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RESTRICTIVE COVENANTS
FOR
VILLA DE LA LUZ SUBDIVISION PHASE II
LA LUZ, OTERO COUNTY, NEW MEXICO .

WHEREAS the undersigned are all legal and equitable owners of the following described real estate situated in Otero County, New Mexico to-wit:

Lots 23 through 104 of the Villa De La Luz subdivision Phase II, La Luz, Otero County, New Mexico, a subdivision of Otero County, New Mexico, and more fully shown and described in the official plat recorded in the office of the County Clerk on the 10 day of April 1973, in Book 17, Page 11-12,
and

WHEREAS said owners, hereinafter named, desire to place certain restrictions in regard to buildings and improvements thereon and to further regulate the use of said real estate in the manner hereinafter set forth,

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT the undersigned being all of the owners both legal and equitable hereby covenant, declare, and agree with all future purchasers of lots or buildings sites within the above named subdivision of Otero County, New Mexico, that the following restrictive covenants shall apply to all lots and or buildings sites within said subdivision and that all conveyances of any lot or lots in the above named subdivision which are designated as residential lots shall be subject to the following restrictions:

A. THE LOT:

1. All lots situated within the subdivision save and except Lots 28, 29, 30, 31, 56, 57, 86, 87, and 104 are hereby designated as residential lots. No lot designation may be changed without the specific approval of (1) the land development architectural board, (2) the Alamogordo City Planning Commission, and (3) the Otero County Planning Commission, which approval shall be in writing and filed in the office of the County Clerk of Otero County, before same shall be effective.

2. None of the residential lots shown by the official plot shall be further subdivided or a partial conveyance of any lot be made, except for utility and other easements.

B. RESIDENCES AND CONSTRUCTION:

1. Architectural style, landscape, and plot plans will be limited to Southwestern, Spanish or New Mexico Territorial types and must meet with the approval of the Land Development Architectural Board.

2. Only one, single family residential dwelling per lot unless prior approval of the Architectural Board is obtained in writing.

3. Minimum ground floor living area shall be 1000 square feet, exclusive of garages and porches.

4. Construction, once started, must be continued until the exterior of the home is complete. Exceptions must be approved by the Architectural Board.

5. Architectural Board will consist of the owners of the Amigos, as the subdivision owners, plus any additional member designated and appointed by the original Board, in writing, which member shall be a property owner in the subdivision.

6. One set of building plans and specifications shall be submitted to the Architectural Board for approval before construction can proceed. Said plans will be retained in the permanent files of the Architectural Board. The Board shall take action on the request within three days. The approval, with recommendations or changes noted, shall be in writing with a copy attached to the copy of the plans on file.

C. LOT STRUCTURES:

1. No temporary residential structure will be erected on any lot in the subdivision.

2. No trailers, tents, shacks, barns or other outbuildings shall be constructed or moved on a lot of the subdivision, either temporarily or permanently, except for permanent storage buildings approved in advance by the Architectural Board.

3. No wind-mills or wind-chargers shall be erected on any lot.

4. No old or secondhand buildings shall be moved on to any lot.

5. No barbed-wire fences will be allowed, nor will outdoor privies be permitted.

6. A temporary contractor's building may be used during construction of the house.

D. LANDSCAPING:

1. The landscaping scheme shall be of Southwestern, desert style, making maximum use of native cactus, plants and shrubs.

2. The removal of the natural, existing desert shrubs and plants shall be kept to a minimum.

3. Any fence to be constructed in this subdivision shall be of wood, stone, adobe or other natural materials and they shall not exceed six feet in height. The Architectural Board may give approval for installing higher fences under special or extenuating circumstances, but approval must be obtained, in writing, and filed before construction begins.

E. FACILITIES AND UTILITIES:

1. Each residence shall have facilities that meet the minimum standards of the State and/or Federal Housing Administrations property standards, or better.

2. Electrical service shall be underground from alley to residence. The service tee and meters are to be placed adjacent to the alley.

3. LPG tanks and the like will be located adjacent to the service alley and shall be boxed or covered so as not to detract from the general appearance of the properties.

4. Trash and garbage shall not accumulate on the property and the area will be kept in such a way so as not to detract from the neighborhood.

5. Outdoor lighting will be of a soft non-glare type and will be located so that small areas are lighted.

F. X ANIMALS AND LIVESTOCK:

1. No farm animals will be permitted, to be raised or boarded on the property.

2. Dogs, cats, and other household pets shall not be allowed to cause a nuisance to any property owner within the subdivision

23. No commercial enterprises involving animal or fowl will be conducted on the property.

G. ACTIVITIES:

1. No commercial activities shall be carried on upon any lot heretofore designated as a residential lot.

2. No offensive activities shall be carried on upon any lot nor shall anything be done thereon -which may be or may become a nuisance to the neighborhood and no part of said premises shall be used or occupied injuriously to affect the use, occupation, or value of the adjoining or adjacent premises for residential purposes or in the neighborhood in which such premises are situated.

3. No car, truck, or other vehicle will be abandoned on the streets or lots of the subdivision.

4. Topography of the land shall not be changed in any manner to deflect run-off water or sewage onto another lot except by written consent of the Architectural Board.

5. No owner shall permit loud or excessive noise to originate upon his land when such loud or excessive noise disturbs the quiet and peaceful enjoyment of other land owners within the subdivision.

H. ENFORCEMENT:

1. Should it be necessary to enforce any of the foregoing restrictive covenants by Court action, then and in that event, the Architectural Board shall be entitled to recover from the land owner violating said covenants, all costs incurred by said Architectural Board to enforce said covenants including the actual cost of attorneys fees incurred in any such court proceedings. The cost of enforcement when so assessed by any court of competent jurisdiction, shall become a lien against the real estate, which lien may be enforced and foreclosed in the manner provided by law.

I. COMMERCIAL LOTS:

Lots 28, 29, 30, 31, 56, 57, 86, 87, and 104 being designated as commercial shall have the following restrictions:

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1. The Architectural style shall conform to the rest of the area within the subdivision and carry out the southwestern adobe architectural theme to enhance the surrounding properties.
2. No enterprise shall be conducted or carried on, upon any commercial lot, which shall be offensive to the neighborhood or disturb the well being of the adjoining or adjacent properties.

Robert O. Godby, Jr.
ROBERT O. GODBY, JR.

Christine Godby
CHRISTINE GODBY

Albert N. Flores
ALBERT N. FLORES

Lucy W. Flores
LUCY W. FLORES

Rodolfo M. Cadena
RODOLFO M. CADENA

Virginia Cadena
VIRGINIA CADENA

STATE OF NEW MEXICO }
COUNTY OF OTERO } ss.

The foregoing Restrictive Covenants for Villa De La Luz, Subdivision, Phase II, were acknowledged before me this 10th day of April, 1973, by Robert O. Godby, Jr., and Christine Godby, his wife; by Albert N. Flores and Lucy W. Flores, his wife; and by Rodolfo M. Cadena and Virginia Cadena, his wife.

Mary Lou Garcia
Notary Public



My Commission expires:

May 4, 1975

STATE OF NEW MEXICO } ss.
OTERO COUNTY
FILED FOR RECORD IN MY OFFICE

This 10 day of April 1973

At 2:45 o'clock P.M. and duly recorded

in Book No. 397 Page 265-69

the records of Otero County, New Mexico.

Frankie Dean
County Clerk, Otero County, New Mexico

By Debra B. Hart Deputy



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