

BOOK 588 PAGE 615

RESTRICTIVE COVENANTS

OF

REPLAT OF LA LUZ WEST, UNIT 1

OTERO COUNTY, NEW MEXICO

OTERO MILLS INC. SUCCESSOR ENTITY being the owner of all the following described land situated within Otero County, State of New Mexico, to wit:

All of Lots 1, 2, 6, 7, 8 and 9, and a part of
Lots 3 and 5, Block 3, La Luz West Unit 1,
Otero County, New Mexico.

1. ARCHITECTURAL CONTROL COMMITTEE. All plans for the construction of private roads and driveways and all building plans for any building, fence, corral, wall, or structure to be erected upon any lot and the proposed location thereupon any lot, and any changes after approval of any remodeling, reconstruction, alteration, or addition to any building, road, driveway, or other structure upon any lot in such premises shall require the approval in writing of the Architectural Control Committee as to the quality of workmanship, material, harmony of external design with existing structures or planned structures which have been previously approved by the Architectural Control Committee within the subdivision and for approval as to location with respect to lot lines, topography, and finish grade elevations and roadways. The Architectural Control Committee shall be composed of C. J. Dugan, and his appointees.

2. RESIDENTIAL USE (Lots 5 through 14) Such lot and each and every one thereof are for single family residential purpose only. All residences shall be new, of permanent type and quality. No improvement or structure whatsoever, other than the first class private dwelling house, patio walls, swimming pool, corrals, garage, and customary out-buildings may be erected, placed, or maintained on any lot. One lot as shown on said subdivision map shall be the minimum building area upon which a single family residence and the usual out-buildings may be constructed. One or more lots may be utilized as a single building plot.

Front "Set-back"; from the front property line to be twenty-five (25) feet, to any building stem wall or slab.

Side "Set-Back"; from the side property line to be a minimum of five (5) feet, to any building stem wall or slab.

Rear "Set-Back"; from the property line shall be a minimum of twenty (20) feet to any building stem wall or slab.

Corner Lot Restrictions: fences on front or side of any corner lot shall not exceed three (3) feet in height at property line on the front corner, and not over three (3) feet in height for a minimum of twenty-five (25) feet on the front and street side of a corner lot. Note: This height restriction applies to hedges and or vine covered net wire fences.

Building elevation above street centerline grade shall be a minimum of (1) foot to slab or top of stem walls.

3. MAIN RESIDENCE AREA. The ground floor area of the main building shall not contain less than 1200 square feet of air conditioned floor area, and the ground floor area shall contain a minimum of 1600 square feet under roof (exterior wall measure) or a substantial equivalent. No residence shall be more than two (2) stories in height above the ground.

4. COMMERCIAL USE (Lots 1 through 4). Normal commercial establishments are permitted, provided prior approval of any commercial establishment is obtained from the Architectural Control Committee.

The front "Set-Back" is to be the same as set forth in residential use. However, no side or rear set-backs are required.

Accessory buildings and uses customarily incident to the uses permitted shall be allowed.

A free or open space is required for parking, in the ratio of 2 square feet of open space to 1 square foot of building area.

Total building height of commercial buildings shall not exceed two (2) stories.

5. CONSTRUCTION (Residential and Commercial). When the construction of any building has begun, work thereupon must be prosecuted diligently and must be completed within a reasonable time. No shacks or temporary buildings shall be permitted upon any lot. A trailer or temporary storage may be used during the period of construction. In no event shall any trailer or temporary storage structure be left on the land after the construction is completed.

6. WALLING AND ANTENNAE. All garbage cans, equipment, wood piles, or storage piles shall be walled in to conceal them from the view of neighboring lots, roads, or streets. Plans for enclosures of this nature must be approved by the Architectural Control Committee. Television antennae may exceed the "Peak Height" of the house or building, not to exceed twenty (20) feet total height and to be located on the rear side of the building.

7. ANIMALS. The owner or lawful possessor of any lands shall be permitted to maintain horses upon the premises for recreational and pleasure purposes only; and dogs, cats, domestic fowl, cattle, and sheep may be maintained upon said premises for household, residential, and non-commercial uses only. All domestic animals, horses, cattle, sheep and fowl shall be properly fenced, and placed on the rear half of any lot and properly housed and maintained so not to create offensive or obnoxious nuisances.

8. NUISANCES. No lots shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept out upon any lot that would emit foul or obnoxious odors or that would cause noise that will or might disturb the peace, quiet, and comfort or serenity of the occupants of surrounding property or would otherwise frustrate or impede the general plan of development expressed in the covenant establishing the Architectural Control Committee.

9. FILLING AND REMOVING. The elevation of a lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots. No rock, gravel, or earth shall be excavated or removed from any property for commercial purposes.

10. SEWAGE FACILITIES. Outhouses and cesspools are strictly prohibited. All sewage facilities shall consist of septic tanks which shall be located and constructed only in accordance with the rules and regulations of those governmental agencies having jurisdiction over the construction of sewage facilities.

11. DIVISION OF LOTS. No single lot or tract as shown on the subdivision map shall be resubdivided.

12. DURATION OF RESTRICTIVE COVENANTS. The restrictive covenants herein shall remain in full force and effect for a period of twenty (20) years from the date these covenants are recorded. Said restrictions shall hereafter continue for successive twenty year (20) periods except that at any time such restrictions may be amended in whole or in part, by the owners of three-fourths (3/4) or more of the acreage within said subdivision. Provided, however, if such terms or succession of terms shall violate the rule against perpetuities, then in that event such terms shall be reduced to that period of time which shall comply with such rule.

IN WITNESS WHEREOF, OTERO MILLS INC. SUCCESSOR ENTITY has caused this instrument to be executed by its authorized officer and its corporate seal to be hereunto affixed this 12th day of December, 1985.

OTERO MILLS INC. SUCCESSOR ENTITY

C. J. Dugan
C. J. Dugan

ACKNOWLEDGEMENT

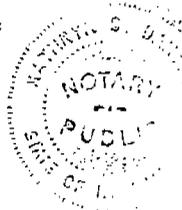
STATE OF NEW MEXICO)
COUNTY OF OTERO) SS

On this 12th day of December, 1985, before me personally appeared C. J. Dugan, known to me to be the person who executed the foregoing instrument, and he acknowledged that he executed said instrument as his free act and deed.

Witness my hand and seal on this day and year last written above.

Anthony J. Daniel, NOTARY PUBLIC

My commission expires: February 1, 1988



STATE OF NEW MEXICO)
OTERO COUNTY) SS
FILED FOR RECORD IN MY OFFICE
This Day of Dec, 1985
At 3:30 o'clock P.M. and duly recorded
in Book No. _____ Page _____ of _____
the records of Otero County, New Mexico
Clarence C. G. ...
County Clerk, Otero County, New Mexico
...

#8266