

**TRANSFER OF OWNERSHIP RESTRICTION AGREEMENT**

This Agreement is made entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between the **County of Lancaster, Nebraska**, a county and political subdivision of the State of Nebraska, ("County") and **Jeffrey D. Radik and Tiffaney M. Radik, husband and wife**, ("Owner"), for the purpose of establishing restriction on potential transfers of ownership regarding the following described real estate (as the term "real estate" is defined in Neb. Rev. Stat. § 76-201):

Lot 10-12, Block 3, Kramer, Lancaster County, Nebraska ("Parcel No. 1");

and

Lot 42 Irregular Tract, located in the Northwest quarter of Section 9, Township 7 North, Range 5 East of the 6<sup>th</sup> P.M. Lancaster County, Nebraska ("Parcel No. 2");

and

Lot 10 Irregular Tract, located in the Northwest quarter of Section 9, Township 7 North, Range 5 East of the 6<sup>th</sup> P.M. Lancaster County, Nebraska ("Parcel No. 3").

**RECITALS**

**I.**

Owner owns Parcel No. 1, which is located in an R Residential Zoning District and is occupied by a single-family dwelling.

**II.**

Owner also owns Parcel No. 2, which is located in an R Residential Zoning District, and which abuts Parcel No. 1 and Parcel No. 3.

**III.**

Owner also owns Parcel No. 3, which is located in an AG Agricultural Zoning District, and which abuts Parcel No. 2.

**IV.**

Owner desires to construct an accessory storage building on Parcel No. 3 to be used as an accessory use to the single-family dwelling located on Parcel No. 1.

**V.**

Article 6.003 of the 1979 Zoning Resolution of Lancaster County provides: “[a] building or premises shall be used only for . . . single-family dwellings . . . [and] [a]ccessory buildings and accessory uses, customarily incidental to the above uses. . . .” in the R Residential District.

**VI.**

Article 4.011 of the 1979 Zoning Resolution of Lancaster County provides that, “[a]ccessory uses permitted in the ‘AG’ Agricultural District are accessory buildings and uses customarily incidental to any of the permitted uses in the district.”

**VII.**

“Premises” is defined in Article 2.017.P of the 1979 Zoning Resolution of Lancaster County as “a tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.”

### VIII.

Pursuant to the 1979 Zoning Resolution of Lancaster County provisions, in order for the accessory storage building to be constructed on Parcel No. 3 to qualify as an accessory use to the single-family dwelling located on Parcel No. 1, Parcel No. 1, Parcel No. 2, and Parcel No. 3 must be designated as a single “Premises.”

### IX.

The County is willing to issue to Owner, upon execution of this Agreement and the Agreement being recorded in the Office of Register of Deeds for Lancaster County, Nebraska, a building permit to construct the accessory storage building on Parcel No. 3 as an accessory use to the single-family dwelling on Parcel No. 1, provided the Owner agrees (i) that Parcel No. 1, Parcel No. 2, and Parcel No. 3 shall be deemed to constitute a single Premises and (ii) that Parcel No. 1, Parcel No., 2, and Parcel No. 3 may not be sold, conveyed or otherwise transferred separately without the written approval of Lancaster County.

NOW, THEREFORE, in consideration of the above recitals and mutual covenants contained herein the parties agree as follows:

1. Owner agrees to and does hereby covenant that Parcel No. 1, Parcel No. 2, and Parcel No. 3 constitute a single Premises as defined in the 1979 Zoning Resolution of Lancaster County.

2. Owner agrees and does hereby covenant that Parcel No. 1, Parcel No. 2, and Parcel No. 3 will be sold, conveyed or otherwise transferred only as a single Premises and that neither Parcel No. 1, Parcel No. 2, nor Parcel No. 3 will be sold, conveyed or otherwise transferred separately from each other without the written approval of the County of Lancaster.

3. Owner agrees that on or before the thirtieth (30<sup>th</sup>) day following approval of this Agreement by the Lancaster County Board of County Commissioners, the Owner must record this Agreement in the office of the Register of Deeds of Lancaster County, Nebraska, filing fees to be paid in advance by Owner.

4. Upon this Agreement being recorded in the Office of the Register of Deeds for Lancaster County, Nebraska, the County agrees to issue to Owner, within thirty (30) days after the Owner has recorded the Agreement with the Register of Deeds of Lancaster County, Nebraska, and Owner has submitted proof of such recording to the City of Lincoln Department of Building and Safety ("Department") in a form reasonably acceptable to the Department, a building permit to construct an accessory storage building on Parcel No. 3 as an accessory use to the single-family dwelling located on Parcel No. 1.

5. Owner agrees that the accessory storage building constructed on Parcel No. 3 is a lawful use under the 1979 Zoning Resolution of Lancaster County, only so long as Parcel No. 1, Parcel No. 2, and Parcel No. 3 constitute a single Premises.

6. Owner agrees that the restriction on transfer of Parcel No. 1, Parcel No. 2, and Parcel No. 3 shall run with the land, and shall be binding upon Owner, and Owner's heirs, administrators, executors, legal and personal representatives, successors, and assigns.

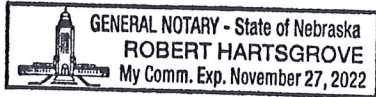
EXECUTED this 24 day of June, 2019 by Owner.

BY: Jeffrey D Radik  
Jeffrey D Radik

BY: Tiffany M. Radik  
Tiffany M. Radik

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER     )

The foregoing instrument was acknowledged before me this 24 day of June, 2019, by Jeffrey D. Radik & Tiffany M. Radik, Owner.



[Signature]  
Notary Public

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by County.

BY: THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Deputy County Attorney for  
Patrick Condon, County Attorney

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, County  
Commissioners of the Board of County Commissioners of the County of Lancaster, Nebraska.

\_\_\_\_\_  
Notary Public