

COVENANTS AND RESTRICTIONS  
and  
EASEMENTS FOR ELECTRIC AND  
SANITARY SEWER SERVICE  
for  
SELVA MARINA UNIT No.9

VOL 4229 PG 199  
OFFICIAL RECORDS

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, Sevilla Development Corporation, Inc., a Florida corporation, hereinafter called "Developer", is now the owner of the land described in Exhibit "A" attached hereto and by reference made a part hereof, said property being known as Selva Marina Unit No. 9, and as such has been offered for recordation in the Office of the Clerk of the Court of Duval County, Florida; and,

WHEREAS, said Developer is developing said land known as Selva Marina Unit No. 9, in accordance with Ordinance No. 90, Section 28-17, Planned Unit Development, as amended, of the City of Atlantic Beach, Florida, pursuant to a Public Hearing held on June 14, 1976, at the City Hall, Atlantic Beach, and the Developer, with the knowledge and approval of the City, is placing certain covenants and restrictions upon the use of all of the lots shown on said plat and is desirous that said covenants and restrictions shall run with the title to the land hereby restricted; and

WHEREAS, the City, to facilitate the implementation of the enforcement of the covenants and restrictions that are within its legal province to enforce, it being hereby acknowledged that the City's approval of the quality of workmanship and materials is limited to compliance with the Southern Standard Building Code, and that the City will make no judgment as to harmony of exterior design and location with existing structures and requirements for ornamental plantings, and that provisions as to location with respect to front, rear and side lot lines, topography and finish grade elevation and the location of subsidiary structures as herein outlined will be enforced by an amendment to the City's zoning ordinance passed, or to be passed, creating a zoning classification known as Residence AAA-SMU9, and appointing a Special Advisory Planning Board, hereinafter referred to as the "Board", whose functions are as hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and for other good and valuable considerations, the Developer, for itself and its successors and assigns, does hereby restrict the use, as hereinabove provided, of all of the lots included in said plat of Selva Marina Unit No. 9, and does hereby place upon said lots the following covenants and restrictions, to run with the title to said lots, and the grantees of any deed conveying any lot or lots shown on said plat, or on any parts or portions thereof, shall be deemed by acceptance of such deed to have agreed to all of such covenants and restrictions, and to have covenanted to observe, comply with and be bound by all such covenants and restrictions as follows:

I. These restrictive covenants shall run with the title to the land in said subdivision owned by the Developer and shall be binding upon the Developer, its successors and assigns, and all persons claiming by, through and under the Developer, and shall remain in full force and effect until January 1, 2000, except as hereinafter provided. After December 31, 1999, these restrictive covenants

PREPARED BY GEORGE BULL  
321 ATLANTIC BLVD ATLANTIC BEACH 32233

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## OFFICIAL RECORDS

shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then owners of a majority of the lots in said subdivision has been duly recorded, agreeing to terminate or change said covenants in whole or in part.

II. No building shall be erected, placed, altered or permitted on any lot in said subdivision other than one detached single-family dwelling of not more than two stories (together with the usual out-building thereof), containing an enclosed heated and/or air conditioned living floor area of not less than 1,400 square feet if one story, or 1,600 square feet if two stories.

III. No building shall be erected, placed, altered or permitted on any lot in said subdivision nearer to the street line than the building restriction line (B.R.L.) as shown or noted on said subdivision plat (25 feet from Seminole Road, Saturiba Drive and/or 19th Street, and 30 feet from Sea Oats Drive), nor nearer to the rear lot line than thirty (30) feet, nor nearer to the side lot lines of adjoining lots than fifteen (15) feet.

- A. For the purposes of this provision, eaves, rakes, cornices and steps and similar projections shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building to encroach upon any adjoining properties.
- B. For the purpose of these covenants and restrictions and/or this provision, the area herein provided upon which the dwelling may be erected, placed, altered or permitted shall be termed "the dwelling zone".
- C. Garages, servants' rooms and rooms used for storage, private laundries, or similar purposes, if provided, shall be attached to and made a part of the residence which they serve. Garages shall be provided with doors and, in the event such garages face upon any street, the doors shall be provided with an automatic opening and closing device.
- D. No dwelling, fence, wall, detached outbuilding, enclosed swimming pool or similar structure shall be located, placed, altered or permitted on any lot in said subdivision outside of the dwelling zone, except as hereinafter provided.
  1. The Special Advisory Planning Board may recommend a waiver of unintentional minor violations of this provision when the building has been erected, or construction substantially advanced, provided that in the opinion of the Board such violation will not detract from the appearance and value of the adjoining properties.
  2. Only one (1) detached outbuilding may be located outside the dwelling zone provided:
    - a. It shall not be used as a separate or secondary residence or as a guest house.
    - b. It shall not exceed an outside horizontal dimension of six (6) feet by eight (8) feet.

## OFFICIAL RECORDS

- c. The walls thereof shall be no higher than the first floor walls of the dwelling.
  - d. The slope of the roof shall not be steeper than that of the dwelling.
  - e. It shall not be located closer to the rear or side lot lines than five (5) feet except that it may be within one (1) foot of the side or rear lot line, but in compliance with paragraph III A. above.
  - f. It shall be located in the rear yard, the same being defined as that portion of the lot between the rear of the dwelling built in the dwelling zone and the rear lot line.
  - g. The material of which it is constructed must be similar to and its color or appearance blending or compatible to the primary dwelling.
- 3. Only one (1) swimming pool may be located outside of the dwelling zone provided it is located in the rear yard as defined in subparagraph III 2.f. above, and no part thereof shall be within five (5) feet of the side or rear lot line.
  - 4. Fences or walls may be located outside of the dwelling zone provided:
    - a. They shall not exceed four (4) feet in height
    - b. They shall not be constructed of metal or wire.
    - c. Their material and color must be similar to and/or blend with the dwelling.
    - d. They shall not be closer to the front or side street line than the front or side of the dwelling constructed in the dwelling zone.
    - e. They cannot be located nearer to the side or rear lot line than three (3) inches unless the owner of the lot on the other side of said line waives this provision in writing to the Board.
  - 5. All structures built under this section and subsection must first receive recommendations of approval or disapproval in writing from the Board.
- IV. A. Private easements five (5) feet wide are shown in Block 1 of the plat of said Unit No. 9, to be used exclusively to provide a location for the installation and maintenance of a single sanitary house sewer service line as follows:

Across Lot 15 to serve only Lot 14  
 Across Lot 16 to serve only Lot 13  
 Across Lot 17 to serve only Lot 12  
 Across Lot 18 to serve only Lot 11  
 Across Lot 19 to serve only Lot 10  
 Across Lot 20 to serve only Lot 9  
 Across Lot 21 to serve only Lot 8

## OFFICIAL RECORDS

Across Lot 22 to serve only Lot 7  
Across Lot 27 to serve only Lot 6  
Across Lot 28 to serve only Lot 5  
Across Lot 29 to serve only Lot 4  
Across Lot 30 to serve only Lot 3  
Across Lot 31 to serve only Lot 2  
Across Lot 30 to serve only Lot 1

B. The Developer has given the Jacksonville Electric Authority an easement to construct, operate, lay, improve, and/or repair, operate and maintain electric cables and associated equipment along the paths on which said electric cables and associated equipment are to be laid in, on, along, over, through, across or under said Unit No. 9, for an underground system to provide electric service to the dwelling to be constructed on the lots, and to provide street lighting in said Unit No. 9, said Easement being recorded in Officials Records Volume 4220, page 182.

V. No sign of any kind shall be displayed to the public view in said subdivision, except one professional sign of not more than one (1) square foot, one sign of not more than three (3) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period, or signs pertaining to or advertising said subdivision.

VI. No noxious or offensive trade, business or occupation shall be carried on in said subdivision, nor shall anything be done thereon which shall be or become an annoyance or a nuisance to the neighborhood. Cambers, motor-homes, boats/boats on trailers and motor vehicles may be parked or kept in said subdivision only provided same does not become unsightly, abandoned or a nuisance to, or in, the neighborhood.

VII. Temporary buildings and sheds used during the construction period of the permanent dwelling may remain only during the required construction period.

VIII. No lots, or lots, in said subdivision shall be resubdivided by any instrument, conveyance or plat unless such resubdivision is the act of the Developer, or unless such resubdivision is first approved by the Board, but any lot may be divided between, and become a part of, the adjoining lots on either side.

IX. No structure or building shall be erected, placed, altered or permitted on any lot in the subdivision until the building plans, specifications and plot plan showing the location of such building, have been reviewed by the Board as to quality of workmanship and materials, as to harmony of exterior design and location with existing structures, as to location with respect to front, rear and side lot lines, as to topography and finish grade elevation and as to ornamental planting to be initially provided to compliment the structure or building, and recommended for approval or disapproval by the Building Official of the City of Atlantic Beach.

In the event the Board, or its designated representative, fails to recommend approval or disapproval within thirty (30) days after plans and specifications or other applications have been submitted to it then, in that event, the Building Official may issue or deny a building permit.

OFFICIAL RECORDS

The Special Advisory Planning Board is hereby initially composed of three members, as follows:

George Bull,  
Beverly B. Meshaw,  
George Bull, Jr.

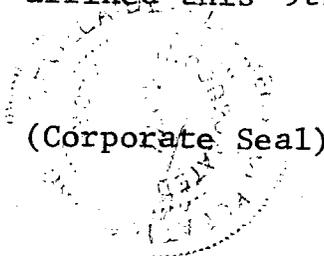
A majority of the Board may designate a representative to act for it. In the event of resignation, death or other incapacity of any member of the Board, the City shall designate a successor. Neither the members of the Board, nor its designated representative shall be entitled to any compensation for services performed hereunder. At any time the then record owners of a majority of the lots in said subdivision shall have the right to petition the City to change membership or to abolish the Board.

X. Any person having an interest in said subdivision or lots therein shall have the right to institute and prosecute any appropriate proceedings at law, or in equity, to prevent the violation of, or to recover damages for, the restrictive covenants herein contained should same be violated or an attempt to violate the same be believed imminent or intended.

XI. Every contract of sale or deed that the Developer, its successors and assigns, or any subsequent grantee under Developer, shall make agreeing to convey or conveying any lot in said subdivision prior to January 1, 2000, shall be made expressly subject to the provisions of this restrictive agreement.

XII. Invalidation of any one of these restrictive covenants by judgment or court order shall in no wise affect any of the other provisions hereof, which shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer, Sevilla Development Corporation, Inc., has caused this instrument to be executed by its duly authorized officers, and its corporate seal to be hereunto affixed this 9th day of September A.D. 1976.



SEVILLA DEVELOPMENT CORPORATION, INC.

(Corporate Seal)

By: George Bull  
George Bull, President.

ATTEST:

Beverly B. Meshaw  
Secretary.

Signed, sealed and delivered in the presence of:

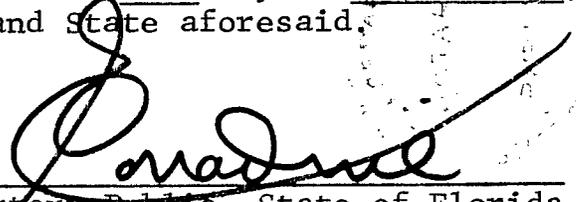
Donald D. Brantley  
Paradise

STATE OF FLORIDA     )  
COUNTY OF DUVAL    )ss

BEFORE ME, an officer duly authorized in the County and State aforesaid to take acknowledgments, personally appeared GEORGE BULL and BEVERLY B. MESHAW, the President and Secretary respectively of

SEVILLA DEVELOPMENT CORPORATION, INC., a corporation existing under the laws of the State of Florida, to me well known to be the individuals and officers described in and who executed the foregoing instrument, and they severally acknowledged the execution thereof to be their own free act and deed as such officers thereunto duly authorized; and that the official seal of said corporation is duly affixed thereto.

WITNESS my hand and official seal this 9th day of September, A.D. 1976, at Atlantic Beach, County and State aforesaid.



Notary Public, State of Florida  
at Large.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES DEC. 30, 1976  
BONDED THRU GENERAL INSURANCE UNDERWRITERS

OFFICIAL RECORDS

PLAT BOOK PAGE

# SELVA MARINA UNIT NO. 9

CITY OF ATLANTIC BEACH, DUVAL COUNTY, FLORIDA

**CAPTION:** A PART OF GOVERNMENT LOTS 3 AND 4, SECTION 9, TOWNSHIP 2 SOUTH, RANGE 23 EAST, DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SATURIBA DRIVE, COUNTY ROAD NO. 2280 (A 100 FOOT RIGHT OF WAY LINE OF SEMINOLE ROAD, COUNTY ROAD NO. 408 (A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED)); THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF SATURIBA DRIVE, RUN NORTH 89°57'19" WEST, 122.78 FEET TO THE POINT OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 3,749.72 FEET; THENCE CONTINUE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF SATURIBA DRIVE ALONG AND AROUND SAID CURVE AN ARC DISTANCE OF 210.32 FEET TO THE SOUTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORD VOLUME 911, PAGES 303 AND 304; THENCE ALONG THE EASTERLY LINE OF SAID LANDS RUN NORTH 00°24'53" WEST, 1252.00 FEET; THENCE NORTH 89°57'19" EAST, 121.25 FEET; THENCE NORTH 00°24'53" WEST, 60.00 FEET; THENCE NORTH 89°57'19" EAST, 235.00 FEET TO A POINT OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 75 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 39.27 FEET TO A POINT OF THE ABOVE MENTIONED WESTERLY RIGHT OF WAY LINE OF SEMINOLE ROAD; THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF SEMINOLE ROAD RUN SOUTH 00°24'53" WEST, 1973.87 FEET TO THE POINT OF BEGINNING.

**ADOPTION AND DEDICATION:** THIS IS TO CERTIFY THAT THE SEVILLA DEVELOPMENT CORPORATION INC. A CORPORATION UNDER THE LAWS OF FLORIDA, IS THE LAWFUL OWNER OF THE LANDS DESCRIBED IN THE CAPTION HEREON AND KNOWS AS SELVA MARINA UNIT NO. 9 AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AND THAT THIS PLAT MADE IN ACCORDANCE WITH SAID SURVEY IS HEREBY ADOPTED AS A TRUE AND CORRECT PLAT OF SAID LANDS AND ALL DRIVES AND STREETS AS SHOWN ON SAID PLAT ARE HEREBY IRREVOCABLE AND WITHOUT RESERVATIONS DEDICATED TO THE CITY OF ATLANTIC BEACH, FLORIDA AND ITS SUCCESSORS.

IN WITNESS WHEREOF THE SAID SEVILLA DEVELOPMENT CORPORATION INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND ITS SECRETARY RESPECTIVELY, BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, IN ITS NAME AND WITH ITS CORPORATE SEAL AFFIXED THIS 23rd DAY OF August A.D. 1976.

*Edward A. ...* WITNESS  
*George ...* PRESIDENT  
*David B. ...* SECRETARY  
 SEVILLA DEVELOPMENT CORPORATION INC.

**STATE OF FLORIDA, COUNTY OF DUVAL:** I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME AN OFFICER, DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, GEORGE ... FULL AND BEVERLY B. ... RESPECTIVELY PRESIDENT AND SECRETARY OF THE SEVILLA DEVELOPMENT CORPORATION INC., A CORPORATION UNDER THE LAWS OF THE STATE OF FLORIDA TO ME WELL KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING PLEDICION AND WHO SEVERALLY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY AS SUCH OFFICERS FOR THE USES AND PURPOSES THEREIN EXPRESSED AND THAT THEY AFFIXED HERETO THE OFFICIAL SEAL OF SAID CORPORATION.

WITNESS MY SIGNATURE AND OFFICIAL SEAL AT ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, THIS 23rd DAY OF August A.D. 1976.

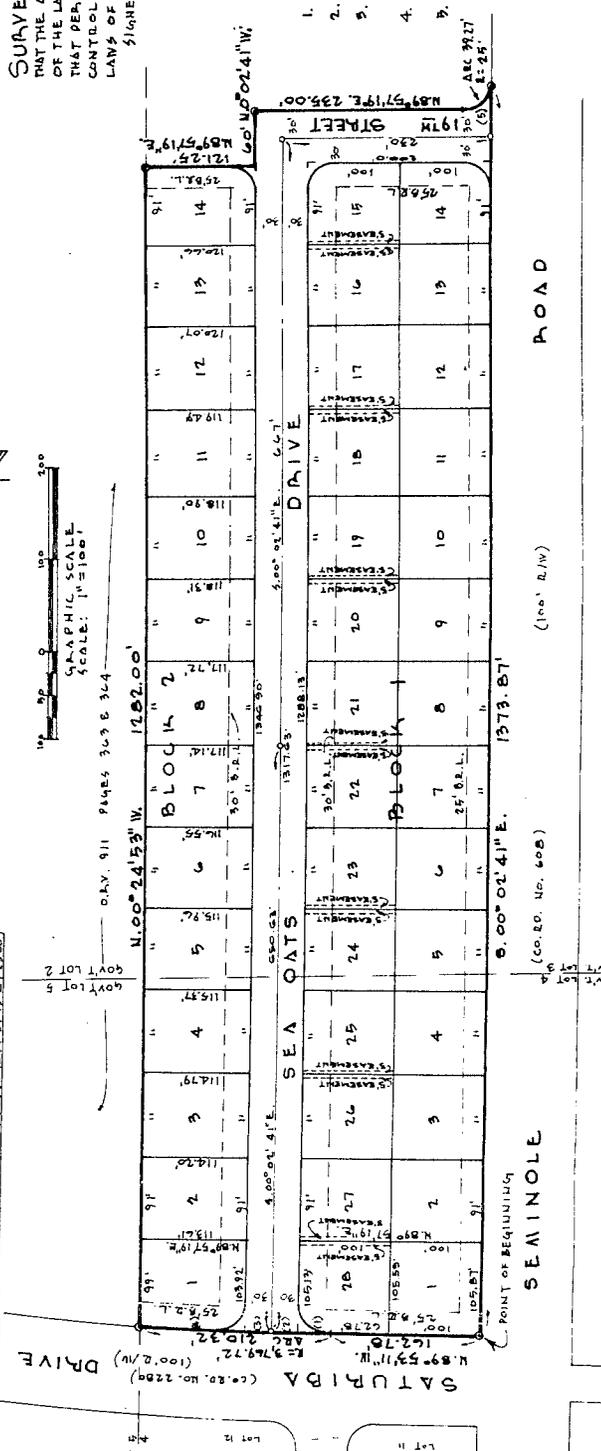
NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
 MY COMMISSION EXPIRES DEC. 30, 1976

**COMMISSIONERS APPROVAL** EXAMINED AND APPROVED THIS 23rd DAY OF August A.D. 1976, AT THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA.

**CLERK'S CERTIFICATE:** THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA AND SUBMITTED TO ME FOR RECORDING AND IS RECORDED IN PLAT BOOK        PAGE        OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA THIS        DAY OF        A.D. 1976.

BY        CLERK  
       DEPUTY CLERK

LINE	DELTA	CURVE DATA
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**SURVEYOR'S CERTIFICATE:** THIS IS TO CERTIFY THAT THE ABOVE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, PLATTED AND DESCRIBED ABOVE AND THAT PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS WILL BE PLACED ACCORDING TO THE LAWS OF THE STATE OF FLORIDA.

SIGNED THIS 20th DAY OF AUGUST A.D. 1976.

*Thomas C. ...*  
 NORTHEAST FLORIDA SURVEYORS INC.  
 2000 CORPORATE SQUARE BLDG.  
 JACKSONVILLE, FLORIDA  
 REGISTERED LAND SURVEYOR NO. 2117 R01014

- NOTES:**
1. 0 DENOTES PERMANENT REFERENCE MONUMENTS.
  2. 0 DENOTES PERMANENT CONTROL POINTS.
  3. DISTANCES SHOWN ON BLOCK CORNERS ARE TO STREET LINE INTERSECTIONS.
  4. ALL EASEMENTS ARE FOR PRIVATE SINGLE SANITARY HOUSE SEWER SERVICE LINE.
  5. ALL RADIi NOT SHOWN ARE 25 FEET.

EXHIBIT "A"

76-68541  
SEP 10 4 39 PM '76

FILED AND RECORDED IN PUBLIC RECORDS OF DUVAL COUNTY, FLA.