

Jamaica Corporation
DEED RESTRICTIONS

Section 17

STATE OF TEXAS
COUNTY OF GALVESTON
Office of County Clerk

Filed 3-18-1964
Recorded: Book 1622,P. 464-472
Plat Map:Vol.7, P. 83

1 KNOW ALL MEN BY THESE PRESENTS:

2 That JAMAICA CORPORATION, a Texas Corporation, Owner of that certain property
3 conveyed by deed from R. E. Smith, dated September 12, 1963, and recorded in Volume 1589,
4 Page118, of the Deed Records of Galveston County, Texas, part of which properties have been
5 subdivided under the name of **Section 17** Jamaica Beach, in accordance with the lines, lots,
6 building lines, streets and easements shown on the recorded plat of said **Section 17**, Jamaica
7 Beach, recorded in Book 254-A, page 89 of the Map Records of Galveston County, Texas, do
8 hereby dedicate, subject to the reservations contained herein, to the purchasers of lots in said
9 **Section 17**, of Jamaica Beach, and the purchasers of lots in adjoining property which has been or
10 may be developed and sold by Jamaica Corporation, all of the streets and canals shown thereon
11 forever. Said streets and canals are dedicated as such for the exclusive use and benefit of the
12 purchasers of lots in said Section of Jamaica Beach, and the purchasers of lots in adjoining
13 property which has been or may be developed by Jamaica Corporation, but said streets and canals
14 are not hereby dedicated to public use.

15 Easements for utilities are reserved on the front ten (10) feet of each lot sub-divided in the
16 Plat of **Section 17**, Jamaica Beach. These easements are reserved to Jamaica Corporation, its
17 successors and assigns, and are not dedicated to public use.

18 Jamaica Corporation, for itself and its successors and assigns, hereby expressly reserves the
19 exclusive right and easement in the streets shown on the recorded Plat of said **Section 17** of
20 Jamaica Beach, and in the utility easements on the front ten (10) feet of each lot therein, to lay,

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21 construct, maintain, and remove utility lines and facilities (including, but without limitation water
22 lines, sewer lines, gas lines, electric lines and telephone lines), and further reserves the exclusive
23 right and easement to grant franchises and easements to utility owners to lay, construct, maintain,
24 and remove utility lines in said streets and utility easements.

25 There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a
26 plane twenty (20) feet above the ground upward located adjacent to all easements reserved herein.

27 Further, all of the property subdivided in the above and foregoing recorded map shall be
28 restricted in its use, which restrictions shall run with the title to the property and shall be
29 covenants running with the land, as follows:

- 30 1) All lots shall be used for single family residence purposes only.
- 31 2) No structure of any type shall be constructed, placed or altered on any lot until plans,
32 specifications and location of the structure have been approved by the **Jamaica Beach**
33 **Improvement Committee** as herein defined. The standards for approval for such structures
34 will be in compliance with these restrictions, quality of materials and workmanship, the external
35 design in relation to existing structures and the location with respect to topography of the
36 property. Structure as used herein shall be held to include buildings, fences, house trailers,
37 walls, swimming pools, playground equipment and outdoor cooking or eating facilities of a
38 permanent nature.
- 39 3) The ground floor area of all residences, exclusive of open porches and garages, shall not be less
40 than 500 square feet.

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- 41 4) All elevated structures built on pilings or other types of elevated foundations shall be
42 designed so that the foundation will be beautiful in a manner to maintain standards set by
43 the **Jamaica Beach Improvement Committee**.
- 44 5) No Building shall be located on any corner lot siding Bob Smith Drive nearer than fifteen (15)
45 feet to Bob Smith Drive.
- 46 6) No building shall be located on any lot nearer than fifteen (15) feet to the front lot lines. No
47 building will be located nearer than eight (8) feet to any side lot line. Corner lots shall be
48 deemed to front on the street side having the least frontage.
- 49 7) No noxious or offensive activity shall be carried on upon any lot nor shall anything be done
50 thereon which may be or may become an annoyance or a nuisance to the neighborhood.
- 51 8) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that
52 dogs and cats (not to exceed two of each category) may be kept, provided they are not kept,
53 bred, or maintained for any commercial purposes, but only for the use and pleasure of the
54 owners of such lots.
- 55 9) Toilet facilities of all residences shall be installed inside the residence and shall be connected,
56 before use, with a septic tank, provided by the owner of said lot. Such sewage disposal system
57 shall be in accordance with the requirements of the State Department of Health and shall be
58 subject to the inspection and approval of the Health Officer of Galveston County, Texas. The
59 drainage of septic tanks into a road, street, canal, Gulf, Bay, or any public ditch is prohibited.

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60 The over-night occupancy of houses will not be permitted until toilet facilities have been
61 completed.

62 **10)**Drainage structures under private driveways shall have a net drainage opening area of
63 sufficient size to permit the free flow of water without back water, and shall be a minimum of
64 1³/₄square feet (12 inch diameter pipe culvert).

65 **11)**The owners or occupants of all lots in this subdivision shall at all times keep all weeds and
66 grass thereon cut in a sanitary, healthful and attractive manner, and shall in no event use any
67 lot for storage of material and equipment except for normal residential requirements, or
68 permit the accumulation of garbage, trash or rubbish of any kind thereon. In the event of
69 default on the part of the owner or occupant of any lot in this subdivision in observing the
70 above requirements, or any of them, Jamaica Corporation and any of its employees, agents, or
71 representatives, may, without liability to the owner or occupant, in trespass or otherwise, enter
72 upon said lot, cut or cause to be cut, such weeds and grass, and remove or cause to be removed,
73 such garbage, trash, rubbish, etc., so as to place said lot in a neat attractive healthful and
74 sanitary condition, may bill for the cost of such work either the owner or occupant of such lot.
75 The owner or occupant, as the case may be, agrees by the purchase or occupation of any lot in
76 this subdivision to pay such statement immediately upon receipt thereof.

77 **12)** No sign, advertisement, billboard, or advertising structure of any kind may be erected or
78 maintained on any residential lot without the consent in writing of the **Jamaica Beach**
79 **Improvement Committee.** Jamaica Corporation or members of the Committee shall have

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80 the right to remove any such sign, advertisement, or billboard or structure which is placed on
81 any residential lot without such consent, and in so doing, shall not be liable, and is expressly
82 relieved from any liability for trespass or other sort in connection therewith, or arising from
83 such removal.

84 **13)** No boats, boat trailers, or boat rigging shall ever be parked or placed (except temporarily)
85 nearer to the street than the building set-back lines. The parking of automotive vehicles on
86 road shoulders for a period of longer than twelve (12) hours is prohibited.

87 **14)** The digging of dirt or the removal of any dirt from any lot is expressly prohibited except when
88 necessary in conjunction with landscaping of such lot, or in conjunction with construction
89 being done on such lot, but no fill material which will change the grade of a lot shall be placed
90 thereon without the approval in writing of the **Jamaica Beach Improvement Committee**.

91 **15)** All residences and other buildings must be kept in good repair, and must be painted when
92 necessary to preserve the attractiveness thereof.

93 **16)** All hunting rights on the property constituting **Section 17**, Jamaica Beach, are retained by
94 Jamaica Corporation, its successors and assigns, and without the express written permission
95 from Jamaica Corporation, its successors and assigns, or its duly authorized agents, purchasers
96 of lots, their heirs, successors and assigns, shall not have the right to hunt on or from any
97 property in the subdivision, or from any other property of Jamaica Corporation, or which may
98 hereafter be constructed for or by the Jamaica Corporation, its successors or assigns, and
99 which islands are, or may be located in West Bay, within an area which would be contained by

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100 a projection to the north of the east and west property lines of the property conveyed to
101 Jamaica Corporation by R. E. Smith as set forth above.

102 **17)** If at any time a purchaser of a lot, his heirs (successors) or assigns, should desire to sell the
103 property purchased, or any part thereof, the same shall first be offered to Jamaica Corporation,
104 its successors or assigns, which shall have the right to purchase the same at the price the
105 purchaser, his heirs (successors) or assigns, can sell such property for; and if Jamaica
106 Corporation, its successors or assigns, fail or refuse to exercise said option within ninety (90)
107 days thereafter, said option shall become null and void as to such particular sale set forth in
108 such notice; provided, however, that it is understood and agreed that said ninety (90) days'
109 option shall extend from and after the date Jamaica Corporation its successors or assigns, are
110 notified by the purchaser, his heirs (successors) or assigns, of the price for which said property
111 can be sold.

112 **18)The Jamaica Beach Improvement Committee** shall be composed initially of Eugene Maier,
113 John Paxton, and Susie Schuler. After an aggregate of seventy-five (75) per cent of the lots
114 platted and to be platted out of the land conveyed by R E. Smith in his deeds to Jamaica
115 Corporation dated September 12, 1963, recorded in Volume 1589, Page 118, of the Deed
116 Records of Galveston County, Texas, which land is herein referred to as "Jamaica Beach",
117 have been conveyed by deed from Jamaica Corporation, the then owners may appoint a
118 committee composed of three (3) to five (5) members owning lots in Jamaica Beach to
119 replace the membership of the initial Committee, or the members or remaining member or
120 members of the initial Committee may, in its discretion, before said seventy-five (75) per cent

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121 of the have been so conveyed by deed, fill vacancies on the Committee, which Committee shall
122 never have less than three (3) nor more than five (5) members. Each owner shall be entitled to
123 one vote for each lot to which he then holds record title.

124 **19)**After said aggregate of seventy-five (75) percent of the lots of Jamaica Corporation have been
125 so conveyed by deed, then, either on motion of the **Jamaica Beach Improvement Committee**,
126 or in the event ten (10) or more lot owners so request, the **Jamaica Beach Improvement**
127 **Committee** may arrange for the initial election of the members of the Committee to replace
128 those named herein. At any time after one year from the next preceding election, the
129 Committee may arrange for any election for the removal or replacement of **Committee**
130 members, either in its own discretion, or when so requested in writing by ten (10) or more lot
131 owners. The initial election or any subsequent election shall be governed by the following
132 rules:

133 Written notice of such election, given by actual notice or by addressing such notice by mail
134 to the last known address of each addressee at least two weeks prior to such election, shall be
135 given to each of the then lot owners in Jamaica Beach. Certification as to the mailing of such
136 notices shall be deemed to be sufficient under these rules. Votes shall be evidenced by written
137 ballot and the ballot shall be retained for at least one year after such election. Election shall be
138 by the majority vote of these owners then voting in such election. Vacancies occurring
139 between elections may be filled by the remaining member or members of the Committee.

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140 **20) The Jamaica Beach Improvement Committee** shall have the following powers and
141 functions:

142 **a)** Collect and expend, in the interests of the subdivision as a whole, the maintenance
143 fund herein created.

144 **b)** Enforce these covenants and restrictions by appropriate proceedings (but this power
145 shall not be exclusive and may also be exercised by any lot owner in Jamaica Beach).

146 **c)** Enforce any lien imposed on any part of this subdivision by reason of the violation of
147 any of these covenants or restrictions, or by reason of failure to pay maintenance
148 charges herein provided, and to execute a release of such lien upon performance.

149 **d)** Approve or reject plans and specifications for improvements to be erected in Jamaica
150 Beach. All plans and specifications for improvements must be submitted to the
151 Committee for approval prior to the commencement of construction of any such
152 Improvement. If the committee fails to act within thirty (30) days after submission to
153 it of plans and specifications, construction in accordance with these restrictions may
154 begin.

155 **21)** Each lot in said **Section 17**, Jamaica Beach, conveyed by Jamaica Corporation, its
156 successors or assigns, is hereby subjected to an annual maintenance charge of **thirty-five**
157 **(\$35.00) dollars** per year for the purpose of creating a fund to be known as Maintenance
158 Fund, to be paid by the owner of the lot, the same to be secured by a vendor's lien upon
159 said lot, and payable annually on the first day of January of each year in advance beginning

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160 January 1, 1964, to **Jamaica Beach Improvement Committee**, at its office in Houston,
161 Texas, and said charge and lien are hereby assigned to said Committee. The maintenance
162 charge for a lot purchased during a calendar year shall be prorated in the proportion that
163 the remaining months in the year bear to the whole year.

164 Funds arising from said charge shall be applied, so far as sufficient, toward the payment
165 of maintenance expenses incurred for any or all of the following purposes: lighting,
166 improving and maintaining the streets, sidewalks, paths, canals, parks, parkways,
167 esplanades, area between curb and sidewalk, collecting and disposing of garbage, ashes,
168 rubbish and the like in said areas; and doing any other thing necessary or desirable in the
169 opinion of said Committee to keep the property neat and in good order, or which it
170 considers of general benefit to the owners or occupants of the addition, it being understood
171 that the judgment of said committee in the expenditure of said fund shall be final so long as
172 such judgment is exercised in good faith

173 Such maintenance charge shall extend for a period of twenty-five (25) years from
174 January 1, 1964, and shall be extended automatically for successive periods of ten (10)
175 years unless the then owners of a majority of the lots in the entire addition vote to
176 discontinue such charge, such action to be evidenced by written instrument signed and
177 acknowledged by the owners of a majority of the lots and recorded in the Deed Records of
178 Galveston County, Texas. By acceptance of his deed each purchaser agrees and consents to
179 and joins in such maintenance.

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180 22)These covenants and restrictions shall run with the land, and shall be binding on all
181 parties and all persons claiming under them for a period of twenty-five (25) years from
182 the date these covenants are recorded in the office of the County Clerk of Galveston
183 County, Texas, after which time such covenants shall be extended automatically for
184 successive periods of ten (10) years, unless an instrument signed by the majority of the
185 then owners of the lots has been recorded, agreeing to charge such covenants in whole
186 or in part or to revoke them.

187 23) Enforcement of these covenants and restrictions may be by proceedings at law or in
188 equity against any person or persons violating or attempting to violate any covenant or
189 restriction either to restrain such violation or proposed violation or to recover damages.
190 Such enforcement may be by the owner of any lot in said subdivision.

191 24) No boat which is used for commercial purposes will be allowed to operate or be
192 anchored or docked in any manner in any canal. Furthermore, all boats operated,
193 anchored or docked in any manner in the canal must be approved by the **Jamaica**
194 **Beach Improvement Committee** as to appearance, size and loudness of motors in
195 order that no boat of any type which is unsightly, oversized or has an unusually loud
196 motor will be allowed to be placed in the canal and therefore detract from the value of
197 the lots abutting these canals.

198 25) No pier, wharf or other structure shall be erected in any canal except upon the express
199 approval in writing of the Jamaica Beach Improvement Committee. The use of

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200 automotive tires or other unsightly materials for hold off fenders or pier construction is
201 prohibited.

202

203 *COPY OF SIGNATURE PAGE ATTACHED*

204 ORIGINALS ON FILE

205