

183 318

RESTRICTIVE COVENANTS

WHEREAS, W. E. Pharris and Mary M. Pharris, his wife, and L. R. Larsen and Roberta B. Larsen, his wife, are the owners of the following described real estate in Otero County, New Mexico, to-wit:

Lots 3, 4 and 5 of Virden Resub-  
division of Lots 5 and 6 of Block  
108 of the City of Alamogordo, New  
Mexico,

AND WHEREAS, the said above mentioned property owners desire to place certain restrictions upon and against all of the lots and parcels of real property embraced within the boundaries of the above described lots, as shown upon the above mentioned plat, pertaining to the buildings, improvements and other matters thereupon;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the above mentioned property owners hereby declare and agree with all future purchasers of any and all of the lots and parcels of real estate embraced within the boundaries of Lots 3, 4 and 5 of Virden Resubdivision of Lots 5 and 6 of Block 108 of the City of Alamogordo, New Mexico, that the following restrictive covenants do hereby apply to any and all such lots and parcels of real property within the above mentioned lots of real estate and that such covenants as are hereinafter set out shall run with the land and shall be construed as real covenants; shall be binding upon the parties hereto, their heirs, executors, administrators, assigns, and all other persons claiming under them; and are hereby entered into for the benefit of any and all future owners of lots and parcels of real property embraced within the boundaries of the above mentioned lots and parcels of real estate;

(A) All lots within the boundaries of the above described area as shown by the official plat of Lots 3, 4 and 5 of Virden Resubdivision of Lots 5 and 6 of Block 108 of the City of Alamogordo, New Mexico, shall be used only for residential purposes and no buildings or other structure of any nature shall be erected, altered, placed or permitted to remain upon any of the said lots, other than one (1) detached single family dwelling not to exceed two stories in height, one (1) garage not to exceed a size suitable for housing two (2) automobiles, and such other structures and outbuildings as are commonly used as necessary incidents to the maintenance of a single family residential dwelling, all such dwelling houses, garages and other permissible structures to be erected, placed and maintained in accordance with such zoning ordinances and building codes as may be legally adopted and enforced by the appropriate legislative and governing bodies of the City of Alamogordo, County of Otero, State of New Mexico, when such ordinances and building codes may provide additional or more stringent provisions than those herein set out.

(B) No building or other permissible structure shall be located nearer than twenty-five (25) feet to nor farther than thirty (30) feet from the front lot line.

(C) No building or other permissible structure shall be located nearer than five (5) feet to an interior lot line, except that no such side yard shall be required for a garage or other permissible accessory building or structure, the front line of which building or other structure is located within the rear twenty-five percent (25%) of the lot, provided, however, that,

(D) No building or other permissible structure shall be located closer than five (5) feet to the rear lot line.

REC'D 183 320

(E) No lot shall be subdivided or in any way be reduced in area from such dimensions as are set out in the official plat of Lots 3, 4 and 5 of Virden Resubdivision of Lots 5 and 6 of Block 108 of the City of Alamogordo, New Mexico;

(F) No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done or maintained thereon which may be or become an annoyance or nuisance to the neighborhood and adjoining property owners.

(G) No building shall be erected upon any of the lots hereinabove described unless the design and location upon the lot of such building shall conform to and be in harmony with other existing structures upon other of the aforementioned lots.

(H) No single family dwelling shall be permitted on any of the said lots when said dwelling shall have a ground floor square foot area of less than one thousand (1,000) square feet in the case of a one (1) story structure, nor less than seven hundred twenty (720) square feet in the case of a one and one-half (1½) store or two (2) story structure, the areas in both events being exclusive of porches, stoops, garages, and any other independent attached structures.

(I) For the purposes of these covenants, eaves, steps and unenclosed porches and stoops shall not be considered as a part of the dwelling in applying the minimum distance requirements; provided, however, that this shall not be construed to permit any portion of a building or any structure attached thereto on any lot, to encroach upon any other lot.

(J) No structure of a temporary character, nor any trailer, basement, tent, shack, garage, barn or other outbuilding, shall be used on any of the said lots at any time as a residence either temporarily or permanently. Temporary buildings and

other structures designed for use incidental to construction work on any lot shall be permitted to be erected and maintained on such lot; provided, however, that the same shall be completely removed or destroyed immediately upon the completion or abandonment of the said construction work.

(K) No sign boards, bill boards, or other types of structures used for advertising purposes shall be at any time placed, erected, or maintained upon any lot, dwelling or other permissible structure within the said subdivision with the exception of temporary signs not exceeding six (6) square feet in area in the event of said signs pertaining to the lease, hire or sale of a building or premises; provided, however, that there shall be no more than one such sign on any one lot.

(L) These covenants and restrictions shall be binding on all parties hereto, their heirs, executors, administrators, assigns, and all persons claiming under them, until the 1st day of January, 1980, after which time they shall be automatically continued in force for successive periods of ten (10) years each, unless discontinued or amended at the end of the original period, or at the end of any of the aforesaid subsequent ten (10) year periods, by a vote of fifty-one percent (51%) or more of the then property owners as hereinafter provided. In case any vote is so taken the record owners of the said lots shall be entitled to one vote for each lot as shown on the official recorded plat.

Any person desiring to call an election as hereinabove provided for the purpose of suspending or amending all or any part of these restrictive covenants at the time or times mentioned, in accordance with the foregoing provisions, will request such election by written notification to the present owners and any and all owners of the said lots at least one (1) year before

