

**COVENANTS FOR RESIDENTIAL PROPERTIES**  
**LOTS 1-35, MINDEN WEST ESTATES PHASE II,**  
**KEARNEY COUNTY, MINDEN, NE**

The undersigned Declarants, the Community Redevelopment Authority of the City of Minden do hereby state that the Minden West Estates II Subdivision are hereby subject to the following restrictive and protective covenants, restrictions and conditions, except as otherwise herein stated; as filed at the Office of the Registrar of Deeds, Kearney County, Nebraska;

1. **TERM: These restrictive and protective covenants**, restrictions and conditions, shall hence forth run with the land unless an instrument signed by the owners of three-fourths (3/4ths) of the lots in said subdivision has been recorded at the Office of the Register of Deeds, Kearney County, Nebraska agreeing to change of said covenants in whole or in part.
2. **RESIDENTIAL LOTS:** All of said lots in said subdivision shall be used for residential purposes only and shall be restricted to single family dwellings. No rooms in any residence may be rented or leased to any person; provided, however, nothing contained herein shall be construed to prevent the leasing or renting of the entire lot, together with its improvements, as single unit to be occupied by one family.
3. **SIZE OF RESIDENCE:** Each dwelling shall meet the following requirements.
  - (a) Each single-story unit shall have a ground floor space of at least 1,300 square feet.
  - (b) All one and a half or two story structures shall have a ground floor space of not less than 1,300 square feet and not less than 2,000 square feet of total living area.
  - (c) Dwellings constructed with split foyers, or two levels shall have not less than 2,600 square feet of total area on the two levels.
  - (d) The ground floor space and the living area shall be exclusive of open porches, patios, garages, decks, open terraces or breezeways.
  - (e) Finished dwellings should have a finished floor elevation to be no less than 2' and no more than 4' above the street back of curb in front of said lot.
  - (f) All units constructed in this addition must comply with the International Residential Building Code as adopted by the City of Minden Municipal code section 14-51.
  - (g) A review of lot pricing will take place as required by the City of Minden, Community Redevelopment Authority.
4. **GARAGES AND DRIVEWAYS:** All dwellings constructed shall contain an attached garage, and such structure shall be connected to the main structure. All

single-family units shall have at least a two-car connected garage which shall be at least 576 square feet. The connection to the main structure may be by a breezeway. All such garages shall be constructed contemporaneously with a portland cement concrete driveway from the respective street. Carports are not allowed in the subdivision.

**5. DETACHED BUILDINGS:**

- (a) **Single Family Dwellings:** No more than one (1) detached building for the purpose of storing or keeping tools, and equipment, shall be located upon any lot; further, provided that said building shall be located in the rear yard. Size not to exceed 16 feet by 24 feet and not more than 16 feet in height to the peak of the roof.
- (b) **Two Family Dwellings:** No more than one (1) detached building for the purpose of storing or keeping tools, and equipment, shall be located upon any lot; further, provided that said building shall be located in the rear yard on the far corner of each half away from the dividing property line. Size not to exceed 8 feet by 12 feet and not more than 14 feet in height to the peak of the roof.

**6. ALL STRUCTURES:**

- (a) All residential buildings and other buildings erected on said premises shall be of new construction. No moving of pre-existing buildings from other lots.
- (b) Structures of a temporary character, travel trailer (camper), trailer houses, mobile homes, basements, garages, or other buildings shall not be erected upon or used upon any lot at any time as a residence, either temporarily or permanently.
- (c) All buildings or structures shall not exceed two (2) stories, nor shall they exceed thirty-five (35) feet in height and shall abide by the R-1 residential district use regulations in the Minden Municipal Code.

**7. CONSTRUCTION START DATE AND FIRST OPTION TO PURCHASE:**

Once the paving and utilities project is completed as indicated by City publication in the Minden Courier, the Lot Owner shall commence construction of the home within 6 months of the date of the Deed to the Lot Owner from the CRA. If the construction of the home is not started within 6 months of the conveyance from the CRA, then the CRA shall have the first option to purchase the lot from the current low owner at the price which the CRA sold the lot for originally.

- 8. COMPLETION TIME FRAME:** From the date that the construction of the home begins, it shall be completed within 12 months. The home shall be considered complete when at least one floor of living space is completed with a roof, siding, windows, and doors. A six-month grace period will be granted for the final inspection and issuance of the certificate of occupancy.

9. **PARKING OF VEHICLES, UTILITY TRAILERS, TRAVEL TRAILERS (CAMPER) AND BOATS:** Storage or parking of junk, inoperative or unlicensed vehicles, utility trailers, travel trailers, boats, and motorized recreational vehicles are expressly prohibited. Parking or storing of licensed vehicles, utility trailers, travel trailers, boats and motorized recreational vehicles are only allowed on a portland cement concrete pad within real property boundaries from May 1 to October 1.
10. **SIDEWALKS:** All lots must have a concrete sidewalk starting at a distance of six feet (6') from the curb. The sidewalk must be four feet (4') in width and four inches (4") thick and connect to the sidewalk of adjacent lots. All sidewalks must be ADA compliant. The ADA entrance ramps off of the street are already installed.
11. **LANDSCAPING:** All front, side and rear yards shall be seeded or sodded within six (6) months after completion of the dwelling.
12. **FENCES:** Fences installed must be of new and quality material and aesthetically pleasing to the general public.
13. **PETS:** Dogs or Cats are permitted so long as said pets are not kept for commercial purposes. Any dog or cat enclosure shall be adequately screened from view and shall not be located in the front yard or side yard.
14. **STORAGE OF TOOLS, TRASH, ETC. AND GARBAGE CONTROL:** The storage of tools, landscaping instruments, household affects, empty or filled containers, boxes or bags, trash, materials or other items which shall detract from the aesthetic value of the property shall be so placed and stored to be concealed from view of all public rights-of-way and the owners of other lots or land by a suitable building or a solid fence enclosure. Garbage or trash for collection may be placed in enclosed sanitary containers at the designated pick-up point, on regular collection days for a period not to exceed twelve (12) hours prior to pick up and not to exceed twelve (12) hours after pickup. Garbage, trash, or other wastes and debris shall be at all times kept in an enclosed sanitary container.
15. **EASEMENTS:** The City of Minden, their lessees, successors and assigns, are hereby granted a permanent right, privilege, and easement of right-of-way to construct, operate, maintain, and remove all necessary poles, wires, and other necessary equipment in connection therewith on or across the easements as indicated on the plat of this subdivision, which is on file at the Office of the Register of Deeds, Kearney County, Nebraska. For clarification, all public service facilities shall have the privilege and easement of ingress and egress across the property to their respective officers and employees for any purpose necessary in connection with the construction, operation, maintenance, and inspection or removal of said utility service, cable service, and telephone service. The aforementioned public utility companies shall have the right at any time to trim or

remove such trees and underbrush as may in any way endanger the safe operation of the respective lines and equipment used in connection with the easements crossed and the lots as provided in said plat.

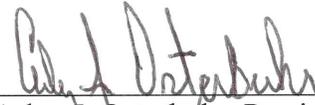
16. **SEVERABILITY:** Invalidation of any one of these covenants by judgment, court order, or any other reason shall in no way affect any of the other provisions which shall remain in full force and effect.

**ENFORCEMENT:** Enforcement shall be by proceeding at law or equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages. To further insure the observance of these covenants, the Grantor or any owner or occupant of any of the lots shall have the right to recover the damages to prevent breach thereof, through an injunction and to recover damages which may have been suffered by such breach. All other restrictions and conditions shall fall under the Minden Municipal code. For questions refer to the City of Minden Office.

Dated at Minden, Nebraska, this 12 day of April 2023.



John Beck, Member,  
Community Redevelopment  
Authority of the City of Minden



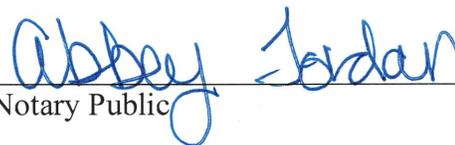
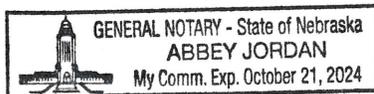
Arlen J. Osterbuhr, President  
Community Redevelopment  
Authority of the City of Minden

STATE OF NEBRASKA

COUNTY OF KEARNEY

Before me, a Notary Public, duly qualified and acting in said County, personally appeared John Beck and Arlen J. Osterbuhr, to me known to be the identical persons who executed the above and foregoing Minden West Estates II Subdivision Declaration of Restrictive and Protective Covenants and Building Restrictions, and each of them acknowledged the execution thereof to be their free and voluntary act and deed.

Subscribed and sworn to before me this 12 day of April 2023.

  
Notary Public