

GENERAL DEVELOPMENT CORPORATION \*  
A DELAWARE CORPORATION \*  
TO WHOM IT MAY CONCERN \*  
\*\*\*\*\*

DECLARATION OF RESTRICTIONS

7/6/52

Book 84  
page 648  
THRU 654

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 SEVENTY-EIGHT, A SUBDIVISION IN CHARLOTTE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 42A THROUGH 42J 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 SEVENTY-EIGHT

EXCEPTING THEREFROM TRACTS A,D,E,F,G, LOTS 60 THROUGH 86, BLOCK 4409; LOTS 1,2,39, BLOCK 4410; LOTS 1,31,32, BLOCK 4411; BLOCKS 4415, 4416 AND 4417, AND TO LIMIT THE USE FOR WHICH EACH AND EVERY OF THE LOTS LOCATED

IN PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT

EXCEPTING THEREFROM TRACTS A,D,E,F,G, LOTS 60 THROUGH 86, BLOCK 4409; LOTS 1,2,39, BLOCK 4410; LOTS 1,31,32, BLOCK 4411; BLOCKS 4415, 4416 AND 4417, 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,D,E,F,G, LOTS 60 THROUGH 86, BLOCK 4409; LOTS 1,2,39, BLOCK 4410; LOTS 1,31,32, BLOCK 4411; BLOCKS 4415, 4416, 4417

LOCATED IN THE FOLLOWING DESCRIBED PROPERTY, SITUATE, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA; TO WIT:

PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT, A SUBDIVISION IN CHARLOTTE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 42A THROUGH 42J OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA;

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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, D, E, F, G, LOTS 60 THROUGH 86, BLOCK 4409; LOTS 1, 2, 39, BLOCK 4410; LOTS 1, 31, 32, BLOCK 4411; BLOCKS 4415, 4416 AND 4417,

SITUATED IN SAID PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT

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 AND/OR ENCLOSED SWIMMING POOLS SHALL BE ERECTED ON ANY PART THEREOF NEARER THAN TWENTY-FIVE (25) 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 1/2) FEET TO ANY SIDE LOT LINE. HOWEVER, UNENCLOSED SWIMMING POOLS MAY BE ERECTED TO WITHIN 15 FEET OF THE HIGH WATER MARK OR TO THE INDICATED EASEMENT LINE, WHICHEVER IS THE MOST RESTRICTED. FOR THE PURPOSE OF THIS COVENANT, EAVES, STEPS AND OPEN PATIOS, PROVIDING, IT IS UNROFFED, 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 OR TO PERMIT CONSTRUCTION WITHIN AN EASEMENT.

3. ON ALL OTHER LOTS, OTHER THAN WATER FRONT LOTS, NO BUILDING AND/OR ENCLOSED SWIMMING POOLS 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 1/2 FEET TO ANY SIDE LOT LINE, NOR NEARER THAN TWENTY-FIVE (25) FEET TO THE REAR LOT LINES OF SAID LOTS. HOWEVER, UNENCLOSED SWIMMING POOLS MAY BE ERECTED TO WITHIN 15 FEET OF THE REAR LOT LINE, PROVIDED, HOWEVER, THAT NO CONSTRUCTION WILL ENCROACH WITHIN AN EASEMENT. ON CORNER LOTS NO STRUCTURE SHALL BE PERMITTED NEARER THAN TWENTY-FIVE (25) FEET TO THE FRONT LOT LINE

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 PATIOS, PROVIDING IT IS UNROOFED, 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 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 SEVENTY-EIGHT**

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 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. NO NOXIOUS OR OFFENSIVE TRADE SHALL BE CARRIED ON OR UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
7. NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING 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.
8. 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.
9. NO OIL DRILLING, OIL DEVELOPMENT OPERATION, OIL REFINING, QUARRYING OR MINING OPERATION 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.
10. 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.
11. 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.
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 HEREBY 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 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 (25) 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 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 SEVENTY-EIGHT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 42A THROUGH 42J 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 **NOVEMBER 15, 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. ANYTHING IN THIS DECLARATION TO THE CONTRARY NOTWITHSTANDING THESE RESTRICTIONS, RESERVATIONS, AND COVENANTS MAY BE AMENDED FROM TIME TO TIME BY RECORDING AMONG THE PUBLIC RECORDS OF **CHARLOTTE** COUNTY, FLORIDA, AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN RECORD OWNERS OF THE LOT OR TRACTS IN **PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT** PROVIDED, HOWEVER, NO SUCH AMENDMENT MAY BE MADE PRIOR TO **NOVEMBER 15, 1980** WITHOUT WRITTEN CONSENT OF GENERAL DEVELOPMENT CORPORATION.
17. 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.
18. 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 17TH DAY OF NOVEMBER,  
1960.

GENERAL DEVELOPMENT CORPORATION (SEAL)

By F.E.MACKLE, JR  
ITS PRESIDENT

E.J.MACKLE  
ATTEST ITS SECRETARY

STATE OF FLORIDA )  
                  :  
COUNTY OF DADE )

I HEREBY CERTIFY THAT ON THIS 17TH DAY OF NOVEMBER ,  
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.

CONSTANCE ROMMEL  
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES: