

GENERAL DEVELOPMENT CORPORATION *
a Delaware corporation *

TO WHOM IT MAY CONCERN *

DECLARATION OF RESTRICTIONS

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#60586

WHEREAS, GENERAL DEVELOPMENT CORPORATION, a Delaware corporation, authorized to transact business in Florida, is the owner of the following described property, situate, lying and being in Charlotte County, Florida, to wit:

PORT CHARLOTTE SUBDIVISION, SECTION 58, a subdivision in Charlotte County, Florida, according to the plat thereof, recorded in Plat Book 5, at pages 72 A through 72 J of the Public Records of Charlotte County, Florida;

and,

WHEREAS, the property above described is not subject to any restrictions and limitations of record; and,

WHEREAS, it is now desired by GENERAL DEVELOPMENT CORPORATION, to place restrictions and limitations of record; as to each and every of the lots located in PORT CHARLOTTE SUBDIVISION, SECTION 58, excepting therefrom Tracts A, B, C, D, E, F, G, H, I, J, K, L, Block 4221; Lots 1 to 16, Block 4229; Lots 1 to 42, Block 4250; Block 4266, and to limit the use for which each and every of the lots located in PORT CHARLOTTE SUBDIVISION, SECTION 58, excepting therefrom Tracts A, B, C, D, E, F, G, H, I, J, K, L, Block 4221; Lots 1 to 16, Block 4229; Lots 1 to 42, Block 4250; Block 4266, of said subdivision, is intended;

NOW, THEREFORE, GENERAL DEVELOPMENT CORPORATION, a Delaware corporation, does hereby declare that each and every of the lots, excepting, however, Tracts A, B, C, D, E, F, G, H, I, J, K, L, Block 4221; Lots 1 to 16, Block 4229; Lots 1 to 42, Block 4250; Block 4266, located in the following described property, situate, lying and being in Charlotte County, Florida; to wit:

PORT CHARLOTTE SUBDIVISION, SECTION 58, a subdivision in Charlotte County, Florida, according to the plat thereof, recorded in Plat Book 5, at pages 72 A through 72 J of the Public Records of Charlotte County, Florida;

are hereby restricted as follows; and all of which restrictions and limitations are intended to be and shall be taken as a consideration for any agreement for deed or any deed of conveyance hereafter made, and one of the express conditions thereof, and that said restrictions and limitations are intended to be and shall be taken as covenants to run with the land, and shall be as follows; to wit:

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1. Each and every of the lots, excepting, however, Tracts A, B, C, D, E, F, G, H, I, J, K, L, Block 4221; Lots 1 to 16, Block 4229; Lots 1 to 42, Block 4250; Block 4266, situated in said PORT CHARLOTTE SUB-DIVISION, SECTION 58, shall be known and described as residence lots, and no structure shall be constructed or erected on any residence building lot other than one detached single family dwelling not to exceed two stories in height and a one or two car garage.
2. On water front lots, no building shall be erected on any part thereof nearer than 25 feet to the front lot line abutting the canal, nor nearer to the rear line which is the line abutting the street, than 25 feet, nor nearer than 8 feet to any side lot line. The side lot line and the rear line, which is the line abutting the street, shall not apply to a garage located 50 feet or more from the minimum building setback line from the high water mark of the water. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.
3. On all other lots, other than water front lots, no building shall be erected on any of said lots nearer than 25 feet to the front lot lines of said lots, nor nearer than 8 feet to any side lot line, nor nearer than 25 feet to the rear lot lines of said lots. The side lot line and the rear lot line shall not apply to a garage located 50 feet or more from the minimum building setback line, except that on corner lots no structure shall be permitted nearer than 25 feet to the front lot line of said corner lot, nor nearer than 12½ feet to the rear lot line, nor nearer than 15 feet to the side street line. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.
4. No residence lot shall be resubdivided into building lots having less than 10,000 square feet, nor having a width of less than 80 feet at the minimum building setback line. No building shall be erected on any water front residence building lot having an area

of less than 900 square feet for a one story building; nor less than 1080 square feet (ground area) for a dwelling of more than one story. On all other lots, other than water front lots, no building shall be erected on any residence building lot having an area of less than 600 square feet for a one story building; nor less than 720 square feet (ground area) for a dwelling of more than one story.

5. No boat house or dock building shall be erected on or adjoining any of the lots in PORT CHARLOTTE SUBDIVISION, SECTION 58, but a dock extending such a distance from the line of the high water mark of the water front lots as may be approved by GENERAL DEVELOPMENT CORPORATION may be permitted; and no boat landing, dock or pier shall be constructed until the plans and specifications thereof shall have been approved in writing by GENERAL DEVELOPMENT CORPORATION. No boat canal or other waterways shall be dug or excavated into any of the water front lots. No mooring pile shall be placed more than 20 feet beyond the high water mark of any water front lot, and no mooring pile shall be placed nearer than 8 feet to a line formed by the projection of the side lines of the water front lot. No lot or parcel shall be increased in size by filling in the waters on which it abuts. No sea wall shall be erected or constructed in this Subdivision unless and until its location, design, materials, structure, strength, etc., shall have been approved in writing by GENERAL DEVELOPMENT CORPORATION.
6. Tracts A, B, F, G, H, I, J, K and Block 4221 shall be reserved for the following described uses only:
 - a. Community park, recreation center and the buildings necessary for these uses.
 - b. Necessary utility easements and utility buildings.
 - c. Residential use in conformance with other sections of these restrictions.
7. Tracts C and L shall be reserved for the following described uses only:
 - a. Religious organizations and affiliations with a minimum setback of buildings of 25 feet from the front lot line and 15 feet on side property lines.
 - b. Residential use in conformance with other sections of these restrictions.
 - c. Necessary utility easements and utility buildings.

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8. Block 4266 shall be reserved for the following described uses only:
 - a. Educational facilities and the necessary buildings for these uses.
 - b. Residential use in conformance with other sections of these restrictions.
 - c. Necessary utility easements and utility buildings.
9. No noxious or offensive trade 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.
10. No trailer, basement, tent, shack, garage, barn or other out-building erected on any lot shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.
11. No sign of any kind shall be displayed to the public view on any lot, except one (1) professional sign of not more than one (1) square foot, or one (1) sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
12. No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavation or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
13. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.
14. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposition of such materials shall be kept in a clean and sanitary condition.

15. No building shall be erected on any residence lot, until the design and location thereof has been approved, in writing, by a committee appointed by GENERAL DEVELOPMENT CORPORATION, a Delaware corporation, or elected by a majority of the owners of the property first hereinabove described; provided, however, in the event such committee is not in existence, or fails to approve or disapprove such design or location within thirty (30) days, then such approval will not be required, provided the design and location of the lot conforms to and is in harmony with the existing structures on the lots first hereinabove described. In any event, either with or without approval of the Committee, the ground floor of any building on a residence water front lot shall be not less than 900 square feet in the case of a one story structure, nor less than 1080 square feet (ground area) in the case of a $1\frac{1}{2}$ or 2 story structure, and the ground floor square feet of any building on the other lots, other than water front lots, shall not be less than 600 square feet in the case of a one story structure, nor less than 720 square feet (ground area) in the case of a $1\frac{1}{2}$ or 2 story structure.
16. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight lines limitations shall apply on any lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.
17. The easements shown on the plat of Port Charlotte, Section 58, recorded in Plat Book 5 at Pages 72 A through 72 J of the Public Records of Charlotte County, Florida are hereby expressly reserved for GENERAL DEVELOPMENT CORPORATION or its assigns, as perpetual easements for installation and maintenance of drainage and utility facilities.

18. In addition to the existing easements, as shown on the plat of PORT CHARLOTTE, SECTION 58, twenty foot maintenance easements are hereby reserved along the lot lines adjacent to and abutting a canal or drainage right of way for GENERAL DEVELOPMENT CORPORATION or its assigns.
19. The covenants and restrictions are to run with the land and shall be binding on all the parties and all persons claiming under them until October 1, 1979, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years, unless, by vote of a majority of the then owners of the lots, it is agreed to change said covenants in whole or in part.
20. In the event of a violation or breach of any of these restrictions by any person or concern claiming by, through or under GENERAL DEVELOPMENT CORPORATION, or by virtue of any judicial proceedings, GENERAL DEVELOPMENT CORPORATION, and the lot owners, or any of them jointly or severally shall have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing, GENERAL DEVELOPMENT CORPORATION, shall have the right whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owner, and such entry and abatement or removal shall not be deemed a trespass. The failure to enforce any right, reservation, restriction or condition contained in this declaration of restrictions, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior or subsequent thereto and shall not bar or affect its enforcement.
21. Invalidation of any of these covenants by judgment, decree or court order shall in nowise affect any of the other provisions which shall remain in full force and effect.

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IN WITNESS WHEREOF, GENERAL DEVELOPMENT CORPORATION, a Delaware corporation, has caused these presents to be executed by its proper officers, who are thereunto duly authorized, and its corporate seal to be affixed, at Miami, Dade County, Florida, this 5 day of October, 1959.

GENERAL DEVELOPMENT CORPORATION (SEAL)

By: F. E. Mackle, Jr.
Its President

Attest: P. J. Dush
Its Secretary

STATE OF FLORIDA)
COUNTY OF DADE)

I HEREBY CERTIFY THAT on this 5 day of October, 1959, before me personally appeared F. E. MACKLE, JR. and E. J. MACKLE, President and Secretary, respectively, of GENERAL DEVELOPMENT CORPORATION, a Delaware corporation, to me known to be the persons described in and who executed the foregoing instrument as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Miami, in the County of Dade and State of Florida, the day and year last aforesaid.

Constance Russell
Notary Public, State of Florida at Large

Notary Public, State of Florida at Large
My commission expires: My Commission Expires July 15, 1963
Bonded By American Fire & Casualty Co.

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