

Silver Cove

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO

ALL THAT piece parcel or tract of land situate on the East side of Beachway Drive within the said City of Freeport on the Island of Grand Bahama as aforesaid and containing a total area of Fifty-eight and Five hundred and forty-seven thousandths (58.547) acres more or less which said piece parcel or tract of land has such position shape boundaries marks and dimensions as are shown on the diagram or plan attached to the said Conveyance and is thereon coloured Red and referred to as Parcel "E".

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

1. **USE.** No trade manufacture business professional or commercial undertaking excepting the operation of first class hotels or apartment houses may be carried out on any part of the said hereditaments nor shall any building be constructed or erected or used for any purposes other than the following namely (a) first class hotels (b) apartment house (c) the following facilities in connection with hotels namely restaurants bars marina dockage and repair facilities yacht clubs a par-3 gold course and driving range tennis clubs beach clubs and other like recreational facilities and (d) shops forming an integral part of an hotel building and of a kind carrying on trades normal and incidental to the operation of a hotel and appropriate to the type of hotel being operated but not any other shops.
2. **NUMBER OF HABITABLE ROOMS.** Not more than One Hundred (100) habitable rooms per net acre (and so in proportion for any area more or less than one acre) with appropriate outbuildings shall be built on any part of the said hereditaments. The expression "habitable rooms" shall be deemed to include all bedrooms and living areas but to exclude kitchens bathrooms and similar rooms passages and corridors. For the purpose of this paragraph the term "net acre" shall mean an acre of land laid out in plots for sale and shall not include any canals or waterways, roads or public pathways or other public rights of way.
3. **BUILDING HEIGHT.** Except with previous written consent of the Port Authority no hotel or apartment house constructed more than Eight Hundred (800) feet from mean water mark shall exceed Four (4) storeys or Forty-eight (48) feet whichever is the lesser.
4. **APPROVAL OF PLANS.** No building or structure of any kind shall be built on any part of the said hereditaments nor shall there be any alteration of any buildings or structure of any kind unless and until the exterior elevation plans and the proposed type of construction and the proposed location of such building or structures upon the land shall have been submitted to the Port Authority and approved of in writing by them. Every application to the Port Authority shall be in writing and shall be accompanied by the said exterior elevation plans and brief details of the proposed type of construction and a plot plan showing the location of such buildings or structures on the said lot of land and such plans must be prepared by a qualified professional architect and shall be delivered at or forwarded by registered post to the Registered Office of the Port Authority in the Colony. If within Thirty (30) days after the delivery of such plans and details as aforesaid to the Registered Office of the Port Authority no written objection from the Port Authority shall have been received by the owner of the land upon which it is proposed to build such buildings or structures then after serving notice on the Port Authority by registered mail and having received no reply within Seven (7) days thereafter the said plans shall be deemed to have been approved of by the Port Authority.
5. No building structure erection or improvement of any kind shall be erected constructed placed enlarged altered used occupied or suffered to remain on any part of the said hereditaments otherwise than in a safe clean and presentable condition including such appropriate landscaping as may be required by the Port Authority or otherwise than in compliance with any and all standards conditions rules regulations and byelaws from time to time
 - (1) promulgated by any competent public authority
 - (2) prescribed by the Port Authority by means of a Building Code or a Sanitary Code or a combined Building Code and Sanitary Code or by Planning Regulations for the Freeport Area
 - (3) promulgated or made by the Port Authority pursuant to an Agreement made with the Government of the Bahama Islands dated the Fourth day of August, A.D., 1955 and recorded in the said Registry in Volume 8 at pages 447 to 479 inclusive as such Agreement has been amended or

- (4) under the provisions of the Freeport Bye-Laws Act, Statutes of the Bahamas, 1965 as the same may from time to time be amended. Provided however that wherever the standards conditions rules and regulations set forth herein are of a higher standard than those promulgated by sub-paragraphs (1), (2), (3) and (4) of this paragraph the standards condition rules and regulations hereof shall apply.
6. **LICENSED CONTRACTORS/BUSINESS.** No building structure erection or improvement of any kind shall except with the previous written consent of the Port Authority be erected constructed placed enlarged or altered in any manner except by a contractor duly licensed by the Port Authority nor shall any business or enterprise be carried on on any part of the said hereditaments otherwise than by a person so licensed.
 7. **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.
 8. **WASTE.** No earth closet or open pit closed cesspit septic tank or other form of sewage disposal shall be constructed erected maintained or used on any part of the said hereditaments unless the same shall first have been approved of in writing by the Port Authority which approval may be granted subject to such restrictions and conditions as to the time during which such facility may be maintained or otherwise as the Port authority shall see fit.
 9. **TEMPORARY BUILDINGS.** No temporary building of any kind (including any tent or trailer used for sleeping accommodation) shall be built or maintained on any part of the said hereditaments except sheds or workshops to be used only for the works incidental to the erection of any permanent building thereon.
 10. **UNLAWFUL USE.** No unlawful or objectionable use shall be made of any part of the said hereditaments.
 11. **WELLS.** No well for the taking of water shall be bored dug or sunk on any part of the said hereditaments without prior permission and approval of the Port Authority in writing and then it shall not be at less distance than Fifty (50) feet from any septic tank or sewerage disposal system which may be constructed on any lot.
 12. **SIGNS.** No sign billboard hoarding or other advertising device of any kind shall be erected or displayed on any part of the said hereditaments without the express permission of the Port Authority in writing.
 13. **NUISANCE.** Nothing shall be done on any part of the said hereditaments which may be or become an annoyance or nuisance to the owners or occupiers of any adjoining or neighboring property.
 14. **SURFACE WATER.** Nothing shall be done on any part of the said hereditaments whereby the natural flow of surface water shall be increased or altered in such manner as to cause a nuisance to any adjoining or neighboring property.
 15. **ANIMALS.** No swine cows horses poultry objectionable animals or creatures shall be kept raised or maintained on any part of the said hereditaments provided always that dogs and cats in reasonable numbers per dwelling shall not be deemed to be objectionable animals. Provided Always that the Port Authority shall in its absolute discretion have power from time to time to waive, cancel or release any of the foregoing restrictions by any deed or deeds under its seal.