

Jamaica Corporation  
**DEED RESTRICTIONS**

**Section 19**

STATE OF TEXAS  
COUNTY OF GALVESTON  
Office of County Clerk

Filed 1-12-1965  
Recorded: Book 1688,P, 105-113  
Plat Map: Vol. 7, P. 92

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 July 29, 1957, 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 19** Jamaica Beach, in accordance with the lines, lots,  
6 building lines, streets and easements shown on the recorded plat of said **Section 19**, Jamaica  
7 Beach, recorded in Book 1616, page 39 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 19**, of Jamaica Beach, and the purchasers of lots in adjoining property which has been  
10 or may be developed and sold by Jamaica Corporation, all of the streets and canals shown  
11 thereon forever. Said streets and canals are dedicated as such for the exclusive use and benefit  
12 of the purchasers of lots in said Section of Jamaica Beach, and the purchasers of lots in  
13 adjoining property which has been or may be developed by Jamaica Corporation, but said  
14 streets and canals 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 19**, 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 19** 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  
22           water lines, sewer lines, gas lines, electric lines and telephone lines), and further reserves the  
23           exclusive right and easement to grant franchises and easements to utility owners to lay,  
24           construct, maintain, 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  
26           a plane twenty (20) feet above the ground upward located adjacent to all easements reserved  
27           herein.

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

- 31           1) All lots shall be used for single family residence purposes only.
- 32           2) No structure of any type shall be constructed, placed or altered on any lot until plans,  
33           specifications and location of the structure have been approved by the **Jamaica Beach**  
34           **Improvement Committee** as herein defined. The standards for approval for such  
35           structures will be in compliance with these restrictions, quality of materials and  
36           workmanship, the external design in relation to existing structures and the location with  
37           respect to topography of the property. Structure as used herein shall be held to include  
38           buildings, fences, house trailers, walls, swimming pools, playground equipment and  
39           outdoor cooking or eating facilities of a permanent nature.

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- 40           3) The ground floor area of all residences, exclusive of open porches and garages, shall not  
41           be less than 600 square feet.
- 42           4) All elevated structures built on pilings or other types of elevated foundations shall be  
43           designed so that the foundation will be beautiful in a manner to maintain standards set by  
44           the **Jamaica Beach Improvement Committee**.
- 45           5) All storm blinds must be painted to match the house color or unpainted in the case of an  
46           unpainted house.
- 47           6) No building shall be located on any lot nearer than twenty (20) feet to the front lot lines.  
48           No building will be located nearer than ten (10) feet to any side lot line. Corner lots shall  
49           be deemed to front on the street side having the least frontage.
- 50           7) No noxious or offensive activity shall be carried on upon any lot nor shall anything be  
51           done thereon which may be or may become an annoyance or a nuisance to the  
52           neighborhood.
- 53           8) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except  
54           that dogs and cats ( not to exceed two of each category) may be kept, provided they are not  
55           kept, bred, or maintained for any commercial purposes, but only for the use and pleasure of  
56           the owners of such lots.
- 57           9) Toilet facilities of all residences shall be installed inside the residence and shall be  
58           connected, before use, with a septic tank, provided by the owner of said lot. Such sewage

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59 disposal system shall be in accordance with the requirements of the State Department of  
60 Health and shall be subject to the inspection and approval of the Health Officer of  
61 Galveston County, Texas. The drainage of septic tanks into a road, street, canal, Gulf, Bay,  
62 or any public ditch is prohibited. The over-night occupancy of houses will not be  
63 permitted until toilet facilities have been completed.

64 **10)** 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 minimum  
66 of 1 $\frac{3}{4}$  square feet (12 inch diameter pipe culvert).

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

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

80 **12)** 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, or  
86 arising from such removal.

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

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

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

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- 97           **16)** All hunting rights on the property constituting **Section 19**, Jamaica Beach, are retained by  
98           Jamaica Corporation, its successors and assigns, and without the express written permission  
99           from Jamaica Corporation, its successors and assigns, or its duly authorized agents,  
100           purchasers of lots, their heirs, successors and assigns, shall not have the right to hunt on or  
101           from any property in the subdivision, or from any other property of Jamaica Corporation,  
102           or from any of the islands now owned by Jamaica Corporation or which may hereafter be  
103           constructed for or by the Jamaica Corporation, its successors or assigns, and which islands  
104           are, or may be located in West Bay, within an area which would be contained by a  
105           projection to the north of the east and west property lines of the property conveyed to  
106           Jamaica Corporation by R. E. Smith as set forth above.
- 107           **17)** 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 Jamaica  
109           Corporation, its successors or assigns, which shall have the right to purchase the same at  
110           the price the purchaser, his heirs (successors) or assigns, can sell such property for; and if  
111           Jamaica Corporation, its successors or assigns, fail or refuse to exercise said option within  
112           ninety (90) days thereafter, said option shall become null and void as to such particular sale  
113           set forth in such notice; provided, however, that it is understood and agreed that said  
114           ninety (90) days' option shall extend from and after the date Jamaica Corporation its  
115           successors or assigns, are notified by the purchaser, his heirs (successors) or assigns, of the  
116           price for which said property can be sold.

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117           **18) The Jamaica Beach Improvement Committee** shall be composed initially of Eugene  
118           Maier, John Paxton, and Susie Schuler. After an aggregate of seventy-five (75) per cent of  
119           the lots platted and to be platted out of the land conveyed by R E. Smith in his deeds to  
120           Jamaica Corporation dated July 29, 1957, and recorded in Volume 1589, Page 118, of the  
121           Deed Records of Galveston County, Texas, which land is herein referred to as “Jamaica  
122           Beach”, have been conveyed by deed from Jamaica Corporation, the then owners may  
123           appoint a committee composed of three (3) to five (5) members owning lots in Jamaica  
124           Beach to replace the membership of the initial Committee, or the members or remaining  
125           member or members of the initial Committee may, in its discretion, before said seventy-  
126           five (75) per cent of the have been so conveyed by deed, fill vacancies on the Committee,  
127           which Committee shall never have less than three (3) nor more than five (5) members.  
128           Each owner shall be entitled to one vote for each lot to which he then holds record title.

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

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138 Written notice of such election, given by actual notice or by addressing such notice by mail  
139 to the last known address of each addressee at least two weeks prior to such election, shall  
140 be given to each of the then lot owners in Jamaica Beach.

141 Certification as to the mailing of such notices shall be deemed to be sufficient under these  
142 rules.

143 Votes shall be evidenced by written ballot and the ballot shall be retained for at least one  
144 year after such election.

145 Election shall be by the majority vote of these owners then voting in such election.  
146 Vacancies occurring between elections may be filled by the remaining member or members  
147 of the Committee.

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

150 a) Collect and expend, in the interests of the subdivision as a whole, the maintenance  
151 fund herein created.

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

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

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157           d) Approve or reject plans and specifications for improvements to be erected in Jamaica  
158           Beach. All plans and specifications for improvements must be submitted to the  
159           Committee for approval prior to the commencement of construction of any such  
160           Improvement. If the committee fails to act within thirty (30) days after submission to  
161           it of plans and specifications, construction in accordance with these restrictions may  
162           begin.

163           21) Each lot in said **Section 19**, Jamaica Beach, conveyed by Jamaica Corporation, its  
164           successors or assigns, is hereby; subjected to an annual maintenance charge of **forty**  
165           **(\$40.00) dollars** per year for the purpose of creating a fund to be known as maintenance  
166           fund, to be paid by the owner of the lot, the same to be secured by a vendor's lien upon  
167           said lot, and payable annually on the first day of January of each year in advance  
168           beginning January 1, 1965, to **Jamaica Beach Improvement Committee**, at its office  
169           in Houston, Texas, and said charge and lien are hereby assigned to said Committee.  
170           The maintenance charge for a lot purchased during a calendar year shall be prorated in  
171           the proportion that the remaining months in the year bear to the whole year.

172           Funds arising from said charge shall be applied, so far as sufficient, toward the  
173           payment of maintenance expenses incurred for any or all of the following purposes:  
174           lighting, improving and maintaining the streets, sidewalks, paths, canals, parks,  
175           parkways, esplanades, area between curb and sidewalk, collecting and disposing of  
176           garbage, ashes, rubbish and the like in said areas; and doing any other thing necessary

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177 or desirable in the opinion of said Committee to keep the property neat and in good  
178 order, or which it considers of general benefit to the owners or occupants of the  
179 addition, it being understood that the judgment of said committee in the expenditure of  
180 said fund shall be final so long as such judgment is exercised in good faith.

181 Such maintenance charge shall extend for a period of twenty-five (25) years from  
182 January 1, 1965, and shall be extended automatically for successive periods of ten (10)  
183 years unless the then owners of a majority of the lots in the entire addition vote to  
184 discontinue such charge, such action to be evidenced by written instrument signed and  
185 acknowledged by the owners of a majority of the lots and recorded in the Deed Records  
186 of Galveston County, Texas. By acceptance of his deed each purchaser agrees and  
187 consents to and joins in such maintenance charge.

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

195 **23)** Enforcement of these covenants and restrictions may be by proceedings at law or in  
196 equity against any person or persons violating or attempting to violate any covenant or

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197 restriction either to restrain such violation or proposed violation or to recover damages.

198 Such enforcement may be by the owner of any lot in said subdivision.

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

206 **25)** No pier, wharf or other structure shall be erected in any canal except upon the express  
207 approval in writing of the Jamaica Beach Improvement Committee. The use of  
208 automotive tires or other unsightly materials for hold off fenders or pier construction is  
209 prohibited.

210 **26)** At such a time as a sanitary sewer system is installed at Jamaica Beach, all houses that  
211 are built in **Section 19** after its completion must connect to and use the sanitary sewer  
212 system.

213

214 *COPY OF SIGNATURE PAGE ATTACHED*

215 *Originals on file*