

Original of Restrictions set 56 in "Beds" file in Vault
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There came on for consideration the matter of resurveying Block 56, Gulfport Bayou View Subdivision, whereupon after discussion the following resolution was first reduced to writing, read section by section and then as a whole, to-wit:

A RESOLUTION VACATING THAT CERTAIN PRIVATE RIGHT OF WAY EXTENDING SOUTH FROM 47TH STREET TO A WELL LOCATED IN BLOCK 56, GULFPORT BAYOU VIEW SUBDIVISION, AND APPROVING, ADOPTING AND DEDICATING A RESURVEY OF BLOCK 56, GULFPORT BAYOU VIEW SUBDIVISION.

WHEREAS, the City of Gulfport adopted a plat of Gulfport Bayou View Subdivision, which plat is now of record in the office of the Chancery Clerk of Harrison County, Mississippi, and which plat contained a block 56 which was in no way subdivided, reserved or dedicated for any purpose, except that in said Block 56 lay a well owned by the City of Gulfport, and a 25 ft. private alley running south from 47th Street in said Gulfport Bayou View Subdivision to the well; and

WHEREAS, the City of Gulfport does now wish to adopt and dedicate a resurvey of Gulfport Bayou View Subdivision to provide for 45th Street running east and west through said Block, and for 24 lots to be provided in said block, together with necessary alley access, etc.; and

WHEREAS, there has been prepared for the City of Gulfport a suitable plat of such resurvey of Block 56 Gulfport Bayou View Subdivision, which the Mayor and Board of Commissioners do now find and determine to be suitable in every respect; and

WHEREAS, the well located in said Block 56 can be reached by the alley shown on the plat of said resurvey of Block 56, and the private alley or right-of-way now extending to said well area being found and determined by the Mayor and the Board of Commissioners to be unnecessary for such access; and

WHEREAS, the Mayor and Board of Commissioners do now find and determine that said right-of-way is a purely private right-of-way, serving only well property of the City of Gulfport, and a right-of-way in which no person has any interest whatsoever except the City of Gulfport, and ^{do} further find and determine that

it is to the best interest of the City of Gulfport that said private alley or right-of-way be vacated and cancelled, and that the resurvey of Block 56, Gulfport Bayou View Subdivision be dedicated and adopted:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF GULFPORT, MISSISSIPPI:

Section 1. That the private alley or right-of-way 25 feet in width extending into Block 56, Gulfport Bayou View Subdivision, as shown by the map or plat thereof now on file in the office of the Chancery Clerk of Harrison County, Mississippi, be and the same is hereby vacated and cancelled.

Section 2. That the plat of resurvey of Block 56, Gulfport Bayou View Subdivision is hereby found to meet all of the conditions, requirements and ordinances of the City of Gulfport, and the same is hereby adopted and dedicated as a survey within the City of Gulfport.

Section 3. That the Mayor and City Clerk of the City of Gulfport be and they are hereby authorized, empowered and directed to execute dedication, certificate of adoption, and other necessary portions of resurvey of Block 56, Gulfport Bayou View Subdivision, and to file for record the resurvey of Block 56 Gulfport Bayou View Subdivision.

Section 4. That the conditions, reservations, restrictions and covenants heretofore adopted and attached to Blocks 62 and 63 of Gulfport Bayou View Subdivision are hereby adopted and attached to the resurvey of Block 56, Gulfport Bayou View Subdivision, and the Mayor and City Clerk of the City of Gulfport are hereby empowered and directed to execute, deliver, and file for record a suitable instrument declaring and adopting said restrictive covenants, conditions and reservations.

Commissioner James H. McManus moved the adoption of the above resolution, which motion was seconded by Commissioner H. E. Blakes-Lee. Upon being put to a roll call vote the following ballots were cast:

VOTING AYE: Mayor ~~R. E. Meadows, Jr.~~
Commissioner James H. McManus
Commissioner H. E. Blakeslee

VOTING NAY: None

Whereupon the Mayor/^{Pro Tem} declared the motion carried and the resolution adopted.

STATE OF MISSISSIPPI

COUNTY OF HARRISON

WHEREAS, the undersigned City of Gulfport, Harrison County, Mississippi, is the sole owner of all that certain subdivision known as Gulfport Bayou View Subdivision in the City of Gulfport, Harrison County, Mississippi, as shown by map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

WHEREAS, the real property described herein is subject to the covenants, restrictions, conditions and reservations hereby declared, which shall follow the title to said realty and be binding on all grantees from the City of Gulfport and/or all their heirs, assigns, devisees, grantees, or successors in title, so as to insure the best use and most appropriate development and improvements of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve in so far as possible the natural beauty of the property; to guard against the erection thereon of poorly designed or proportioned structures and the building thereon with improper or unsuitable material; to obtain harmonious color schemes and to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon with appropriate locations therefor on building sites; to prevent haphazard and inharmonious improvements of building sites; to secure and maintain proper setbacks from streets and avenues and adequate free space between structures; and in general to provide adequately for a high type and quality of improvement of said property and to enhance the value of investments made by purchasers of building sites; and to aid in the general welfare, health and well-being of the owners of said property, as well as the general public.

The undersigned City of Gulfport, Mississippi, does hereby agree to said protective covenants and does hereby agree that same may and does hereby attach to the title to said land and be binding on all persons claiming under said City's title until January 1st, 1975, at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of the majority of the then owners of the lots or parcels of land described herein, it be agreed to change said covenants in whole or in part, and

WHEREAS, it is further understood and agreed that if said grantees or any of them or their heirs, devisees, assigns, grantees or successors in title shall violate or attempt to violate any of the covenants herein, it shall and will be lawful for any person or persons owning any real property situated in said Gulfport Bayou View Subdivision, as well as for the City of Gulfport, Mississippi, to proceed to prosecute, by any proper proceeding at law or equity, such person violating or attempting to violate such covenants, either to prevent him or them from so doing or to recover damages for such violation.

It is further understood and agreed that the invalidation of any one or more of the covenants contained herein by proper judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

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The restrictive covenants, conditions, and reservations, above referred to being set out in detail as follows, to-wit:

A. Each lot conveyed shall be known and described as a separate residential lot and there shall not be constructed on any combination of lots more than one residence building for each lot. No lot or combination of said lots shall be resold or resubdivided in such a manner as to have less front footage or less area for any building site than said lot or combination of lots had as originally platted.

B. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached residential dwelling not to exceed two and one-half stories in height and a private garage adequate for housing cars of occupants of the premises and other out buildings incidental to residence use of the lot, not building shall be used for any purpose other than a residence or residential uses thereof, no house shall be constructed nor used for the housing of more than two family units and houses built or used for more than one family unit must be built so that the outside appearance resembles a one family unit and must have a private entrance for each family unit.

C. No dwelling shall be permitted on any lot which floor area, exclusive of porches (open or screened) and garages, is less than 1000 square feet, and the cost of which is less than \$7,000.00, as to a one story building and 1200 square feet floor area, of which 1000 square feet must be ground floor area, with corresponding increase in cost, as to a two story building. In figuring the cost of any such house regulated by this section same shall be based upon cost prevailing on March 1st, 1950. It being the intention and purpose of this covenant to assure that all dwellings shall be of a cost, workmanship and materials substantially the same or better than that which can be produced on said date of March 1st, 1950, at the minimum cost stated herein for the minimum permitted dwelling size.

D. No building or portion thereof shall be located on any lot nearer than 35 feet to the front street line as originally platted (if the building faces or if main entrance is toward a side street as originally platted, then this setback shall also apply to said side street in addition to said front street). No building or portion thereof shall be located nearer than 15 feet to any side street line. No building shall be located on any lots nearer than 5 feet or nearer than one tenth of the width of the building site, whichever is the greatest distance, to an interior lot line, nor nearer than 5 feet to the rear property line, except that where the combined distance from the two side lines is greater than 20 feet then the excess above 10 feet may be on one side only. For the purpose of this covenant as to the interior lot line, eaves, steps, open porches (not including screened porches) and porte cocheres, shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portions of such exceptions to be located nearer than 5 feet to an interior lot line.

E. No structure of a temporary type, trailer, shack, garage, apartment, born or other out buildings shall be used, at any time as a residence, whether temporarily or permanently except that a garage apartment or out house or living quarters may be occupied by domestic servants actually employed by the occupants of the main dwelling.

BK# 603

F. No obnoxious or offensive establishments shall be carried on upon any lots nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood and no live stock or poultry shall be permitted to be kept on any of the said lots. Neither shall anything be used or operated on the premises, that causes unusual interference with reception of radio, television, etc. No fences of any kind shall be erected on any portion of the premises from the front lot line to the front sill line of the main building on any of the said lots. Any fence erected on any interior lot line of said lots shall be attractive in appearance and no higher than five feet. No hedge or shrubbery shall be placed or allowed on any of said lots along any street that would in any way obstruct a proper view of streets when approaching intersections. Nothing shall be constructed on any of the lots that conflicts with the Civil Aeronautics Administration regulations regarding Gulfport Municipal Airport Air Lanes. No advertising sign or bill board shall be placed or allowed on any of the lots except that the owner may place or authorize to be placed thereon sign, advertising such lot for sale, no larger than 18 inches by 36 inches, and the lower part of part of which shall be no higher than 4 feet above the ground.

G. Easements for installation of and maintenance and drainage are reserved over the rear 5 feet of each lot as well as for present existing facilities.

H. All residences and out houses occupied by human beings and/or served with water shall be connected to the sanitary sewerage system for disposal of all water and refuse except such refuse as is ordinarily termed garbage and disposed of as such.

I. No building shall be moved on to any of said lots from any other place where same was constructed or erected or where same has been placed; on the other hand all buildings on said lots shall be wholly constructed on such lots excepting, of course, the usual portion thereof that are ordinarily constructed and built, such as mill work, etc., off the premises. It being the intention hereof to prevent moving second hand or new buildings on to a lot and remodeling or reworking same into some desired type or shape building. No building shall be placed or erected on any building lot until the building plans, specifications and plot plan showing the location of such building has been submitted and approved in writing, as to conformity and harmony of the exterior and interior design and construction with the existing structures in the subdivision (and same must at least conform to minimum FHA requirements as of March 1st, 1950) and as to location of the building with respect to topography and finished ground elevation, by the building inspector of the City of Gulfport or such other department or agency set up by the City as successor to the duties of such inspector. In the event said building inspector or his designated successor fails to approve or disapprove such design and location within thirty days after said plans have been submitted to him such approval will not be required provided same be not done within ten days after written notice of such failure and demand that same be done within ten days from said written notice; then in such event this covenant will be deemed to have been fully complied with. Appeal from any decision of the building inspector or his successor may be taken to the Board of Commissioners of Gulfport, Mississippi, by means of a written bill of particulars which shall be heard and considered when presented. Above shall not be construed to prevent the setting up and

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constructing new pre-fabricated houses when same have been approved by the building inspector as above provided for other type houses.

Witness the signature and seal of the City of Gulfport, Mississippi by its Mayor and City Clerk on this the 28th day of May, 1954.

THE CITY OF GULFPORT, MISSISSIPPI

BY: /s/ R. B. MEADOWS, JR.
Mayor

ATTEST:

/s/ R. H. WASHINGTON Jr.

City Clerk

(SEAL)

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me the undersigned authority in and for above said county and state this day personally appeared, R. B. Meadows, Jr., Mayor and R. H. Washington, Jr., City Clerk, who each in my presence acknowledged that they signed, sealed and delivered the above and foregoing instrument on the day, month and year therein shown as the act and deed and for an on behalf of the City of Gulfport, Mississippi, and for all purposes therein stated.

Witness my signature and seal of my office on this the 28th day of May, 1954.

/s/ ELAINE HOLLEY
Notary Public

(SEAL)

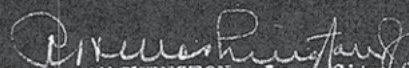
My commission expires: 6-17-54

STATE OF MISSISSIPPI

COUNTY OF HARRISON

I, R. H. Washington, Jr., City Clerk of the City of Gulfport, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of the reservations, restrictions and covenants adopted and attached to the resurvey of Block 56, Gulfport Bayou View Subdivision, as appears of record in Minute Book No. 31 at pages 428 to 430, inclusive, and as recorded in the office of the Chancery Clerk of Harrison County, Mississippi, Record of Deeds No. 382 on pages 207-9, and now on file in the City Hall of the City of Gulfport, Mississippi.

Witness my signature and the Seal of the City of Gulfport, Mississippi, this the 25th day of May, 1956.


R. H. WASHINGTON, Jr., City Clerk,
City of Gulfport, Mississippi.

(Seal)

BR # 623

45-11-12

RESOLUTION RECOGNIZING ERROR IN
EXECUTING RESTRICTIVE COVENANTS
AS TO BLOCK 50 GULFPORT BAYOU
VIEW SUBDIVISION

Whereas Gulfport Bayou View Subdivision as originally platted and developed by the City of Gulfport, was subject to various covenants, restrictions, conditions and reservations as set up in covenant declaration executed on March 16, 1950 by the Mayor and City Clerk of the City of Gulfport, Mississippi as same appears of record in Book 329 at pages 485-6 of the Deed Records of Harrison County, Mississippi; and

Whereas Gulfport Bayou View Subdivision as originally dedicated and platted contained among others, a Block designated as Block 56 which at that time contained no division into individual lots, and also contained a Block designated as Block 50 which likewise was not divided into individual lots, which Block 50 contained many acres and was a description used to identify large areas of the land of Gulfport Bayou View Subdivision which were not at the time of original dedication designated as residential lots; and

Whereas in the original covenant declaration of March 16, 1950 as aforesaid specifically excluded Blocks 50 and 56 as well as other areas of the subdivision from the force and effect of such covenant declaration; and

Whereas the City of Gulfport, Mississippi on May 28, 1954 did plat Block 56 of Gulfport Bayou View Subdivision into residential lots by plat filed in Book 18 at page 33 of the Plat Book of Harrison County, Mississippi; and

Whereas in connection with said Resurvey of Block 56 the City of Gulfport, Mississippi on May 27, 1954 adopted a resolution as same appears in City of Gulfport Minute Book 31 at page 427-30 which resolution

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dealt with the Resurvey of Block 56 of Gulfport Bayou View Subdivision and among other things adopted and set out in detail certain covenants, restrictions, conditions and reservations all under the heading of COVENANTS, BLOCK 56, Gulfport Bayou View Subdivision; and

Whereas in drafting the covenant declaration in furtherance of the said resolution of May 27, 1954, the covenant declaration did not recite that it applied only to Block 56 and leaves the erroneous impression that the residential restrictions as contained therein apply to all of Gulfport Bayou View including Block 50, the said subsequent erroneous covenant declaration bears the date May 28, 1954 and appears of record in Book 382 at pages 207-09 of the Deed Records of Harrison County, Mississippi; and

Whereas it has not been the intention of the City of Gulfport, Mississippi to limit Block 50 of Gulfport Bayou View Subdivision to residential use, but rather Block 50, or substantial portions thereof, have been zoned for various commercial or non-residential use and the City of Gulfport, Mississippi has in selling portions of said Block 50 imposed use restrictions on said land clearly of a non-residential type; and

Whereas it is the intention and desire of the City of Gulfport to recognize the error in not excluding Block 50 from the force and application of the covenant declaration of May 28, 1954 as aforesaid.

Now therefore be it resolved by the Mayor and Commissioners of the City of Gulfport that error is recognized in that the covenant declaration of May 28, 1954 as appears of record in Book 382 at pages 207-09 are limited in their application to Block 56 of Gulfport Bayou View Subdivision and specifically said covenant declaration and the covenants, restrictions, conditions and reservations have no force and application as to Block 50 of Gulfport Bayou View Subdivision.

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In order that this recognition of error might have full application, the City Clerk is hereby directed to prepare and file a certified copy of this resolution in the Harrison County, Mississippi land records.

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STATE OF MISSISSIPPI
COUNTY OF HARRISON

I, J. H. McMANUS, City Clerk of the City of Gulfport, Mississippi, do hereby certify that the foregoing is a true and correct copy of resolution adopting restrictive covenants applicable only to Block 56 of Gulfport Bayou View Subdivision duly adopted May 27th, 1954 as the same appears of record in Minute Book 31 at page 427 of the minutes of the City of Gulfport in my care and custody and do further certify that there is attached to the said covenants a true and correct copy of resolution clarifying the said restrictive covenants to show that said restrictive covenants are applicable only to the said Block 56, Gulfport Bayou View Subdivision, the said resolution of clarification having been duly adopted by the Mayor and Board of Commissioners of the City of Gulfport on the 2nd day of January, 1968 as the same appears in the said minutes of the City of Gulfport, Mississippi.

Certified this the 17th day of January, 1968.

J. H. McManus
J. H. McMANUS
City Clerk



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Filing .05
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Certificate .50
Indexing 3.05
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SHAUGHNESSY PTO. CO.

STATE OF MISSISSIPPI, COUNTY OF HARRISON:
I, C. J. Darby, Clerk of the Chancery Court of said County and State, certify that the instrument of which the foregoing is a record was delivered to me to be recorded at 1:30 o'clock 8 M. on the 19 day of Jan, 1968 and recorded Jan. 20, 1968

C. J. Darby, Clerk,
By Pauline Smith D. C.

OK#603