

Jamaica Corporation
DEED RESTRICTIONS

SECTION 14-A

STATE OF TEXAS
COUNTY OF GALVESTON
Office of County Clerk

Filed 5-15-1964
Recorded: Book 1612, P. 438-446
Plat Map: Vol. 7, P. 78

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
4 1589, page 118, of the Deed Records of Galveston County, Texas, part of which property has
5 been subdivided under the name of Section 14-A, Jamaica Beach, in accordance with the
6 lines, lots, building lines, streets, and easements shown on the recorded plat of said Section
7 14-A, Jamaica Beach, recorded in Book 1616, page 8 of the Map Records of Galveston
8 County, Texas, do hereby dedicate, subject to the reservations contained herein, to the
9 purchasers of lots in said Section 14-A of Jamaica beach, and the purchasers of lots in
10 adjoining property which has been or may be developed and sold by Jamaica Corporation but
11 said streets and canals are not hereby dedicated to public use.

12 Easements for utilities are reserved on the front ten (10) feet of each lot subdivided in the
13 plat of Section 14-A, Jamaica Beach. These easements are reserved to the undersigned and are
14 not dedicated to public use.

15 Jamaica Corporation, for itself and its successors and assigns, hereby expressly reserve the
16 exclusive right and easement in the streets shown on the recorded Plat of said, Section 14-A,
17 Jamaica Beach and in the utility easements on the front ten (10) feet of each lot therein, to lay,
18 construct, maintain, and remove utility lines and facilities (including, but without limitation
19 water lines, sewer lines, gas lines, electric lines and telephone lines), and further reserves the

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20 exclusive right and easement to grant franchises and easements to utility owners to lay,
21 construct, maintain, and remove utility lines in said streets and utility easements.

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

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

- 28 1) All lots shall be used for single family residence purposes only.
- 29 2) No structure of any type shall be constructed, placed or altered on any lot until plans,
30 specifications and location of the structure have been approved by the **Jamaica Beach**
31 **Improvement Committee** as herein defined. The standards for approval for such
32 structures will be in compliance with these restrictions, quality of materials and
33 workmanship, the external design in relation to existing structures and the location with
34 respect to topography of the property. Structure as used herein shall be held to include
35 buildings, fences, house trailers, walls, swimming pools, playground equipment and
36 outdoor cooking or eating facilities of a permanent nature.
- 37 3) The ground floor area of all residences, exclusive of open porches and garages, shall not
38 be less than 600 square feet.

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- 39 4) All elevated structures built on pilings or other types of elevated foundations shall be
40 designed so that the foundation will be beautiful in a manner to maintain standards set by
41 the **Jamaica Beach Improvement Committee**.
- 42 5) No building shall be located on any corner lot siding Bob Smith Drive nearer than fifteen
43 (15) feet to Bob Smith Drive.
- 44 6) No building shall be located on any lot nearer than twenty (20) feet to the front lot lines.
45 No building will be located nearer than eight (8) feet to any side lot line. Corner lots shall
46 be deemed to front on the street side having the least frontage.
- 47 7) No noxious or offensive activity shall be carried on upon any lot nor shall anything be
48 done thereon which may be or may become an annoyance or a nuisance to the
49 neighborhood.
- 50 8) No animals, livestock or poultry of any kind shall be raised, bred, or maintained for any
51 commercial purposes, but only for the use and pleasure of the owners of such lots.
- 52 9) Toilet facilities of all residences shall be installed inside the residence and shall be
53 connected, before use, with a septic tank, provided by the owner of said lot. Such sewage
54 disposal system shall be in accordance with the requirements of the State Department of
55 Health and shall be subject to the inspection and approval of the Health Officer of
56 Galveston County, Texas. The drainage of septic tanks into a road, street, canal, Gulf,
57 Bay, or any public ditch is prohibited. The overnight occupancy of houses will not be
58 permitted until toilet facilities have been completed.

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59 10) Drainage structures under private driveways shall have a net drainage opening area of
60 sufficient size to permit the free flow of water without back water, and shall be a
61 minimum of 1 $\frac{3}{4}$ square feet (12 inch diameter pipe culvert).

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

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

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79 placed on any residential lot without such consent, and in so doing, shall not be liable,
80 and is expressly relieved from any liability for trespass or other sort in connection
81 therewith, or arising from such removal.

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

86 **14)** The digging of dirt or the removal of any dirt from any lot is expressly prohibited except
87 when necessary in conjunction with landscaping of such lot, or in conjunction with the
88 construction being done on such lot, but no fill material which will change the grade of a
89 lot shall be placed thereon without the approval in writing of the **Jamaica Beach**
90 **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 14-A**, Jamaica Beach, are retained
94 by Jamaica Corporation, its successors and assigns, and without the express written
95 permission from Jamaica Corporation, its successors and assigns, or its duly authorized
96 agents, purchasers of lots, their heirs, successors and assigns, shall not have the right to
97 hunt on or from any property in the subdivision, or from any other property of Jamaica
98 Corporation, or from any of the islands now owned by Jamaica Corporation or which may

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99 hereafter be constructed for or by the Jamaica Corporation, its successors or assigns, and
100 which islands are, or may be located in West Bay, within an area which would be
101 contained by a projection to the north of the east and west property lines of the property
102 conveyed to Jamaica Corporation by R. E. Smith as set forth above.

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

113 **18) The Jamaica Beach Improvement Committee** shall be composed initially of Eugene
114 Maier, John Paxton and Susie Schuler. After an aggregate of seventy-five (75) per cent
115 of the lots platted and to be platted out of the land conveyed by R E. Smith in his deeds
116 Jamaica Corporation dated September 12, 1963 recorded in Volume 1589, Page 118,
117 respectively, of the Deed Records of Galveston County, Texas, which land is herein
118 referred to as "Jamaica Beach", have been conveyed by deed from Jamaica Corporation,

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119 the then owners may appoint a committee composed of three (3) to five (5) members
120 owning lots in Jamaica Beach to replace the membership of the initial committee, or the
121 members or remaining member or members of the initial Committee may, in its discretion,
122 before said seventy-five (75) per cent of the lots have been so conveyed by deed, fill
123 vacancies on the Committee, which Committee shall never have less than three (3) nor
124 more than five (5) members. Each owner shall be entitled to one vote for each lot to
125 which he then holds record title.

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

135 Written notice of such election, given by actual notice or by addressing such notice by
136 mail to the last known address of each addressee at least two weeks prior to such election,
137 shall be given to each of the then lot owners in Jamaica Beach. Certification as to the
138 mailing of such notices shall be deemed to be sufficient under these rules. Votes shall be

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139 evidenced by written ballot and the ballot shall be retained for at least one year after such
140 election. Vacancies occurring between elections may be filled by the remaining member
141 or members of the Committee. Election shall be the majority vote of those owners then
142 voting in such election

143 **20)** The Jamaica Beach Improvement Committee shall have the following powers and

144 functions:

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

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

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

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

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158 21) Each lot in said **Section 14-A**, Jamaica Beach, conveyed by Jamaica Corporation, its
159 successors or assigns, is hereby; subjected to an annual maintenance charge of **forty**
160 **dollars (\$40.00) dollars** per year for the purpose of creating a fund to be known as
161 maintenance fund, to be paid by the owner of the lot, the same to be secured by a vendor's
162 lien upon said lot, and payable annually on the first day of January of each year in advance
163 beginning January 1, 1964, to **Jamaica Beach Improvement Committee**, at its office in
164 Houston, Texas, and said charge and lien are hereby assigned to said Committee. The
165 maintenance charge for a lot purchased during a calendar year shall be prorated in the
166 proportion that the remaining months in the year bear to the whole year.

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

176 Such maintenance charge shall extend for a period of twenty-five (25) years from
177 January 1, 1964, and shall be extended automatically for successive periods of ten (10)

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178 years unless the then owners of a majority of the lots in the entire addition vote to
179 discontinue such charge, such action to be evidenced by written instrument signed and
180 acknowledged by the owners of a majority of the lots and recorded in the Deed Records of
181 Galveston County, Texas. By acceptance of his deed each purchaser agrees and consents
182 to and joins in such maintenance charge.

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

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

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

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- 198 allowed to be placed in the canal and therefore detract from the value of the lots abutting
199 these canals.
- 200 **25)** No pier, wharf or other structure shall be erected in any canal except upon the express
201 approval in writing of the Jamaica Beach Improvement Committee. The use of
202 automotive tires or other unsightly materials for hold off fenders or pier construction is
203 prohibited.
- 204 **26)** No building shall be located on any lot nearer than twenty (20) feet from the rear of lot.
- 205 **27)** A five-foot walkway easement will be reserved on the rear of each lot.
- 206 **28)** Lots 46 and 47 will not have use of the Regatta Basin, the Regatta launching ramp or a
207 Regatta boat stall.
- 208 **29)** No boat, boat trailer, boat rigging or car shall be parked or placed in any areas adjoining
209 the Regatta Basin, except on a temporary basis, not to exceed eighteen hours.
- 210 **30)** Each lot owner shall use only their designated boat stall and car parking space in the Boat
211 Basin area.
- 212 **31)** The owners or occupants of all lots in this subdivision shall at all times keep **their** boat
213 stall and car parking area in a neat attractive and sanitary condition.

214
215 *COPY OF SIGNATURE PAGE ATTACHED*

216 *ORIGINALS ON FILE*