

**THE GRAND BAHAMA PORT AUTHORITY, LIMITED
BUILDING & DEVELOPMENT DEPARTMENT**



RESTRICTIVE COVENANTS

BAHAMIA (TC)

Bahamia Tourist Commercial

RESTRICTIONS AND STIPULATIONS

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

1. **USE.** No business or undertaking of any kind shall be carried on on any part of the said hereditaments nor shall any building be constructed or erected thereon or used for any purposes other than the construction and operation of a hotel or hotels an apartment or apartments and/or residential housing. For the foregoing purposes:
 - (a) the construction and operation of a hotel or hotels include as part of a hotel operation but not otherwise
 - (i) usual hotel services such as shops (but only as an integral part of the hotel building itself) tennis courts swimming pools beach clubs night clubs garages restaurants bars and other entertainment and recreational facilities and
 - (ii) everything necessary or incidental thereto other than and except any industrial or manufacturing operation and any industrial or manufacturing business; and
 - (b) the construction and operation of an apartment or apartments and/or residential housing include everything necessary or incidental thereto other than and except any industrial or manufacturing operation any industrial or manufacturing business and any business for the purposes of or involving the sale or provision (either wholesale or retail) of any goods or merchandise of any kind or service. Provided that nothing in the foregoing shall prevent any one room in the private residence of a doctor who is for the time being licensed by the Vendor to practice medicine thereat from time being used for the purpose of such practice.
2. **APPROVAL OF PLANS.** No building or structure of any kind shall be built or constructed on the said hereditaments nor shall there be any alterations to any building or structure of any kind on the said hereditaments except in compliance with provisions of the Building Code, Sanitary Code, or combined Building Code and Sanitary Code, and the planning regulations for the Freeport Area as promulgated, and from time to time be amended, by the vendor and any bye-laws made under the Freeport Bye-laws Act 1965, and any amendments hereafter made to said Act.
3. **WASTE.** No earth closet or open pit toilet or cesspit of any kind shall be constructed erected or maintained on the said hereditaments.
4. **TEMPORARY BUILDINGS.** No temporary building of any kind (including any tent or trailer used for sleeping accommodation) shall be built or maintained on the said hereditaments except sheds or workshops to be used only for the works incidental to the erection of any permanent buildings thereon.
5. **ANIMALS.** No swine cows horses poultry or objectionable animals or creatures shall be kept raised or maintained on the said hereditaments provided however that dogs and cats and other usual household pets shall not be deemed to be included in the foregoing restriction.
6. **DUMPING.** No part of the said hereditaments shall be used as a dumping ground or place for the accumulation of garbage, trash or other waste matter.
7. **NUISANCE.** Nothing shall be done on any part of the said hereditaments which may be or become an injury or nuisance to the owners of adjoining land.
8. **UNLAWFUL USE.** No unlawful use shall be made of any part of the said hereditaments.

Provided Always that the said The Grand Bahama Port Authority, Limited shall in its absolute discretion have power from time to time to waive cancel or release any of the foregoing restrictions by a deed or deeds under its seal.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO

EXCEPTING AND RESERVING unto the Vendor The Grand Bahama Utility Company Limited The Grand Bahama Development Company Limited The Freeport Power Company Limited and their respective successors in title and assigns owner or owners operator or operators for the time being as the case may be of the water electricity and telephone supply and service undertakings and systems in the area and of the land and hereditaments comprised in such undertakings and systems the easements rights and privileges of laying erecting inspecting maintaining repairing replacing and renewing all such cables pipes lines conduits wires poles and other apparatus on under and over the said hereditaments as may be necessary or desirable for the purposes of furnishing and maintaining water electricity and telephone supplies and services to the said hereditaments and to the other land in the area of the property of the Vendor or their successors in title and every part thereof respectively and the furnishing and maintaining of drainage and sewerage systems and facilities therefore together with all such easements rights and privileges of entering upon excavating and breaking open the surface of the said hereditaments and otherwise may be necessary or desirable for or in connection with any of the foregoing purposes PROVIDED that if the Purchaser shall in laying out the said hereditaments for development reserve and set aside adequate convenient and suitable areas for the purpose of the exercise of the easements rights and privileges hereby excepted and reserved and the Vendor shall approve in writing such layout (such approval not to be unreasonably withheld or delayed) then such easements rights and privileges shall apply to and be exercised over such areas to set aside and not elsewhere in the said hereditaments AND PROVIDED FURTHER that the Vendor the said The Grand Bahama Utility Company Limited The Grand Bahama Development Company Limited The Freeport Power Company Limited and their respective successors in title as aforesaid shall do no unnecessary damage to any building or improvements and shall cause as little interference as possible to the development of the said hereditaments for the time being carried on in the exercise of such easements rights and privileges and shall restore and make good the surface of any part of the said hereditaments broken or excavated and any damage done to any building or improvement in any such exercise as aforesaid.

THE FOURTH SCHEDULE HEREINBEFORE REFERRED TO

1. The following private roads (each to be of a width of not less than Fifty (50) feet but otherwise as named and existing at the date hereof) for the purpose of providing access at all times inter alia to and from the airport, Freeport Harbour, the City Dump (wherever from time to time located) and the Government Road (now called Queen's Highway):

The Mall
West Sunrise Highway and East Sunrise Highway
(as far as the junction with Sea Horse Road)
West Atlantic Drive
Peel Street
Harbour Road
Lunar Boulevard
Oceanhill Boulevard
Pioneer's Way (West of The Mall)
East Atlantic Drive from The Mall to East Sunrise Highway

2. All other roads already or hereafter constructed but only for so long as the same are vested in the Vendor (hereinafter called the "Subsidiary Roads") but subject nevertheless to:
 - (a) The right (which is expressly reserved to the Vendor) of closing temporarily or permanently any Subsidiary Road (whenever constructed) if the Vendor at any time or times in its discretion thinks fit to do so;
 - (b) All rules and regulations from time to time to be made and all orders from time to time to be given by the Vendor for closing any Subsidiary Road or restricting or controlling the general traffic using the same:
 - (i) for the purpose of restricting on a gross tonnage per axle basis the hauling and/or transporting of heavy machinery equipment and supplies to certain of the Subsidiary Roads only,
 - (ii) for the purposes of repairing maintaining or extending any Subsidiary Roads;
 - (iii) for the purposes of the management and control thereof; or
 - (iv) for the orderly direction of persons and traffic using the same.

