

4-19-63



RECORDED IN
BOOK 97 PAGE 270

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

AMENDMENT TO THE
DECLARATION OF RESTRICTIONS

FILED



MAR 17 1963
CLERK OF CIRCUIT COURT

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 EIGHTY-ONE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6 AT PAGES 51 A THROUGH 51 P 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 LOTS LOCATED IN PORT CHARLOTTE SUBDIVISION SECTION EIGHTY-ONE, EXCEPTING THEREFROM LOTS 1 THROUGH 4 AND LOTS 7 THROUGH 14, BLOCK 4471; LOTS 1 THROUGH 4 AND LOTS 13, 14, BLOCK 4472; LOTS 1 THROUGH 6, BLOCK 4475; LOTS 15 THROUGH 17, BLOCK 4480; LOTS 8 THROUGH 12, BLOCK 4486; LOTS 1 THROUGH 13 AND 16, BLOCK 4487; LOTS 5 THROUGH 11, BLOCK 4488; LOTS 5 THROUGH 8, BLOCK 4509; LOTS 10 THROUGH 19, BLOCK 4510; LOTS 18 THROUGH 21, BLOCK 4525; LOTS 7 THROUGH 9, BLOCK 4526; LOTS 1 THROUGH 3, BLOCK 4529; LOTS 8 THROUGH 18 AND LOTS 22 THROUGH 29, BLOCK 4530; LOTS 15 THROUGH 21, BLOCK 4536; BLOCK 4539; AND TO LIMIT THE USE FOR WHICH EACH AND EVERY OF THE LOTS LOCATED IN PORT CHARLOTTE SUBDIVISION SECTION EIGHTY-ONE, EXCEPTING THEREFROM LOTS 1 THROUGH 4 AND LOTS 7 THROUGH 14, BLOCK 4471; LOTS 1 THROUGH 4 AND 13, 14, BLOCK 4472; LOTS 1 THROUGH 6, BLOCK 4475; LOTS 15 THROUGH 17, BLOCK 4480; LOTS 8 THROUGH 12, BLOCK 4486; LOTS 1 THROUGH 13 AND 16, BLOCK 4487; LOTS 5 THROUGH 11, BLOCK 4488; LOTS 5 THROUGH 8, BLOCK 4509; LOTS 10 THROUGH 19, BLOCK 4510; LOTS 18 THROUGH 21, BLOCK 4525; LOTS 7 THROUGH 9, BLOCK 4526; LOTS 8 THROUGH 18 AND LOTS 22 THROUGH 29, BLOCK 4530; LOTS 15 THROUGH 21, BLOCK 4536; BLOCK 4539; 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, LOTS 1 THROUGH 4 AND LOTS 7 THROUGH 14, BLOCK 4471; LOTS 1 THROUGH 4 AND 13, 14, BLOCK 4472; LOTS 1 THROUGH 6, BLOCK 4475; LOTS 15 THROUGH 17, BLOCK 4480; LOTS 8 THROUGH 12, BLOCK 4486; LOTS 1 THROUGH 13 AND LOT 16, BLOCK 4487; LOTS 5 THROUGH 11, BLOCK 4488; LOTS 5 THROUGH 8, BLOCK 4509; LOTS 10 THROUGH 19, BLOCK 4510; LOTS 18 THROUGH 21, BLOCK 4525; LOTS 7 THROUGH 9, BLOCK 4526; LOTS 1 THROUGH 3, BLOCK 4529; LOTS 8 THROUGH 18 AND LOTS 22 THROUGH 29, BLOCK 4530; LOTS 15 THROUGH 21, BLOCK 4536; BLOCK 4539; LOCATED IN THE FOLLOWING DESCRIBED PROPERTY, SITUATE, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA; TO WIT:

PORT CHARLOTTE SUBDIVISION SECTION EIGHTY-ONE,
ACCORDING TO THE PLAT THEREOF, RECORDED IN
PLAT BOOK 6 AT PAGES 51 A THROUGH 51 P 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, LOTS 1 THROUGH 4 AND LOTS 7 THROUGH 14, BLOCK 4471; LOTS 1 THROUGH 4 AND LOTS 13 AND 14, BLOCK 4472; LOTS 1 THROUGH 6, BLOCK 4475; LOTS 15 THROUGH 17, BLOCK 4480; LOTS 8 THROUGH 12, BLOCK 4486; LOTS 1 THROUGH 13 AND LOT 16, BLOCK 4487; LOTS 5 THROUGH 11, BLOCK 4488; LOTS 5 THROUGH 8, BLOCK 4509; LOTS 10 THROUGH 19, BLOCK 4510; LOTS 18 THROUGH 21, BLOCK 4525; LOTS 7 THROUGH 9, BLOCK 4526; LOTS 1 THROUGH 3, BLOCK 4529; LOTS 8 THROUGH 18 AND LOTS 22 THROUGH 29, BLOCK 4530; LOTS 15 THROUGH 21, BLOCK 4536; BLOCK 4539; SITUATED IN SAID PORT CHARLOTTE SUBDIVISION SECTION EIGHTY-ONE, 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) 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 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 UNROOFED, 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 LINE 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 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.

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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 LOTS IN PORT CHARLOTTE SUBDIVISION SECTION EIGHTY-ONE, 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 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 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 1080 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 LINE 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 EIGHTY-ONE, 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 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 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 EIGHTY-ONE PROVIDED, HOWEVER, NO SUCH AMENDMENT MAY BE MADE PRIOR TO MARCH 1, 1981 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 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 CORPORATED SEAL TO BE AFFIXED, AT MIAMI, DADE COUNTY, FLORIDA,
THIS 3rd DAY OF March, 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 March, 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 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.

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

MY COMMISSION EXPIRES July 13, 1963
Notary Public, State of Florida at Large
Bonded By American Fire & Casualty Co.