

Y.A.U.

1971
11-1-71

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

AMENDMENT TO THE
DECLARATION OF RESTRICTIONS

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:

LOTS 1 AND 36, BLOCK 4394; LOT 1 AND LOTS 18 THROUGH 35, BLOCK 4395; LOTS 1 THROUGH 16 AND LOTS 32 AND 33, BLOCK 4396; LOT 1 AND LOTS 18 THROUGH 34, BLOCK 4397; LOTS 1 THROUGH 19 AND LOTS 39 AND 40, BLOCK 4398; LOT 1 AND LOTS 22 THROUGH 44, BLOCK 4399; LOTS 1 AND 55, BLOCK 4400; LOT 1, BLOCK 4401; LOT 24, BLOCK 4402; LOTS 18 THROUGH 36, BLOCK 4403; LOTS 18 AND 19, BLOCK 4404; LOTS 19 AND 20, BLOCK 4405; LOTS 14 THROUGH 17, BLOCK 4406; LOT 2, BLOCK 4410; BLOCK 4411; LOT 33, BLOCK 4412; LOTS 12 THROUGH 25, BLOCK 4413; LOTS 1 THROUGH 11, BLOCK 4414; LOTS 27 THROUGH 30, BLOCK 4415; LOCATED IN PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 42 A THROUGH 42 J OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA;

AND,

WHEREAS, IT IS NOW DESIRED BY GENERAL DEVELOPMENT CORPORATION, TO PLACE AMENDED RESTRICTIONS AND LIMITATIONS OF RECORD AS TO EACH AND EVERY OF THE DESCRIBED LOTS LOCATED IN PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT, AND TO LIMIT THE USE FOR WHICH EACH AND EVERY OF THE DESCRIBED LOTS LOCATED IN PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT, IS INTENDED;

NOW, THEREFORE, GENERAL DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, DOES HEREBY DECLARE THAT EACH AND EVERY OF THE LOTS LOCATED IN THE FOLLOWING DESCRIBED PROPERTY, SITUATE, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA; TO WIT:

LOTS 1 AND 36, BLOCK 4394; LOT 1 AND LOTS 18 THROUGH 35, BLOCK 4395; LOTS 1 THROUGH 16 AND LOTS 32 AND 33, BLOCK 4396; LOT 1 AND LOTS 18 THROUGH 34, BLOCK 4397; LOTS 1 THROUGH 19 AND LOTS 39 AND 40, BLOCK 4398; LOT 1 AND LOTS 22 THROUGH 44, BLOCK 4399; LOTS 1 AND 55, BLOCK 4400; LOT 1, BLOCK 4401; LOT 24, BLOCK 4402; LOTS 18 THROUGH 36, BLOCK 4403; LOTS 18 AND 19, BLOCK 4404; LOTS 19 AND 20, BLOCK 4405; LOTS 14 THROUGH 17, BLOCK 4406; LOT 2, BLOCK 4410; BLOCK 4411; LOT 33, BLOCK 4412; LOTS 12 THROUGH 25, BLOCK 4413; LOTS 1 THROUGH 11, BLOCK 4414; LOTS 27 THROUGH 30, BLOCK 4415; LOCATED IN PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 42 A THROUGH 42 J OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA;



AND HERBY RESTRICTED AS FOLLOWS, AND ALL OF SAID RESTRICTIONS AND LIMITATIONS ARE INTENDED TO BE AND SHALL BE TAKEN AS A CONSIDERATION FOR ANY EASEMENT FOR BUILT UP ANY KIND OF EASEMENT HEREAFTER MADE, AND ONE OF THE EXPRESS CONDITIONS HEREOF, 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. SAID AND EASES OF THE DESCRIBED LOTS SITUATED IN SAID PORT CHARLOTTE SUBDIVISION SECTION SEVENTY-EIGHT, SHALL BE PLANNED 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) FEET TO THE FRONT LOT LINE ABUTTING THE CANAL, NOR NEARER TO THE REAR LOT LINE WHICH IS THE LINE ABUTTING THE STREET, THAN TWENTY-FIVE (25) FEET, NOR NEARER THAN SEVEN-ONE-HALF (7 1/2) FEET TO ANY SIDE LOT LINE. HOWEVER, UNENCLOSED SWIMMING POOLS MAY BE ERECTED TO WITHIN 15 FEET TO 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, PROVIDED, IT IS UNHOBLED, 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 ENCRGACH 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 ENCRDACH WITHIN AN EASEMENT. 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 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 OR A LOT TO ENCRDACH 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 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.

5. NO BOAT HOUSE OR DOCK BUILDING SHALL BE ERECTED ON OR ADJOINING ANY OF THE DESCRIBED 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 ADJTS. 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.

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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 HERE(ABOVE 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 LOT SHALL BE NOT LESS THAN 900 SQUARE FEET IN THE CASE OF A ONE STORY STRUCTURE, NOR LESS THAN 1000 SQUARE FEET (GROUND AREA) IN THE CASE OF A 1 1/2 OR 2 STORY STRUCTURE.

15. 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 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 Seventy-Eight are hereby reserved as perpetual easements for installations and maintenance.
15. These amended covenants and restrictions are to run with the land and shall be binding on all the parties and all persons claiming under them until March 1, 1981 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 land, 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 MARCH 1, 1961 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, RESTRICTIONS, HOWEVER LONG CONTINUED, SHALL NOT BE DEEMED A WAIVER OF THE RIGHT TO DO SO HEREAFTER 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 3rd DAY OF *April*, 1961.

GENERAL DEVELOPMENT CORPORATION. (SEAL)

By *F. E. Mackle, Jr.*
ITS PRESIDENT

ATTEST *P. J. ...*
ITS SECRETARY

STATE OF FLORIDA)
COUNTY OF DADE)

I HEREBY CERTIFY THAT ON THIS 3rd DAY OF *April*, 1961
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 WHO SIGNED THE FOREGOING INSTRUMENT AS SUCH OFFICERS,
AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR
FREE ACT AND DEED AS SUCH OFFICERS FOR THE USE 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.

Christine ...
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES: Notary Public, State of Florida at Large
By Commission Expires July 13, 1963
Issued to comply with Chapter 40, Florida Statutes