

Jamaica Beach
DEED RESTRICTIONS

SECTION 4 AND SECTION 5

STATE OF TEXAS
COUNTY OF GALVESTON
Office of County Clerk

Filed 12-1-1975
Recorded: Book 1379, P 452-460
Plat Map: Vol.4, P. 68

1 **KNOW ALL MEN BY THESE PRESENTS:**

2 That we, Jack J. Valenti, William W. Sherrill, Jack E. Wilson and Welcome W. Wilson,
3 owners of that certain property conveyed by deed from R. E. Smith, dated July 19, 1957 and
4 recorded in Book 1219, pages 532 through 537 of the Deed Records of Galveston County,
5 Texas, part of which property has been subdivided under the name of Jamaica Beach, Block
6 K, Section 4, and Jamaica Beach, Block N, Section 5, in accordance with the lines, lots,
7 building lines, streets, and easements shown on the recorded plat of said Jamaica Beach,
8 Block K, Section 4 and Jamaica Beach, Block N, Section 5, recorded in Book 254-A, Page 85
9 of the Map Records of Galveston Count, Texas, do hereby dedicate, subject to the reservations
10 contained herein, to the purchasers of lots in said subdivision and the purchasers of lots in
11 adjoining property which has been or may be developed and sold by us, all of the streets and
12 canals shown on the plat thereof forever. Said streets and canals are dedicated as such for the
13 exclusive use and benefit of the purchasers of lots in Jamaica Beach, Block K, Section 4 and
14 Jamaica Beach, Block N, Section 5, and the purchasers of lots in adjoining property which has
15 been or may be developed by us and said streets and canals are not hereby dedicated to public
16 use.

17 Easements for utilities are reserved on the front ten (10) feet of each lot subdivided in the
18 Plat of Jamaica Beach, Block K, Section 4 and Jamaica Beach, Block N, Section 5. These
19 easements are reserved to the undersigned and are not dedicated to public use.

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20 The undersigned hereby expressly reserve the exclusive right and easement in the streets
21 shown on the recorded Plat of Jamaica Beach, **Block K, Section 4 and Jamaica Beach, Block**
22 **N, Section 5,** in all the utility easements shown on the said plat and the utility easement on
23 the front ten (10) feet of each lot therein, to lay, construct, maintain, and remove utility lines
24 (including, but without limitation water lines, sewer lines, gas lines, electric lines), and
25 further reserves the exclusive right and easement to grant franchises and easements to utility
26 owners to lay, construct, maintain, and remove utility lines in said streets and utility
27 easements.

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

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

- 34 1) All lots shall be used for single family residence purposes only.
- 35 2) No structure of any type shall be constructed, placed or altered on any lot until plans,
36 specifications and location of the structure have been approved by the **Jamaica Beach**
37 **Improvement Committee** as herein defined. The standards for approval for such
38 structures will be in compliance with these restrictions, quality of materials and
39 workmanship, the external design in relation to existing structures and the location with

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40 respect to topography of the property. Structure as used herein shall be held to include
41 buildings, fences, house trailers, walls, swimming pools, playground equipment and
42 outdoor cooking or eating facilities of a permanent nature.

43 3) The ground floor area of all residences, exclusive of open porches and garages, shall be
44 not less than 500 square feet.

45 4) All elevated structures built on pilings or other types of elevated foundations shall be
46 designed so that the foundation will be beautiful in a manner to maintain standards set by
47 the **Jamaica Beach Improvement Committee**.

48 5) No building shall be located on any lot nearer than twenty-five (25) feet to the front lot
49 lines. No building will be located nearer than ten (10) feet to any side lot lines. Corner
50 lots shall be deemed to front on the street side having the least frontage.

51 6) No noxious or offensive activity shall be carried on upon any lot nor shall anything be
52 done thereon which may be or may become an annoyance or a nuisance to the
53 neighborhood.

54 7) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot,
55 except that dogs and cats (not to exceed two of each category) may be kept, provided
56 they are not kept, bred, or maintained for any commercial purposes, but only for the use
57 and pleasure of the owners of such lots.

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- 58 8) Toilet facilities of all residences shall be installed inside the residence and shall be
59 connected, before use, with a septic tank, provided by the owner of said lot. Such sewage
60 disposal system shall be in accordance with the requirements of the State Department of
61 Health and shall be subject to the inspection and approval of the Health Officer of
62 Galveston County, Texas. The drainage of septic tanks into a road, street, Gulf, Bay, or
63 any public ditch is prohibited.
- 64 9) Drainage structures under private driveways shall have a net drainage opening area of
65 sufficient size to permit the free flow of water without back water, and shall be a
66 minimum of 1 $\frac{3}{4}$ square feet (12 inch diameter pipe culvert).
- 67 10) The owners or occupants of all lots in this subdivision shall at all times keep all weeds
68 and grass thereon cut in a sanitary, healthful and attractive manner, and shall in no event
69 use any lot for storage of material and equipment except for normal residential
70 requirements, or permit the accumulation of garbage, trash or rubbish of any kind
71 thereon. In the event of default on the part of the owner or occupant of any lot in this
72 subdivision in observing the above requirements, or any of them, Sellers and any of its
73 employees, agents, or representatives, may, without liability to the owner or occupant, in
74 trespass or otherwise, enter upon said lot, cut or cause to be cut, such weeds and grass, and
75 remove or cause to be removed, such garbage, trash, rubbish, etc., so as to place said lot
76 in a neat attractive healthful and sanitary condition, may bill either the owner or occupant
77 for the cost of such work of such lot. The owner or occupant, as the case may be, agrees

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78 by the purchase or occupation of any lot in this subdivision to pay such statement
79 immediately upon receipt thereof.

80 **11)** No sign, advertisement, billboard, or advertising structure of any kind may be erected or
81 maintained on any residential lot without the consent in writing of the **Jamaica Beach**
82 **Improvement Committee.** Jamaica Corporation or members of the Committee shall have
83 the right to remove any such sign, advertisement, or billboard or structure which is placed
84 on any residential lot without such consent, and in so doing, shall not be liable, and is
85 expressly relieved from any liability for trespass or other sort in connection therewith,
86 or arising from such removal.

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

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

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96 14) All residences and other buildings must be kept in good repair, and must be painted when
97 necessary to preserve the attractiveness thereof.

98 15) All hunting rights on the property herein conveyed are retained by the undersigned, their
99 heirs and assigns, and without the express written permission from the undersigned, their
100 heirs and assigns, or their duly authorized agents, purchasers of lots, their heirs, successors
101 and assigns, shall not have the right to hunt on or from any property in the subdivision, or
102 from any other property of the undersigned, or from any of the islands now owned by the
103 undersigned, or which may hereafter be constructed for or by the undersigned, their heirs
104 or assigns, and which islands are, or may be located in Galveston Bay, within an area
105 which would be contained by a projection to the north of the undersigneds' east and west
106 property lines.

107 16) If at any time a purchaser of a lot, his heirs (successors) or assigns, should desire to sell
108 the property purchased, or any part thereof, the same shall first be offered to undersigned,
109 their heirs and assigns, who shall have the right to purchase the same at the price the
110 purchaser, his heirs (successors) or assigns, can sell such property for; and if the
111 undersigned, their heirs or assigns, fail or refuse to exercise said option within ninety
112 (90)days thereafter, said option shall become null and void; provided, however, that it is
113 understood and that said ninety (90) days' option shall extend from and after the date, the
114 undersigned, their heirs and assigns, are notified by the purchaser, his heirs (successors)
115 or assigns, of the price for which said property can be sold.

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116 17) The term, **The Jamaica Beach Improvement Committee**, as used herein shall mean the
117 Jamaica Beach Improvement Committee as constituted and empowered in the restrictions
118 and covenants on Jamaica Beach, Section 1, recorded in Deed of Records Book No. 1210,
119 Pages 423-432 of Galveston County, Texas, and such Jamaica Beach Improvement
120 Committee shall have and exercise the same duties, powers and functions in the
121 enforcement of the provisions herein as granted to and required of it covenants and
122 restrictions governing Jamaica Beach, Section 1.

123 18) Each lot in Jamaica Beach, **Block K, Section 4 and Jamaica Beach, Block N, Section 5**,
124 conveyed by the undersigned, their heirs or assigns, is hereby; subjected to an annual
125 maintenance charge of **twenty (\$20.00) dollars** for the purpose of creating a fund to be
126 known as maintenance fund, to be paid by the owner of the lot, the same to be secured by
127 a vendor's lien upon said lot, and payable annually on the first day of January of each year
128 in advance beginning January 1, 1960, to **Jamaica Beach Improvement Committee**, at
129 its office in Houston, Texas, and said charge and lien are hereby assigned to said
130 Committee. The maintenance charge for a lot purchased during a calendar year shall be
131 prorated in the proportion that the remaining months in the year bear to the whole year.

132 Funds arising from said charge shall be applied, so far as sufficient, toward the
133 payment of maintenance expenses incurred for any or all of the following purposes:
134 lighting, improving and maintaining the streets, sidewalks, paths, canals, parks, parkways,
135 esplanades, area between curb and sidewalk, collecting and disposing of garbage, ashes,

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136 rubbish and the like in said areas; and doing any other thing necessary or desirable in the
137 opinion of said Committee to keep the property neat and in good order, or which it
138 considers of general benefit to the owners or occupants of the addition, it being understood
139 that the judgment of said committee in the expenditure of said fund shall be final so long
140 as such judgment is exercised in good faith.

141 Such maintenance charge shall extend for a period of twenty-five (25) years from
142 January 1, 1960, and shall be extended automatically for successive periods of ten (10)
143 years unless the then owners of a majority of the lots in the entire addition vote to
144 discontinue such charge, such action to be evidenced by written instrument signed and
145 acknowledged by the owners of a majority of the lots and recorded in the Deed Records of
146 Galveston County, Texas. By acceptance of his deed each purchaser agrees and consents
147 to and joins in such maintenance charge.

148 **19)** These covenants and restrictions shall run with the land, and shall be binding on all parties
149 and all persons claiming under them for a period of twenty-five (25) years from the date
150 these covenants are recorded with the county clerk of Galveston County, Texas, after
151 which time such covenants shall be extended automatically for successive periods of ten
152 (10) years, unless an instrument signed by the majority of the then owners of the lots has
153 been recorded, agreeing to change such covenants in whole or in part to revoke them.

154 **20)** Enforcement of these covenants and restrictions may be by proceedings at law or in equity
155 against any person or persons violating or attempting to violate any covenant or restriction

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156 either to restrain such violation or proposed violation or to recover damages. Such
157 enforcement may be by the owner of any lot in said subdivision.

158 **21)** No pier, wharf or other structure shall be erected in any canal except upon the express
159 approval in writing of the Jamaica Beach Improvement Committee

160 *Copy of Signature Page Attached*

161 *Originals on File*

162 **Must Attach Copy Of Section 1 Deed Restrictions Addressing JBIC Functions**