

Jamaica Beach
Deed Restrictions
SECTIONS - 6 -7 and 8

STATE OF TEXAS
COUNTY OF GALVESTON
Office of the County Clerk

Filed 6-21-1962
Recorded, Book 1496, P. 559-567
Maps Vol. 4 , P. 68

1 KNOW ALL MEN BY THESE PRESENTS:

2 That we, Jack J. Valenti, William W. Sherril, Jack E. Wilson, Welcome W. Wilson
3 and John W. Goyen, Jr., owners of that certain property conveyed by deed from R. E.
4 Smith, dated July 19, 1957 and recorded in Book 1219, pages 532 through 537 of the
5 Deed Records of Galveston County, Texas, part of which property has been subdivided
6 under the name of Jamaica Beach, Block J, Section 8, Jamaica Beach, Block N, Section
7 6 and Jamaica Beach, Block O, Section 7, in accordance with the lines, lots, building
8 lines, streets, and easements shown on the recorded plat of said Jamaica Beach, Block
9 J, Section 8, Jamaica Beach, Block N, Section 6 and Jamaica Beach, Block O, Section
10 7, recorded in Book 254-A, Page 87 of the Map Records of Galveston County, Texas,
11 do hereby dedicate, subject to the reservations contained herein, to the purchasers of
12 lots in said subdivisions; and the purchasers of lots in adjoining property which has
13 been or may be developed and sold by us, all of the streets and canals shown thereon
14 forever. Said street and canals are dedicated as such for the exclusive use and benefit
15 of the purchasers of lots in Jamaica Beach, Block J, Section 8, Jamaica Beach, Block N
16 Section 6, and Jamaica Beach, Block O, Section 7, and the purchasers of lots in
17 adjoining property which has been or may be developed by us and said streets and
18 canals are not thereby dedicated to public use.

19 Easements for utilities are reserved on the front ten (10) feet of each lot subdivided
20 in the Plat of Jamaica Beach, Block J, Section 8, Jamaica Beach, Block N, Section 6

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21 and Jamaica Beach, Block O, Section 7. These easements are reserved to the
22 undersigned and are not dedicated to public use.

23 The undersigned hereby expressly reserve exclusive right and easement in the
24 streets shown on the recorded Plat of Jamaica Beach, Block J, Section 8, Block N,
25 Section 6 and Block O, Section 7, and in the utility easements on the front ten (10) feet
26 of each lot therein, to lay, construct, maintain, and remove utility lines (including, but
27 without limitation water lines, sewer lines, gas lines, electric lines), and further reserves
28 the exclusive right and easement to grant franchises and easements to utility owners to
29 lay, construct, maintain, and remove utility lines in said streets and utility easements.
30 There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide
31 from a plane twenty (20) feet above the ground upward located adjacent to all
32 easements reserved here in.

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

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

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- 42 existing structures and the location with respect to topography of the property.
- 43 Structure as used herein shall be held to include buildings, fences, house
- 44 trailers, walls, swimming pools, playground equipment and outdoor cooking or
- 45 eating facilities of a permanent nature.
- 46 3) The ground floor area of all residences, exclusive of open porches and garages,
- 47 shall not be less than 600 square feet.
- 48 4) All elevated structures built on pilings or other types of elevated foundations
- 49 shall be designed so that the foundation will be beautiful in a manner to
- 50 maintain standards set by the **Jamaica Beach Improvement Committee**.
- 51 5) No building shall be located on any lot nearer than twenty-five (25) feet to the
- 52 front lot line. No building will be located nearer than ten (10) feet to any side
- 53 lot line. Corner lots shall be deemed to front on the street side having the least
- 54 frontage.
- 55 6) No noxious or offensive activity shall be carried on upon any lot nor shall
- 56 anything be done thereon which may be or may become an annoyance or a
- 57 nuisance to the neighborhood.
- 58 7) No animals, livestock or poultry of any kind shall be raised, bred, or kept on
- 59 any lot, except that dogs and cats (not to exceed two of each category) may be
- 60 kept, provided they are not kept, bred, or maintained for any commercial
- 61 purposes, but only for the use and pleasure of the owners of such lots.

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- 62 8) Toilet facilities of all residences shall be installed inside the residence and shall
63 be connected, before use, with a septic tank, provided by the owner of said lot.
64 Such sewage disposal system shall be in accordance with the requirements of
65 the State Department of Health and shall be subject to the inspection and
66 approval of the Health Officer of Galveston County, Texas. The drainage of
67 septic tanks into a road, street, canal, Gulf, Bay, or any public ditch is
68 prohibited.
- 69 9) Drainage structures under private driveways shall have a net drainage opening
70 area of sufficient size to permit the free flow of water without back water, and
71 shall be a minimum of 1³/₄square feet (12 inch diameter pipe culvert).
- 72 10) The owners or occupants of all lots in this subdivision shall at all times keep
73 weeds and grass thereon cut in a sanitary, healthful and attractive manner, and
74 shall in no event use any lot for storage of material and equipment except for
75 normal residential requirements, or permit the accumulation of garbage, trash
76 or rubbish of any kind thereon. In the event of default on the part of the owner
77 or occupant of any lot in this subdivision in observing the requirements, or any
78 of them, Seller may, without liability to the owner or occupant, in trespass or
79 otherwise, enter upon said lot, cut or cause to be cut, such weeds and grass, and
80 remove or cause to be removed, such garbage, trash, rubbish, etc., so as to place
81 said lot in a neat attractive healthful and sanitary condition, may bill either the
82 owner or occupant of such lot for the cost of such work. The owner or

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83 occupant, as the case may be, agrees by the purchase or occupation of any lot in
84 this subdivision to pay such statement immediately upon receipt thereof.

85 **11)** No sign, advertisement, billboard, or advertising structure of any kind may be
86 erected or maintained on any residential lot without the consent in writing of
87 the **Jamaica Beach Improvement Committee**. The undersigned or members
88 of the Committee shall have the right to remove any such sign, advertisement,
89 or billboard or structure which is placed on any residential lot without such
90 consent, and in so doing, shall not be liable, and is expressly relieved from any
91 liability for trespass or other tort in connection therewith, or arising from such
92 removal.

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

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

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

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

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

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124 **17)** The term “**Jamaica Beach Improvement Committee**” as used herein shall
125 mean the **Jamaica Beach Improvement Committee** as constituted and
126 empowered in the restrictions and covenants of Jamaica Beach, Section 1,
127 recorded in the Deed of Records Book No. 1210, Pages 423-432 of Galveston
128 County, Texas and such Jamaica Beach Improvement Committee shall have and
129 exercise the same duties, powers and functions in the enforcement of the
130 provisions herein as granted to and required of its covenants and restrictions
131 governing Jamaica Beach, Section 1.

132 **18)** Each lot in Jamaica Beach, Block J, Jamaica Beach, **Section 8**, Jamaica Beach,
133 Block N, **Section 6** and Block O, **Section 7**, conveyed by the undersigned
134 conveyed by Jamaica Corporation, its successors or assigns, is hereby;
135 subjected to an annual maintenance charge of **thirty (\$30.00) dollars** per year for
136 the purpose of creating a fund to be known as maintenance fund, to be paid by
137 owner of the lot, the same to be secured by a vendor’s lien upon said lot, and
138 payable annually on the first day of January of each year in advance beginning
139 January 1, 1962, to **Jamaica Beach Improvement Committee**, at its office in
140 Houston, Texas, and said charge and lien are hereby assigned to the
141 Committee. The maintenance charge for a lot purchased during a calendar year
142 shall be prorated in the proportion that the remaining months in the year bear to
143 the whole year.

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144 Funds arising from said charge shall be applied, so far as sufficient, toward
145 the payment of maintenance expenses incurred for any or all of the following
146 purposes: lighting, improving and maintaining the streets, sidewalks, paths,
147 canals, parks, parkways, esplanades, area between curb and sidewalk, collecting
148 and disposing of garbage, ashes, rubbish and the like in said areas; and doing
149 any other thing necessary desirable in the opinion of said Committee to keep the
150 property neat and in good order, or which it considers of general benefit to the
151 owners or occupants of the addition, it being understood that the judgment of
152 said committee in the expenditure of said fund be final so long as such
153 judgment is exercised in good faith. Such maintenance charge shall extend for a
154 period of twenty-five years from January 1, 1962, and shall be extended
155 automatically for successive periods of ten years unless the then owners of a
156 majority of the lots in the entire addition vote to discontinue such charge, such
157 action to be evidenced by written instrument signed and acknowledged by the
158 owners of a majority of the lots and recorded in the Deed Records of Galveston
159 County, Texas. By acceptance of his deed each purchaser agrees and consents
160 to and joins in such maintenance charge.

161 **19)** These covenants and restrictions shall run with the land, and shall be binding on
162 all parties and all persons claiming under them for a period of twenty-five (25)
163 years from the date these covenants are recorded in the office of the County
164 Clerk of Galveston County, Texas, after which time such covenants shall be

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165 extended automatically for successive periods of ten (10) years, unless an
166 instrument signed by the majority of the then owners of the lots has been
167 recorded, agreeing to charge such covenants in whole or in part or to revoke
168 them.

169 **20)** Enforcement of these covenants and restrictions may be by proceedings at law
170 or in equity against any person or persons violating or attempting to violate any
171 covenant or restriction either to restrain such violation or proposed violation or
172 to recover damages such enforcement may be by the owner of any lot in said
173 subdivision.

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

176 **22)** No boat which is used for commercial purposes will be allowed to operate or
177 be anchored or docked in any manner in any of the canals in **Sections 6, 7 and 8**.
178 Furthermore all boats operated, anchored or docked in any manner in the canals
179 in **Sections 6, 7 and 8** must be approved by the **Jamaica Improvement**
180 **Committee** as to appearance, size and loudness of motors in order that no boat
181 of any type which is unsightly, oversized or has unusually loud motor will be to
182 be placed in the canal and therefore detract from the value of the lots abutting
183 canals.

184 *Copy of Signature Page attached Original on File*

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