

Sec. 71

200

RECORDED IN  
BOOK 77 PAGE 357

GENERAL DEVELOPMENT CORPORATION \*  
A DELAWARE CORPORATION \*  
TO WHOM IT MAY CONCERN \* DECLARATION OF RESTRICTIONS  
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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 71, A SUBDIVISION  
IN CHARLOTTE COUNTY, FLORIDA, ACCORDING TO THE PLAT  
THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 27A THROUGH  
27L 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 71,  
EXCEPTING THEREFROM TRACTS A, B, C,

AND TO LIMIT THE USE FOR WHICH EACH AND EVERY OF THE LOTS LOCATED  
IN PORT CHARLOTTE SUBDIVISION SECTION 71  
EXCEPTING THEREFROM TRACTS A, B, C,  
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,  
LOCATED IN THE FOLLOWING DESCRIBED PROPERTY, SITUATE, LYING AND  
BEING IN CHARLOTTE COUNTY, FLORIDA; TO WIT:

PORT CHARLOTTE SUBDIVISION SECTION 71, A SUBDIVISION  
IN CHARLOTTE COUNTY, FLORIDA, ACCORDING TO THE PLAT  
THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 27A THROUGH  
27L 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:

1. EACH AND EVERY OF THE LOTS, EXCEPTING, HOWEVER, TRACTS A, B, C, SITUATED IN SAID PORT CHARLOTTE SUBDIVISION SECTION 71, 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 TWENTY-FIVE (25) FEET TO THE FRONT LOT LINE ABUTTING THE CANAL, NOR NEARER TO THE REAR LINE WHICH IS THE LINE ABUTTING THE STREET, THAN TWENTY-FIVE (25) FEET, NOR NEARER THAN SEVEN AND ONE HALF  $7\frac{1}{2}$  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 FIFTY (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 TWENTY-FIVE (25) FEET, TO THE FRONT LOT LINES OF SAID LOTS, NOR NEARER THAN  $7\frac{1}{2}$  FEET TO ANY SIDE LOT LINE, NOR NEARER THAN TWENTY-FIVE (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 FIFTY (50) FEET OR MORE FROM THE MINIMUM BUILDING SETBACK LINE, EXCEPT THAT ON CORNER LOTS NO STRUCTURE SHALL BE PERMITTED NEARER THAN TWENTY-FIVE (25) FEET TO THE FRONT LOT LINE OF SAID CORNER LOT, NOR NEARER THAN FIFTEEN (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 ENCHROACH 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 SEVENTY-FIVE (75) 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 NINE HUNDRED (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 71 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 EIGHT (8) FEET TO A LINE FORMED BY THE PROJECTION OF THE SIDE LINES



EQUIPMENT FOR THE STORAGE OR DISPOSITION OF SUCH MATERIALS SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION.

12. 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 A COMMITTEE IS NOT IN EXISTANCE, 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 SQUARE FEET 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 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 1/2 OR 2 STORY STRUCTURE.

13. NO FENCE, WALL, HEDGE OR SHODD 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 (25) FEET FROM THE INTERSECTION OF THE STREET LINES, OR IN THE CASE OF A BOUNDED PROPERTY CORNER FROM THE INTERSECTION OF THE STREET PROPERTY LINES EXTENDED. THE SAME SIGHT LINE 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 SAID DISTANCE OF SAID INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.

14. THE EASEMENTS SHOWN ON THE PLAT OF PORT CHARLOTTE SUBDIVISION SECTION 71, AS RECORDED IN PLAT BOOK 6 AT PAGES 27A THROUGH 27L OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA;

ARE HEREBY RESERVED AS PERPETUAL EASEMENTS FOR INSTALLATIONS AND MAINTENANCE.

15. THESE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL THE PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL MAY 1, 1980 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.

16. 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 ADJUTE 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.

17. 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.

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 26<sup>th</sup> DAY OF April, 1960.

GENERAL DEVELOPMENT CORPORATION (SEAL)

By F. E. Mackle, Jr.  
ITS PRESIDENT

ATTEST P. J. Lashelle  
ITS SECRETARY

STATE OF FLORIDA )  
COUNTY OF DADE )

I HEREDY CERTIFY THAT ON THIS 26<sup>th</sup> DAY OF April, 1960, 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.

[Signature]  
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES:

