Enchanted Valley

BOOK 361 PAGE 935

RESTRICTIVE COVENANTS FOR REPLAT OF ENCHANTED VALLEY

KNOW ALL MEN BY THESE PRESENTS:

The Undersigned owners of a portion of Sections 28 and 33, T15S, R10E, N.M.P.M., the same being the real property now duly platted as " Replat of Enchanted Valley Subdivision,", Otero County, New Mexico, NOVEMBER 13, 1969, hereby make the following declaration as to limitations, restrictions and uses to which the lots and / or tracts constituting said subdivision may be put, hereby specifying that said declarations shall constitute covenants to run with all of the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations upon all future owners in said subdivision, this declaration of restrictions being designed for the purpose of keeping said subdivision desirable, uniform and suitable in architectural design and use as herein specified , whether or not the same are embodied in the conveyance or other instrument effecting title thereto:

1.

All tracts in the said REPLAT OF ENCHANTED VALLEY SUBDIVISION, save and except those tracts or blocks set forth in Paragraph XI, are hereby designated, "residential area". The said residential area shall be used for residential purposed only, and no business, manufacturing, commercial enterprises, public or commercial amusement, shall be conducted, operated or maintained thereon.

11.

No basement, tent, shack, garage, barn or other outbuilding shall at any time be used as a residence, temporary or permanent, now shall any residence of a temporary character be erected or permitted to remain. Contractors may use a temporary building during the course of construction. Construction, once commenced, must be completed, as to exterior, within one (1) year.

111.

No mobile homes will be permitted on Tracts 1, 2, 4 and 5 of Block 1, and Tract 3 of Block 2.

IV.

No old or second-hand buildings shall be moved on any tract in the subdivision, nor shall second-hand materials be used in the construction of any building thereon without the written consent of the Architectural Contrul Committee. No residence of any kind of what is commonly known as "boxed" of Sheet metal" construction shall be built in said tract unless the same shall be covered

upon all its outside walls with stucco, brick, stone or other veneer material.

V.

No building or fence shall be erected on any tract until plans and specifications and plot plan have been approved by the Architectural Control Committee of Enchanted Valley Subdivision. Minimum ground floor area, exclusive of porches and garages, shall not be less than six hundred (600) square feet.

VI.

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between three (3) and six (6) feet above the roadways shall be placed or permitted to remain on any corner tract within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in cases of rounded corner tract lines, from the intersection of the street property lines extended.

VII.

The Architectural Control Committee's approval or disapproval, as required in these covenants, shall be in writing. In the event the Committee or its designated representative, fails,within thirty (30) days after plans and specifications have been submitted to it, to approve or disapprove the same, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, written approval will not be required, and related covenants shall be deemed to have been fully complied with.

VIII.

No outdoor-type toilet shall be erected or maintained, and all toilets shall be located inside the principal building and shall be connected with proper septic tanks that conform with state and county health laws and regulations. Each property owner will supply his property withaa garbage can of not less than twenty (20) gallons capacity, together with cover. Garbage will be disposed of in accordance with the regulations of the State of New Mexico Department of Health or at the Village of Alamogordo community dump.

IX.

Butane tanks and water storage tanks must conform to state regulations and will be located so as not to detract from the appearance of the tract. No windmills or wind chargers will be erected on any tract.

X.

No noxious or offensive trade or activity shall be carried on upon any tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

XI.

Tracts, 1,2,4 and 5 of Block 1: Tracts 3A,3,4 and 5 of Block 2; and Tract 1 of Block 3; and Tract 1 of Block 4 may be used for business, commercial enterprises, public or commercial amusement. Provided, however, that no noxious or offensive trade or activities shall be conducted thereon, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

XII.

No junk cars or vehicles shall be kept on any tract. Any unregistered vehicle may be designated as a junk car. In no event shall any commercial or residential tract be used for a wrecking yard.

XIII.

The subdividers, and every person hereafter having any right, title or interest in any tract in the said subdivision, shall have the right to prevent or stop violation of any of the said restrictions by injunction or other lawful procedure and to recover any damages resulting from such violation of any of the said restrictions.

XIV.

These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until twenty (20) years from the date of the filing of these covenants, at which time, the covenants shall be automatically continued in force for successive periods of ten (10) years each unless discontinued or amended at the end of the first of any subsequent ten-year period by a vote of fifty-one (51) per cent or more of the property owners. Record owners of the tracts shall be entitled to one vote for each tract as shown on the recorded replat. Any owner who desires to call an election for the purpose of suspending or amending all or any part of these protective covenants and restrictions after twenty (20) years from the date of filing thereof, in accordance with the foregoing provisions, shall request such election by written notification to the subdivider and all record owners of tracts within the subdivision at least one year before the expiration of the first or any subsequent ten-year period.

XV.

Failure to enforce any restriction, condition, covenants or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto.

In the event any covenant or condition or restriction hereinabove contained, or any portion thereof, is invalid or void, such invalidity or voidness shall in no way effect any of the other covenants, conditions or restrictions which shall remain in full force and effect.

IN WITNESS WHEREOF, we have set our hands and seals this 8th DAY OF NOVEMBER, 1969.

Roger C. Anderson Melvin Rankin
Sandra S. Anderson Lillie A. Rankin
Valton Hall Marjorie Weber Hall

STATE OF NEW MEXICO)
SS
COUNTY OF LINCOLN)

The foregoing instrument was acknowledged before me this 8th, 1969 by Valton Hall and Marjorie Weber Hall, his wife.

My commission expires: Feb. 6, 1971

Lucille Smith
Notary Public

STATE OF NEW MEXICO)
SS
COUNTY OF LINCOLN)

The foregoing instrument was acknowledged before me this 8th, 1969 by Melvin Rankin and Lillie A. Rankin, his wife.

My commission expires: Feb. 6, 1971

Lucille Smith
Notary Public

STATE OF NEW MEXICO)
SS
COUNTY OF Otero)

The foregoing instrument was acknowledged before me this Nov. 8, 1969, 1969 by Roger C. Anderson and Sandra S. Anderson, his wife.

My commission Expires: 10-17-70

Elsie Mae Morgan
Notary Public

STATE OF NEW MEXICO, County of Otero, ss, I hereby certify that this instrument was filed for record on the 14th day of Nov. 1969 at 8:15 o'clock P. M. and duly recorded in Book 361 page 935-38 of the records of said county. Ruth Roberts County Clerk. By Elizabeth Vent Deputy

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