

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING MORE THAN FIVE (5) PARCELS.

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Otero County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You must investigate the availability of such permits before you purchase, lease or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.

1. **NAME OF THE SUBDIVISION:** Shadow Glen Park, LLC

2. **NAME AND ADDRESS OF THE SUBDIVIDER:**

Name of Subdivider: Shadow Glen Park, LLC

Address: C/O P. O. Box 517
Street Address or P.O.Box

Cloudcroft New Mexico 88317
City State Zip Code

3. **NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING, OR OTHER CONVEYANCE IN NEW MEXICO**

Name: Prentice Blanscett

Address: P.O.Box 517
Street Address or P.O. Box

Cloudcroft NewMexico 88317
City State Zip Code

Telephone Number(s): 505-682-4555 / 687-3281

4. **SIZE OF SUBDIVISION, BOTH PRESENT AND ANTICIPATED**

Present Anticipated

Number of parcels: 2 Number of Parcels: 17

Number of Acres: 13.403 Number of Acres: 13.403

5. **SIZE (IN ACRES) OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION:**

1.065Acres

6. **SIZE (IN ACRES) OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR OTHER CONVEYANCES WITHIN THE SUBDIVISION:**

0.750 ACRES

7. **PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEY -ANCES:**

Lowest dollar amount: \$15,000.00 Parcel size (in acres): 0.750 ACRES

Highest dollar amount: \$21,300.00 Parcel size (in acres): 1.065 ACRES

8. **FINANCING TERMS**

Is owner financing available? YES NO

If yes, please provide any information required by the Truth in Lending Act and Regulation Z: N/A

9. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING LEGAL TITLE:

Name: Shadow Glen Park, LLC

Address: P.O. Box 517

<u>Cloudcroft</u>	<u>New Mexico</u>	<u>88317</u>
City	State	Zip Code

Partners: Prentice and Sally G. Blanscett, General Partners P.O. Box 517 Cloudcroft , NM 88317 and Mary E. Quirk Trust, 1036 S. Collier Blvd. Apt 804 Marco Island FL 34145

NOTE: If any of the holders of legal title named above is a corporation of partnership, list the names and addresses of all officers of that corporation and/or partnership, including designation of managing partner.

10. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING EQUITABLE TITLE (IF DIFFERENT FROM ANSWER IN QUESTION 9):

Name: N/A

Address: N/A

Street Address or P.O. Box		
<u>N/A</u>		
City	State	Zip Code

NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION OR PARTNERSHIP, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION AND/OR PARTNERS IN THE PARTNERSHIP, INCLUDING DESIGNATION OF MANAGING PARTNER.

11. CONDITION OF TITLE

Include at least the following information where applicable:

Number of mortgages: none

Name and addresses of each mortgagee: none
none

Balance owing and summary of release provisions for each mortgage: n/a

Number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser: None

Name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser: NA

Balance owing on each real estate contract:
NA

Summary of default and release provisions of each real estate contract: N/A
Statement of any other encumbrances on the land:
NA

Statement of any other conditions relevant to the state of title:
NA

12. STATEMENTS OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

State here all deed and plat restrictions affecting the subdivided land: See protective covenants

Are there restrictive covenants for this subdivision? Yes No
If yes, attach copy of restrictive covenants to this disclosure statement.

13. ESCROW AGENT

Has an escrow agent been assigned? Yes No
If answer is yes, answer the rest of this question, if answer is No skip to Question 14.

Name of escrow agent: Casa Y Tierra Title- Mary Pieper- Mary Saldano

Address: 2420 N. Whitesands Blvd., Alamogordo, NM 88310
Street Address or P.O. Box

Statement of whether or not the subdivider has any interest in or financial ties to the escrow agent:
None

14. UTILITIES

Name of entity providing electricity: Otero County Electric Cooperative, Inc

Please describe availability of electric service. Is electric service available to each parcel in the subdivision? If electric service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: all

Electric utilities are: above ground below ground

Who is responsible for providing electric service to individual parcels?

Subdivider Purchaser/ Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of electric service:
Coop will allow \$1950 credit toward installation. Beyond that cost, Purchaser is responsible.

Gas service: Propane Natural

If natural gas is available, name of entity providing services: NA

Is natural gas service available to each parcel in the subdivision? If gas service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: N/A

Gas utilities are: above ground below ground

Who is responsible for providing gas service (either natural or propane) to individual parcels?

Subdivider Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of gas service:
Initial set-up cost with 250 or 500 gallon propane tank is about \$200 with previously installed plumbing from house to tank, plus \$60/yr lease and cost of propane.

Water: Well Shared Well Community System

Who is responsible for providing water service to individual parcels?

Twin Forks Mutual Domestic Water Consumers Association

If water is to be provided by well or shared well, complete Section 18 of this form.
If water is provided by a community system, complete Section 17 of this form.

Is telephone service available to this subdivision? Yes No

Name of entity providing telephone service: Penasco Valley Telephone Cooperative, Inc.

Please describe availability of telephone service. Is telephone service available to each parcel in the subdivision? If telephone service is available to some but not all parcels in the subdivision, please state which parcels it will be available to:
PVT Coop can provide service, including internet service, and telephone to all tracts in this subdivision.

Who is responsible for providing telephone service to individual parcels?

Subdivider Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of telephone service: \$100.00 to \$500.00

Telephone utilities are: above-ground below-ground

Method of liquid waste disposal: Septic tank Community system

Who is responsible for providing liquid waste disposal service to the individual parcels?

Subdivider Purchaser/Lessee

Complete Section 24 of this form.

15. INSTALLATION OF UTILITIES

Please state whether the following utilities are currently available to the subdivision (this question does not include availability to individual parcels). If not available at this time, state the date of installation of each utility.

Electricity: Now available
 Date to be installed: At customer request

Natural Gas: Now available
 Date to be installed: _____

Water: Now available
 Date to be installed: On demand. Twin Forks Water Association will provide.

Telephone Now available
 Date to be installed: At customers request and expense.

Liquid Waste Disposal: Now available
 Date to be installed: Purchaser's responsibility and expense.

Other: Now available
 Date to be installed: NA

16. WATER AVAILABILITY

Describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses: Twin Forks Mutual Domestic Water Consumers Association (TFMDWCA) has stated they can and will provide the water required at full development, estimated peak at 5.1 acre-feet per year.

Describe the availability and sources of water to meet the subdivision's maximum annual water requirements: TFMDWCA will provide water to subdivision.

Describe the means of water delivery within the subdivision: 2" distribution line will provide water to a meter on each lot.

Describe any limitations and restrictions on water use in the subdivision: Item No. 17 of the Restrictive Covenants restricts landscaped area and mandates the use of low flow devices and is summarized below.

Summarize the provisions of any covenants or other restrictions requiring the use in the subdivision: Property owners are encouraged to practice water conservation measures and are restricted to using low flow devices (e.g. maximum flow rates: 1.6 gal/flush toilets, 2.5 gpm showerheads, 2.0 gpm faucets) and having no more than 800 ft² total irrigated area. The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible.

Describe what measures, if any will be employed to monitor or restrict water use in the subdivision: The above maximum value equates to 254 gallons of use per dwelling unit every day or approximately 8,000 gallons each month from every parcel. Actual use will probably be substantially less and most likely be around fifty percent of this value on a yearly average with full development, based on empirical data from metered use. If a purchaser were to actually consume the peak value in any given month it would be 3,500 gallons above the Tier 1 rate (\$36 = 4,500 gal X \$0.008/gal) and would be at the Tier 2 rate (\$0.10), for a total water bill of about \$390 for the monthly usage. Water conservation is not only encouraged but it would be fiscally responsible to monitor monthly usage.

17. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

Name and address of entity providing water: Twin Forks Mutual Domestic Water Consumers Association, Cloudcroft, New Mexico.

Source of water and means of delivery: Two inch PVC distribution lines installed to the edge of each parcel with service line and meter installed at time of building construction.

Summary of any legal restrictions on either indoor or outdoor usage: Low flow fixtures are required to be installed and irrigated landscape is limited to 800 square feet of area (Refer to Restrictive Covenants). Generally, Mutual Domestic Water Consumers Associations, particularly in mountainous areas, are more likely than municipal-owned

water utilities installed in more gradual terrain to be subjected to temporary contamination resulting from natural causes (e.g. flooding), interruption of service, or temporary moratoriums on expansion. For specific history on the Twin Forks Mutual Domestic Water Consumers Association or to check for the existence of current restrictions or administrative orders, Purchaser/Lessee is encouraged to contact the Drinking Water Bureau of the New Mexico Environment Department, Ruidoso Field Office, 1216 Mechem, Ruidoso, NM 88345, (505) 258-3272. Twin Forks Mutual Domestic Water Consumers Association has stated it is a long established water utility provider dedicated to providing quality water in sufficient quantity to its members.

Statement that individual wells are prohibited, if such is the case: Shadow Glen Park, while provided water from a public water system, prohibits individual and/or shared wells.

18. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

State whether wells will be provided by the subdivider or by the prospective purchaser/lessee: _____

If wells are provided by purchaser/lessee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities: _____

If wells are provided by the subdivider state the cost, if any, to the purchaser/lessee/conveyee: _____

Summary of legal restrictions on either indoor or outdoor usage: _____

Average depth to groundwater and the minimum and maximum well depths to be reasonably expected: _____

Recommended total depth of well: _____

Estimated yield in gallons per minute of wells completed to recommended total depth: _____

19. LIFE EXPECTANCY OF WATER SUPPLY

State the life expectancy of each source of water supply for the subdivision under full development of the subdivision: Life expectancy of a properly drilled well is more than 50 years. The life of any particular well cannot be accurately predicted.

20. SURFACE WATER*

***Not applicable where subdivider intends to provide water for domestic use.**

Provide a detailed statement of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject:

N/A

21. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY

Include here the approval summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

Whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses: Negative opinion at this time, See Appendix C, pages 80-118

Whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality: Subdivider has met Section C.3.E, Appendix C, Otero County Subdivision Regulations

22. WATER QUALITY

Describe the quality of water in the subdivision available for human consumption: Twin Forks Mutual Domestic Water Consumers Association regularly tests water intended for potable use and follows guidelines established by the New Mexico Environment Department.

Describe any quality that would make the water unsuitable for use within the subdivision:
None Known

State each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the name of the element, compound or standard that has exceeded that parameter:

None Known

23. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION OF WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether or not the subdivision can furnish water of an acceptable quality for human consumption and measures to protect the water supply for contamination in conformity with state regulations:

Negative opinion at this time, See Appendix C, Pages 79-117

() Responsibility of Subdivider

If purchaser/lessee is responsible for solid waste disposal, please state the address of the nearest convenience center or approved landfill and its distance in miles from the subdivision and/or the location of the nearest dumpster if a collection system is in use: Nearest Landfill is located approximately 59 miles from Shadow Glen Park. It is the Lot owners' responsibility to dispose of solid waste. Individual waste contractors and convenience centers are available.

If subdivider is providing solid waste disposal, please describe the method or system to be used and the location of the landfill to be used: Owner of lot will be responsible for removal of solid waste

27. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Include here the approval summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations: It appears there are enough Solid Waste Facilities and/or Waste Contractors, provided all such Facilities and Contractors are registered/permitted by the State of New Mexico, to fulfill the requirements of the Subdivision in conformity with the Solid Waste Regulations of the State of New Mexico.

Whether or not the subdivider can fulfill the solid waste proposals made in this disclosure statement: It appears the Subdivider can fulfill the Solid Waste Disposal proposal made in the Disclosure Statement by thoroughly and effectively informing the prospective Purchasers/Lesseees of the preceeding New Mexico Environment Department statements in the preceeding paragraph.

Whether or not the subdivider's proposal for solid waste disposal conforms to the County's solid waste disposal regulations: Insofar as Otero County's Solid Waste Disposal Regulations conform to those of the State of New Mexico, it appears the Subdivider's proposal for Solid Waste Disposal conforms to those County Regulations.

28. TERRAIN MANAGEMENT

Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resources Conservation Service's soil survey for Otero County: Large stones may be encountered and/or soil with a high shrink/swell potential may exist requiring foundation material to be imported at purchaser/ lessee's expense.

Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures: Purchaser is responsible for engineering challenges derived from developing the lot for Building, septic, drainage, etc.

Identify by lot and block numbers all parcels within the subdivision that are subject to flooding: No lots in Floodzone "A" FEMA FIRM panel 350044 0015A EFFECTIVE 8/1/87.

Identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%: No lots are in 8% slope or more.

Describe the surface drainage for all lots in the subdivision: Surface drainage along platted roads and lots drain to Dry Canyon Creek, then flow to James Canyon Draw through existing drainage ditches, culverts, etc.

Describe the subsurface drainage for all lots in the subdivision (as per the Natural Resources Conservation Service's soil survey for Otero county: Lots drain to the southeast along existing structure, ditches, culverts to Dry Creek, to James Canyon

Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision: No storm drainage is expected to be constructed on site by the subdivider or purchaser other than driveway culverts to maintain drainage through roadside ditches.

29. SOIL AND WATER CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approval summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:

Whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion: The soil and water conservation District is of the opinion that the Subdivider can meet and provide proper terrain management.

Whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement: Subdivider has shown the ability to provide proper terrain Management and The District has given a favorable response.

30. SUBDIVISION ACCESS

Name of town or village nearest to subdivision:
Cloudcroft

Distance in miles from nearest town to subdivision and the general route over which that distance is computed: 6 miles, begin at intersection of Wimsatt Loop and US Hwy 82 head west to Cloudcroft

Describe access roads to subdivision, including approximate width and surfacing: US Highway 82, 24 feet width- Asphalt Road, Wimsatt Loop & Extension Road and East Groesbeek Rd., 24 feet width - gravel roads

State whether or not subdivision is accessible by conventional vehicle and whether it is accessible at all times of the year; also state any weather conditions that could affect access to the subdivision and any measures that will be necessary to gain access during

these conditions: Subdivision is accessible by conventional vehicle and the property is ordinarily accessible in all seasons under most weather conditions.

Describe the width and surface of all roads within the subdivision: US Highway 82, 24 feet width- Asphalt Road, Wimsatt Loop & Extension Road and East Groesbeek Rd., 24 feet width – gravel roads

31. MAINTENANCE

Does the subdivider propose to submit the roads within the subdivision to the County for maintenance?

Yes No Approved

THIS DOES NOT GUARANTEE THAT ROADS WILL BE ACCEPTED FOR MAINTENANCE BY THE COUNTY.

For roads proposed to be privately maintained or until the county accepts roads for public maintenance, who is responsible for maintenance of the roads?

Subdivider Purchaser

State how the roads will be maintained, describe any responsibilities and obligations lot owners will have with respect to road maintenance, and describe the measures taken to make sure the maintenance of the roads takes place (include responsibilities of property owner's association, if applicable): _____

Who is responsible for maintenance of other improvements within the subdivision (water systems, parks, etc.)?

Subdivider Purchaser

State how the improvements will be maintained, describe any responsibilities and obligations lot owners will have with respect to maintenance of improvements, and describe the measures taken to make sure that maintenance of the improvements takes place (include responsibility of property owner's association, if applicable): The purchaser/ Lessee will be responsible for all their own improvements on the purchased property. The only exception being the roads which will be maintained by Otero County and the water system's maintenance by Twin Forks MDWCA.

NOTE: UNDER NEW MEXICO STATE LAW, LAND OWNERS ARE RESPONSIBLE FOR PROVIDING THEIR OWN FENCE IF THEY WANT TO KEEP LIVESTOCK OUT.

32. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approval summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

Whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations: Access to Highway 82 is already in place with Wimsatt Loop, a County maintained road.

Whether or not the subdivider can satisfy the access proposal made in this disclosure statement: Access to Highway 82 is already in place

Whether or not the subdivider's access proposals conform to the County's regulations on access: County roads are already maintained by Otero County and give access to U.S. Highway 82.

33. CONSTRUCTION GUARANTEES

Describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale: None

Describe or attach all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement: None

UNLESS THERE IS SUFFICIENT BOND, LETTER OF CREDIT OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.

34. ADVERSE OR UNUSUAL CONDITIONS

State any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy: From the Culteral Affair appendix -if archaeological artifacts (i.e. pottery sherds, flaked stone, animal bone, etc.) are discovered during earth disturbing activities, please stop work in the vicinity of the discovery and contact us immediately for advice on the best course of action.

35. RECREATIONAL FACILITIES

Describe all recreational facilities, actual and proposed in the subdivision, and state the estimated date of completion of each: No additional facilities are planned.

State whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe or attach any such bond, letter of credit or other collateral: None

36. FIRE PROTECTION



**RESTRICTIVE COVENANTS
FOR
SHADOW GLEN PARK**

The property is subject to the following restrictive covenants and grantee, by signing the deed, and in the space provided below, hereby accepts and acknowledges these restrictive Covenants, to wit:

- 1) All lots in Shadow Glen Park subdivision shall be for residential purposes only. No structure shall be erected other than single-family dwellings and reasonable structures to accommodate such dwelling shall be allowed, such as storage buildings, pump-house and detached garages.
- 2) No structures shall be erected or permitted to remain on any lot nearer than fifteen (15) feet to any lot line for the purpose of these covenants. Eaves, steps, open porches/decks shall not be considered as part of the building.
- 3) No dwelling shall be permitted on any lot having a ground square foot area less than twelve hundred (1200) square feet of heated living space, excluding porches/decks and garages.
- 4) No trailers, mobile homes, basements, tents, shacks, garages, barns or other outbuildings shall at any time be used as a residence, temporary or permanent, nor shall any residence of a temporary character be erected or permitted to remain, excluding temporary buildings or trailers used during the course of construction. Construction time shall not exceed one year from the start of construction. Site built, manufactured and doublewide homes are allowed on permanent foundation and no older than 5 years when placed on property.
- 5) No obnoxious or offensive activity shall be carried out on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. The intent herein includes but is not limited to, the harboring of any species of animal or animals in a manner that is offensive to other lot owners through unreasonable noise, vision, smell, damage or annoyance to other lot owners or their property. No large domestic animals shall be allowed (defined as horse, cow, bull, sheep, swine, or goat).
- 6) All systems, facilities and methods for the handling and disposal of refuse and garbage shall be in compliance with state and county health codes and regulations. Trash fires and incinerators will not be permitted.
- 7) All chimneys, flues, or other vents used in conjunction with open fire heating shall be equipped with spark arresters and comply with state building codes. Wood Stoves and Fireplaces are permitted. 8) The natural terrain and trees are to remain unmolested except where required for construction and access to the property and dwelling. Live trees having a diameter of ten inches or more may not be removed except where required for construction and access.
- 9) No commercial activity shall be conducted on any lot other than occupations or professions conducted by a member of a family residing upon the premises wherein such activities are not a nuisance or annoyance to the neighborhood and provided that no electrical or mechanical equipment, machinery and materials are used in a manner to create a nuisance or disturbance to the neighborhood.

10) Propane, fuel and water storage tanks must conform to state and/or county codes and must be discreetly located to minimize and preclude their intrusive characteristics upon the view of other property owners.

11) There shall be no hunting or trapping of any species or class of wildlife indigenous to or migrating thru the area. Private roads will not be used for access to the adjacent National Forest by non-residents and signs will be posted to that effect.

12) Dividing of any lot will not be permitted.

13) No lot owner shall maintain or keep on the premises more than two (2) four-wheeled vehicles which are not garaged and no inoperable equipment or motor vehicle may be kept on said premises unless said motor vehicle or equipment is garaged and out of sight. Off road use is not permitted except by owners on their own lots for maintenance purposes.

14) No signs whatsoever which are visible from neighboring property or subdivision roads shall be erected or maintained on any lot except:

a) Signs as may be required by legal proceedings;

b) During the time of construction of any residence or other improvement, one job identification sign not larger than three (3) square feet;

c) Not more than one For Sale sign; which shall not be larger than three (3) square feet;

d) One name and address sign which shall not be larger than three (3) square feet;

e) One name and address sign for an accessory building, not larger than three (3) square feet.

15) Property owners will be required to construct and maintain the volume capacity of on-lot ponds. The location and configuration of each pond is up to the property owner as long as they are installed such that the storm runoff from impervious surfaces will flow to them and have a capacity of 800 ft³ for each 5,000 ft² of impervious surface.

16) Property owners will be required to conform to New Mexico Dark Skys-Light Pollution Laws.

17) Property owners are encouraged to practice water conservation measures and are restricted to using low flow devices (e.g. maximum flow rates: 1.6 gal/flush toilets, 2.5 gpm showerheads, 2.0 gpm faucets) and having no more than 800 ft² total irrigated area. The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible. Swimming pools, hot tubs, water fountains, and decorative ponds are not considered conservative uses of water and are discouraged.

18) The drilling or use of individual and/or shared domestic wells is prohibited while Shadow Glen Park requires or utilizes a public water system (Twin Forks Mutual Domestic Water Consumers Association).

The covenants and restrictive covenants are to run with the land and shall be binding on all parties and all persons claiming under them, if the parties hereto, or The covenants and restrictive covenants are to run with the land and shall be binding on all parties and all persons claiming under them, if the parties hereto, or any of them, or their heirs and assigns, shall violate or attempt to violate any of the covenants or restrictions contained herein, it shall be lawful for the property owners, their successors or assigns, in said development or subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation, including reasonable attorney fees for bringing such action. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the others.

After five (5) years after the filing date of these restrictive covenants, they may be altered, or amended or repealed by seventy-five percent (75%) vote of the owners of a fee or the equitable title, when purchased under a contract, with each owner being entitled to one (1) vote per lot owned.

NEW MEXICO LIGHT-POLLUTION LAW

On April 6th, New Mexico Governor Gary E. Johnson signed a state-wide light-pollution bill into law. State Representative Pauline K. Gubbels introduced the Night Sky Protection Act in January in order to "regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy." Both legislative houses passed the bill by a wide margin. The law states that outdoor-lighting fixtures of more than 150 watts must be shielded, or they must be turned off between 11 p.m. and sunrise. Furthermore, after January 1, 2000, mercury-vapor lamps cannot be sold or installed.

HOUSE BILL 39

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE NIGHT SKY PROTECTION ACT; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. --This act may be cited as the "Night Sky Protection Act".

Section 2. PURPOSE. -- The purpose of the Night Sky Protection Act is to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

Section 3. DEFINITIONS. --As used in the Night Sky Protection Act:

A. "outdoor lighting fixture" means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting; and

B. "shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least fifteen degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.

Section 4. SHIELDING OF OUTDOOR LIGHT FIXTURES. -- All outdoor lighting fixtures shall be shielded, except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.

Section 5. NONCONFORMING LIGHT FIXTURES. --

A. In addition to other exemptions provided in the Night Sky Protection Act, an outdoor lighting fixture not meeting these provisions shall be allowed, if the fixture is extinguished by an automatic shutoff device between the hours of 11:00 p.m. and sunrise.

B. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.

Section 6. USE OF MERCURY VAPOR LIGHTING FIXTURES. --

No new mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000. No replacement equipment or bulbs for

Mercury vapor lighting fixtures shall be sold in the state after January 1, 2001.

Section 7. EXEMPTIONS. --

A. The following are exempt from the requirements of the Night Sky Protection Act:

(1) outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act; however, when existing lighting fixtures become inoperable, their replacements are subject to all the provisions of the Night Sky Protection Act;

(2) outdoor lighting fixtures used on land or facilities under the control of the federal government; and

(3) navigational lighting systems at airports and other lighting necessary for aircraft safety at airports.

B. The provisions of the Night Sky Protection Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Night Sky Protection Act.

Section 8. CONSTRUCTION INDUSTRIES DIVISION--

DUTIES:--The construction industries division of the regulation and licensing department shall review the outdoor lighting provisions in the uniform building codes used in New Mexico and make recommendations for appropriate changes to comply with the provisions of the Night Sky Protection Act.

