to County Contract C-11-0423 with ABC Electric Company for traffic signal construction. The amendment renews the contract for an additional one-year term from July 26, 2013, to July 25, 2014. (C-13-0275)**

MOTION: Smoyer moved and Schorr seconded approval of the amendment. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- N. **Amendment to County Contract C-11-0424 with Watts Electric Company for traffic signal construction. The amendment renews the contract for an additional one-year term from July 26, 2013, to July 25, 2014. (C-13-0276)**

MOTION: Smoyer moved and Amundson seconded approval of the amendment. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- O. **Amendment to County Contract C-08-0364 with A to Z Printing for the annual requirements of envelope supply and printing. The amendment renews the agreement for an additional 60 days from July 22, 2013, to September 19, 2013. (C-13-0277)**

MOTION: Amundson moved and Schorr seconded approval of the amendment. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

NEW BUSINESS CONTINUED:

- P. **Subgrant agreement with the Nebraska Department of Health and Human Services to provide the State, through the Clerk of the District Court, with necessary documentation regarding child support collections due, court orders and other necessary information for the collection of child support. The County shall be reimbursed an estimated amount of \$279,338 for these services. Term of the agreement is October 1, 2013, to September 30, 2014. (C-13-0278)**

MOTION: Smoyer moved and Amundson seconded approval of the agreement. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- Q. **Interlocal agreement with the State of Nebraska Probation Administration for two probation officers to provide additional pre-sentence investigation report services to decrease the time needed to complete pre-sentence investigations of inmates housed by the Lancaster County Corrections Department. The County will pay \$49,000 for the services. Term of the agreement is July 1, 2012, to June 30, 2013. (C-13-0279)**

Schorr questioned the term of the contract. Brittany Behrens explained that the contract was overlooked and not placed on the Board's agenda as it should have been.

MOTION: Smoyer moved and Schorr seconded approval of the agreement. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- R. **Agreement with the Child Guidance Center for the services of an internal case manager and for the provision of substance abuse evaluations for youth at the Youth Services Center. The County will pay \$70,681.84 for the services of the case manager and \$63,866.37 for substance abuse evaluations for a total amount up to \$134,548.21. Term of the agreement is July 1, 2013, to June 30, 2014. (C-13-0280)**

MOTION: Schorr moved and Smoyer seconded approval of the agreement. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- S. **Amendment to County Contract C-12-0332 with the Nebraska Department of Health and Human Services (DHHS) Division of Children and Family Services for the provision of detention services for youth committed to or placed with DHHS at the Youth Services Center. The amendment changes the end of the term to June 30, 2014, and adds a provision in compliance with the Prison Rape Elimination Act. (C-13-0281)**

MOTION: Smoyer moved and Amundson seconded approval of the amendment. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- T. **Amendment to County Contract C-12-0361 with Cedars Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court. The amendment increases the per unit basis cost for tracker services to \$80 per hour for the period of May 1, 2013, to June 30, 2013. (C-13-0282)**

NEW BUSINESS CONTINUED:

MOTION: Smoyer moved and Schorr seconded approval of the amendment. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- U. **Agreements with Shana Sprackling at \$75 per hour and Stephen Hanks at \$85 per hour for referee services provided to hear valuation protests filed for the 2013 tax year and to transmit information to the Lancaster County Board of Equalization. (C-13-0283) (C-13-0284)**

MOTION: Amundson moved and Smoyer seconded approval of the agreements. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- V. **Request from Allison Evens, employee in the Lancaster County Sheriff's Office, for early participation in the Lancaster County Retirement Plan, having met the requirements.**

Kerry Eagan, Chief Administrative Officer, said the Board could approve the item even though it is normally processed administratively and not acted upon at a Board meeting.

MOTION: Amundson moved and Schorr seconded approval of the request. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- W. **Political subdivision tort claim filed against Lancaster County Corrections by James Thompson for damaged property in an amount of \$7.25.**

MOTION: Smoyer moved and Schorr seconded denial of the tort claim based on the department director's recommendation. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- X. **Political subdivision tort claim filed against Lancaster County Corrections by Bruce Grandel for lost property in an undisclosed amount.**

MOTION: Smoyer moved and Schorr seconded denial of the tort claim based on the department director's recommendation. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- Y. **Political subdivision tort claim filed against Lancaster County by Booker Holloway for alleged negligence, medical malpractice and false medical reporting in an amount of \$10,000,000.**

MOTION: Smoyer moved and Schorr seconded denial of the tort claim. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- Z. **Political subdivision tort claim filed against Lancaster County by Mathew Heath in an amount of \$1,000,000.**

Brittany Behrens said the tort claim contained the same allegations as one previously filed by Mathew Heath, which the Board denied on July 31, 2012.

NEW BUSINESS CONTINUED:

MOTION: Smoyer moved and Schorr seconded denial of the tort claim. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

AA. Protest of the personal property tax penalty for MedQuist, Inc.

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended denial. He said there is no provision in the State Statutes for a waiver of the penalty.

MOTION: Schorr moved and Smoyer seconded denial of the protest. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

6) **CONSENT ITEMS:** *These are routine business items that are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

- A. **Setting of a public hearing for Tuesday, July 2, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln), regarding an amusement license application from Abbott Sports Complex to hold an event at 7600 N. 70th Street, Lincoln, on July 12, 2013.**

MOTION: Schorr moved and Smoyer seconded approval of the consent item. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

7) **PUBLIC COMMENT:** **Those wishing to speak on items relating to County business not on the agenda may do so at this time.**

No one appeared for public comment.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 27, 2013, at 8:30 a.m., in Room 113 of the County-City Building (555 S. 10th Street, Lincoln).**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, July 2, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**
- C. **A public hearing will be held on Tuesday, July 2, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln), regarding a manager application for John Craw in connection with the liquor license for Hidden Valley Golf Course, 10501 Pine Lake Road, Lincoln.**
- D. **A public hearing will be held on Tuesday, July 23, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln), regarding County Change of Zone No. 12038 – AG to AGR (NW 126th Street and W. Bluff Road).**

ANNOUNCEMENTS CONTINUED:

- E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- F. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

9) **ADJOURNMENT**

MOTION: Smoyer moved and Amundson seconded to adjourn the Board of Commissioners meeting at 12:15 p.m. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 25, 2013
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING**

Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on June 21, 2013.

Commissioners present: Larry Hudkins, Chair
 Brent Smoyer, Vice Chair
 Roma Amundson
 Deb Schorr

Commissioners absent: Jane Raybould

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
 Kerry Eagan, Chief Administrative Officer
 Gwen Thorpe, Deputy Chief Administrative Officer
 Brittany Behrens, Deputy County Attorney
 Cori Beattie, Deputy County Clerk
 Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 12:15 p.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 18, 2013.**

MOTION: Amundson moved and Smoyer seconded approval of the minutes. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

2) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Child Guidance Center
Christian Retirement Homes
Christ's Place
Developmental Services of Nebraska
First Free Methodist Church
Indian Hills Community Church
Sisters of Mercy
Union College**

MOTION: Smoyer moved and Amundson seconded approval of the motor vehicle tax exemption applications. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

3) **ADJOURNMENT**

MOTION: Smoyer moved and Amundson seconded to adjourn the Board of Equalization meeting at 12:16 p.m. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



15287

PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that Paul A. Douglass and Vera R. Douglass, husband and wife; and Joel R. Douglass and Jerilyn R. Douglass, husband and wife; are the owners of the real estate described as follows:

The Northwest 1/4 of Section 31, Township 8 North, Range 6 East of the 6th P. M., and the North 1/2 of the Northeast 1/4 of Section 36, Township 8 North, Range 5 East of the 6th P. M., all in Lancaster County, Nebraska, 240 acres more or less,

and do hereby create, establish and adopt the following covenants and restrictions against and upon said real estate:

I.

No lot shall be used except for residential purposes. No residence shall be placed or constructed upon any lot other than a detached single-family dwelling, not to exceed two stories in height. Any attached or detached garage or any detached accessory building shall be complementary to the structure and design of the residence.

II.

The ground floor area of the residence, exclusive of terraces, patios, porches, carports and garages, shall be not less than one thousand (1,000) square feet.

III.

No residence shall be placed or constructed upon any lot nearer than twenty-five (25) feet to a lot line adjoining a street, nor nearer than five (5) feet to any other lot line. No detached garage or accessory building shall be placed or constructed nearer than sixty (60) feet to the front lot line, nor nearer than twenty-five (25) feet to a side lot line adjoining the street, nor nearer than five (5) feet to any other lot line. For purposes of this paragraph, eaves, steps and open porches without roofs shall not be considered a part of a residence or building.

IV.

Not more than one residence shall be placed or constructed upon any lot, provided that a residence may be placed or constructed upon all or portions of two or more lots.

13287

V.

No partially completed dwelling or temporary building and no trailer, tent, shack or garage on any lot shall be used as either a temporary or permanent residence, except that during the construction of a permanent residence, a respectable looking mobile home may be used for a maximum of 9 months succeeding the issuance of a building permit. "Double-wides" or modular home will be allowed with masonry foundations and minimum width of twenty feet.

VI.

No noxious or offensive activity shall be carried on or permitted upon any lot, nor shall anything be done thereon which is or may become an annoyance or nuisance to the neighborhood or shall endanger the health or unreasonably disturb the quiet of the owners or occupants of adjoining lots.

VII.

No advertising signs, billboards, or other advertising device shall be erected, placed or permitted on any lot, provided that a sign advertising a single lot for sale may be placed upon such lot by the owner thereof.

VIII.

These covenants and restrictions shall run with the land and shall be binding upon and enforceable by the owners, all persons claiming under the owners, and their respective heirs, executors, administrators, successors and assigns for a period of twenty-five (25) years from and after the date of recordation of these covenants and restrictions after which time these covenants and restrictions shall be automatically extended for successive periods of ten (10) years, unless an instrument executed by the owners of two-thirds of the lots within said real estate shall be recorded, agreeing to a termination or modification thereof.

IX.

The enforcement of these covenants and restrictions shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any provision or provisions hereof. Such proceedings may be to restrain such violation or to recover damages.

X.

The invalidation of any one of these covenants and restrictions shall not affect the validity of the remaining provisions hereof which shall remain in full force and effect.

In witness whereof, we have hereunto set our hands this 18th day of March, 1975.

Paul A. Douglass
(Paul A. Douglass)

Vera R. Douglass
(Vera R. Douglass)

Joel R. Douglass
(Joel R. Douglass)

Jerilyn R. Douglass
(Jerilyn R. Douglass)

STATE OF NEBRASKA)
COUNTY OF LANCASTER)

On this 18th day of March, 1975, before me, the undersigned, a Notary Public duly commissioned and qualified for and residing in said county and state, personally appeared Paul A. Douglass and Vera R. Douglass, husband and wife; and Joel R. Douglass & Jerilyn R. Douglass, husband and wife, to me known to be the identical persons who executed the foregoing Protective Covenants and acknowledged the same to be their voluntary act and deed.

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

Harold L. Proctor
GENERAL NOTARIAL
SEAL
STATE OF NEBRASKA
COMMISSION EXPIRES
February 6 '99

Harold L. Proctor
(Notary Public)

LANCASTER COUNTY NEBRASKA
REGISTER OF DEEDS

1976 JUN 21 AM 8:06

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:
INST. NO. 76-13297

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AGREEMENT AND WAIVER OF
PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, in consideration of our mutual interest as owners, namely: Emmaretta N. Phillips, a single person; Paul A. Douglass and Vera R. Douglass, husband and wife; Joel R. Douglass and Jerilyn R. Douglass, husband and wife; Terrance M. Placzek and Victoria J. Placzek, husband and wife; Arnold D. Fletcher and Anne E. Fletcher, husband and wife; Louis Stroud and Dian Stroud, formerly Dian Schwarz, husband and wife; John J. Lape and Shirley A. Lape, husband and wife; Lloyd R. Brethouwer and Joan L. Brethouwer, husband and wife, who comprise all of the owners of the real estate described as:

The Northwest Quarter (NW $\frac{1}{4}$) of Section 31, Township 8 North, Range 6 East of the 6th P.M., and the North One-Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 36, Township 8 North, Range 5 East of the 6th P.M., all in Lancaster County, Nebraska, and consisting of 240 acres more or less

do hereby covenant and agree, that the protective covenants and restrictions, upon the above described real estate, dated March 18, 1975 and filed of record June 21, 1976 as Instrument No. 76-13287 with the Register of Deeds of Lancaster County, Nebraska, are hereby confirmed and ratified in all respects except that the parties hereto agree that the covenants and restrictions shall not apply to any parcel of said real estate as long as any said parcel of said real estate is used exclusively for general agricultural purposes, other than confined feed operations.

IN WITNESS WHEREOF, the parties have executed this
on this 5 day of February, 1979.

Emmaretta N Phillips
Emmaretta N. Phillips, A Single Person

Paul A. Douglass
Paul A. Douglass

Vera R. Douglass
Vera R. Douglass, Husband and Wife

Joel R. Douglass
Joel R. Douglass

Jerklyn R. Douglass
Jerklyn R. Douglass, Husband and Wife

Terrance M. Placzek
Terrance M. Placzek

Victoria J. Placzek
Victoria J. Placzek, Husband and Wife

Arnold D. Fletcher
Arnold D. Fletcher

Anne G. Fletcher
Anne G. Fletcher, Husband and Wife

Louis Stroud
Louis Stroud

Dian Stroud
Dian Stroud, formerly Dian Schwarz,
Husband and Wife

John J. Lape
John J. Lape

Shirley A. Lape
Shirley A. Lape, Husband and Wife

Lloyd R. Brethouwer Jr.
Lloyd R. Brethouwer Jr.

Jean L. Brethouwer
Jean L. Brethouwer, Husband and Wife

1214

STATE OF CALIFORNIA)
) ss.
COUNTY OF San Diego)

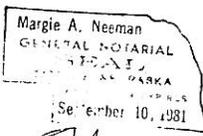
On this 5th day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Emmaretta N. Phillips, known to me to be the identical person whose name is affixed to the foregoing Instrument and who acknowledged her execution thereof to be her voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.



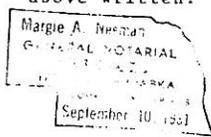
Karen M. Adler
Notary Public

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)



On this 11th day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Paul A. Douglass and Vera R. Douglass, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

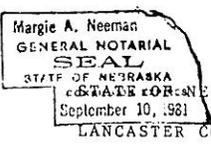


Margie A. Neeman
Notary Public

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

On this 11 day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Joel R. Douglass and Jerilyn R. Douglass, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.



Margie A. Neeman
Notary Public

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

On this 11 day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Terrance M. Placzek and Victoria J. Placzek, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Margie A. Neeman
Notary Public

4214
Marge A. Neeman
GENERAL NOTARIAL
SEAL
STATE OF NEBRASKA)
COMMISSION EXPIRES)
September 10, 1981)
LANCASTER COUNTY)

On this 13th day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Arnold D. Fletcher and Anne E. Fletcher, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Marge A. Neeman
Notary Public

Marge A. Neeman
GENERAL NOTARIAL
SEAL
STATE OF NEBRASKA)
COMMISSION EXPIRES)
September 10, 1981)
LANCASTER COUNTY)

On this 11 day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Louis Stroud and Diana Stroud, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Marge A. Neeman
Notary Public

Marge A. Neeman
GENERAL NOTARIAL
SEAL
STATE OF NEBRASKA)
COMMISSION EXPIRES)
September 10, 1981)
LANCASTER COUNTY)

On this 13 day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared John J. Lape and Shirley A. Lape, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Marge A. Neeman
Notary Public

Marge A. Neeman
GENERAL NOTARIAL
SEAL
STATE OF NEBRASKA)
COMMISSION EXPIRES)
September 10, 1981)
LANCASTER COUNTY)

On this 15 day of February, 1979, before me, a Notary Public, duly commissioned for, qualified for and residing in said County, personally appeared Lloyd R. Brethouwer and Joan L. Brethouwer, known to me to be the identical persons whose names are affixed to the foregoing Instrument and who acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Marge A. Neeman
Notary Public

MICRO-FILED
GENERAL

6-309
10/22

LAW OFFICE OF
RECTOR OF DISTRICTS

18:5 FEB 21 AM 8:21

FILED
INST. NO. 79. 4214

#15 25