

Over 165747

VEGAS DE TAOS - PHASE TWO

TAOS, NEW MEXICO

165747
6-29-93
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PROTECTIVE COVENANTS AND BUILDING RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, STADEVCO, a limited partnership, is the owner of all the following described lots lying, situate and being in the Town of Taos, County of Taos, State of New Mexico, within that certain subdivision shown upon a plat entitled "VEGAS DE TAOS, PHASE TWO, TAOS COUNTY, NEW MEXICO," which said plat was filed in the Office of the County Clerk of Taos County, New Mexico on 6-11-93, 1993, in Cabinet C, No. 165381.

CLASS A: Lots 1 thru 30 both inclusive
Note: Lot 24 will remain as "open area" for landscaping, signage, and common usage. No other improvements will be allowed.
CLASS B: Lots 31 thru 42 both inclusive.

WHEREAS, the said owner, for the mutual benefit and enjoyment of prospective purchasers of said lots, desire to place thereon the following restrictions and protective covenants respecting the use and occupancy thereof,

NOW, THEREFORE, said STADEVCO, a limited partnership, hereby declares that the following restrictions and protective covenants shall apply to all of the hereinbefore described Class A and Class B lots and tracts in said subdivision, and shall be included by reference in all deeds thereto.

ARTICLE I

All of the above lots hereinbefore described shall be known as residential lots, and shall be used for the accommodation of single family purposes only.

ARTICLE II

The following restrictions and protective covenants shall be applicable to all Class A and Class B residential lots hereinbefore designated, to-wit:

Paragraph 1: Covenants Committee Powers and Duties: No building, patio wall, fence structure or improvements shall be erected, placed, or altered on any lot until the building plans, specifications and plat showing the location of such building or

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improvement shall be approved in writing by a majority of a committee composed of five (5) persons or their authorized representative, for conformity and harmony of exterior design with the existing structures in the subdivision and as to location of the building or improvements. The initial Architectural Review Committee shall be comprised of persons appointed by STADEVCO. After nine (9) homes are completed and occupied STADEVCO shall appoint five (5) members of the committee and four (4) shall be elected from the home owners. Thereafter, when twenty (20) lots are sold STADEVCO shall appoint two (2) members and seven (7) shall be elected by the lot owners. Annual meetings shall be held on the 2nd Tuesday in June to elect committee members from property owners. A quorum shall consist of a minimum of five (5) property owners (no proxies), with one vote for each lot owned. The majority of those in attendance shall have authority to elect five (5) members which will be called the Architectural Review Committee. In the case of death or refusal to further act of any member or members of said committee, the remaining member or members shall have authority to designate a successor. If the aforesaid committee or its authorized representative fails to approve or disapprove such plans, specifications and plat within thirty (30) days after the same have been submitted to it, such approval will not be required. Neither the membership of said committee or its authorized representative shall be entitled to any compensation for services performed pursuant to this covenant. Said committee shall act and serve as long as restrictive covenants are in force.

Paragraph 2: Building Type and Style: In order to achieve architectural integrity and continuity over the entire subdivision, it is imperative the Architectural or Building Review Committee of the Home Owner's Association (not incorporated and no mandatory dues) review all plans for new construction, additions and remodeling.

No manufactured or panelized homes will be permitted on any lot. No pitched roof homes will be permitted. The architectural style on all lots will be Pueblo, modified Pueblo as generally defined in the Taos area. One-story territorial.

A combination of flat roof overhangs and Pueblo style will be permitted where the overhang is desirable for solar gain or to eliminate canales on the north side.

Metal or tile roofs may be permitted only over portals and porches.

Maximum height to top parapet:

Lots 1-2-3-4-5	16' above house floor
All other lots	18' above house floor

THE STATE OF NEW MEXICO
COUNTY OF BERNALILLO
I, the undersigned, County Clerk of the County of Bernalillo, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bernalillo, New Mexico.

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All parties understand there is no intent to restrict the selection of construction materials or techniques except as regards to the finished appearance.

A licensed building contractor must be used for all new construction, remodeling and additions. Absolutely no owners may build their own homes unless they have had prior residential construction experience and four (4) of the five (5) members of the Architectural Review Committee approve the plans and the owner not using a licensed general contractor. All plumbing, heating, electrical work and roofing must be done by a licensed sub-contractor.

Only the following El Rey stucco colors, or their equivalent, will be permitted.

102 - Cameo	108 - Kokanee
111 - Driftwood	103 - Sand
106 - Buckskin	117 - Fawn
122 - Straw	119 - Palomino
118 - Suede	116 - Adobe
125 - La Luz	105 - Beige
114 - Desert Rose	115 - Cottonwood

Paragraph 2A. Outbuildings:

Class A lots: No guest house is permitted. Two structures in addition to main residence will be permitted. Any building over two hundred (200) square feet must be architecturally compatible with the main house and stuccoed to match and must be constructed of new material. No used or previously erected (moveable) panels or structures shall be used for any building, garage or storage shed.

Buildings less than two hundred (200) square feet must be screened from neighbor's views and painted or stuccoed to match the house color. No prefabricated storage sheds will be permitted.

Class B lots: In addition to the above, one (1) guest house not to exceed nine hundred (900) square feet of heated area, is permitted. No more than two (2) permanent residents may occupy the guest house. It should be located as close to the main house as feasible, preferable, to the side or rear. This guest house should be architecturally compatible with the main house with the same stucco color.

Paragraph 2B. Carports and Garages: Carports minimum inside width thirteen feet (13') will be permitted providing all gardening and maintenance tools, equipment and supplies are screened

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from the street and neighbor's views. This also applies to storage of bicycles, recreational equipment and children's toys and equipment.

On all Class A lots if a garage rather than a carport is built, the minimum inside width will be thirteen feet (13'). On all Class B lots a double garage or double carport will be provided.

Paragraph 3. Setback requirements and Building Permits: A building permit shall be secured for any improvements, addition, remodeling, walls or patios. Setback lines from front, side and rear property lines shall be reviewed with the Town of Taos Building Inspector's Office for conformance with Town ordinances and compliance with these restrictions.

Paragraph 3A. Setback Lines:

	<u>Front</u>	<u>Rear</u>	<u>Side</u>
<u>Class A lots:</u>			
1-2-3-4-5	25'	50'	15'
Lot 25	25'	20'	15'
All others	25'	30'	Minimum 10" One side Total 25' Both sides
Side Street - 20'			
<u>Class B lots:</u>			
Lots 31 thru 38 both inclusive Side Street - 25'	40'	30'	25'
Lot 39	30'	30'	25'
Lot 40 Side Street - 50'	50'	30'	25'
Lot 41	50'	30'	25'
Lot 42	70'	30'	25'

Paragraph 4. Landscaping: No portion of any lot or plot of land between the street line and the main residence shall be used

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for the planting or growing of garden vegetables and all front yard landscaping (i.e. shrubs, lawns, trees, flowers) shall be kept and maintained by the owner in good husbandlike manner.

The lot owner must budget in his building cost or contract price the amount of sixty cents (60) per square feet of heated area. This allowance is to be used in front and side yards. The developer recommends Southwest style landscaping (drought resistant trees and shrubs) native grasses, gravel, etc. A maximum of one thousand (1,000) square feet of lawn area is permitted as well as an additional five hundred (500) square feet of flower beds and/or vegetable gardens. Major trees are encouraged providing drip irrigation is used for six (6) or more trees.

The Architectural Review Committee will review and must approve the landscape plan and the developer "STADEVCO PARTNERSHIP" will contribute one hundred dollars (\$100.00) on Class A lots and one hundred fifty dollars (\$150.00) on Class B lots if this work is done by the fall of 1997.

This work is to be completed ninety (90) days after occupancy or contractor/developer reserves the right to complete the work to be paid by the owner.

Landscape Timbers. Old or new asphalt impregnated railroad ties are strictly prohibited. Green, grey or natural timbers are permitted.

Water conservation. The developer, Town of Taos and all members of the Home Owner's Association encourage water conservation primarily through the use of drip irrigation and watering when wind and temperatures are lower (early morning and evenings).

Installation of low flow fixtures and water conservation appliances is mandatory.

Paragraph 5. Noxious or offensive activity: No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood or other properties in close proximity.

Paragraph 6. Drainage retention:

Class B lots. All water runoff from roof and paved areas shall be retained on the site by impoundment in walled patios, rear yards or landscaped areas. Other runoff, from the unpaved areas, shall be retained on the site if required by the Town of Taos Public Works Department.

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Class A lots. All water from roof runoff shall be retained on the site. Side yard berms or other water retention measures are required to retain all runoff. This does not pertain to runoff from paved drive-ways which may be allowed to flow to the street.

Paragraph 7. Trailers, mobile homes, etc.: No trailer, mobile home, tent trailer, travel trailer, basement, tent, shack or garage, barn, or other outbuilding erected on any lot shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence. Said named items may be stored on the property but must be screened from adjoining property owner's view and cannot be stored between the front building setback line and the street.

Paragraph 8. Minimum size buildings: No dwelling less than twelve hundred (1,200) square feet of heated area may be constructed on Lots 7-8-9-10-12-13-14-15.

No dwelling less than thirteen hundred (1,300) square feet of heated area may be constructed on the other Class A lots 1 thru 5 both inclusive, 11 and 16 thru 23 both inclusive and lots 25-30 both inclusive.

No dwelling less than fourteen hundred (1,400) square feet of heated area may be constructed on any Class B lots 31-42 both inclusive.

Paragraph 9. Utilities and easements: The lots hereinbefore described are subject to utility easements as shown on the recorded plat, which easements may also be used for drainage purposes. No obstructions shall be placed in or across said easements without providing for proper drainage of surface waters from adjacent lots.

Paragraph 10. Commercial activity: All commercial activity is prohibited except for home occupations as defined in the Town of Taos Land Use Development Code. The following conditions must be met:

- 1.) No person outside the family occupying the premises shall be employed;
- 2.) No stock in trade may be displayed and only products resulting from the home occupation may be sold;
- 3.) Only one occupation is permitted at any one time and said occupation may not be more than forty-nine percent (49%) of the floor area of the dwelling;
- 4.) All activities shall take place entirely within the dwelling;

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- 5.) There can be no external evidence of the occupation such as commercial vehicles and outside storage of stock, materials and signs;
- 6.) The business must be licensed as required by law.

Paragraph 11. Signs and Billboards: No billboards or other advertising signs will be erected or placed on any lot or plot in said tract; no more than one (1) "For Sale, For Lease, or For Rent" sign shall be displayed upon any single lot or plot, and such sign shall not be larger than eighteen inches (18") by twenty-four inches (24"); provided, however, that during the development and sale of lots and homes in said tract or adjoining tract, the original subdividers, or their agents or assigns, may erect and display one or more larger signs as they may determine.

Paragraph 12. Fences and Walls: No fences, walls or other enclosures (hedges excluded) shall be permitted or allowed to remain on any residential lot between the street and front building line unless approved by the Architectural Committee.

Cedar wood fences and masonry walls up to six (6) feet in height will be permitted on all sides and in the rear of the property. (setback distances do not apply). Masonry or adobe walls shall be stuccoed to match the house color. A chain link fence up to one hundred feet (100') in length attached to the rear of the house may be approved to provide an enclosure for pets or a vegetable/flower garden. Screening by vines, climbing roses, shrubs, etc. is encouraged. No portion of the chain link fence may be installed on common property lines.

Paragraph 13. Solar Collectors and Evaporative Coolers: These will not be allowed on the roof or above the roof line. Screening will be required.

Paragraph 14. Service yards and trash: All clothes lines, equipment, service yards, woodpiles or storage piles shall be kept screened by adequate planting or fencing so as to conceal them from the view of neighboring tracts and streets.

All rubbish, trash, dead weeds, etc., shall be removed from all tracts and shall not be allowed to accumulate.

All weeds over twelve inches (12") high must be cut, pulled or eradicated from all front and side yards.

Inoperative vehicles or motorized equipment must be repaired or removed from the premises in forty-five (45) days.

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Paragraph 15. Antennae: No radio or television antennae shall be installed on the roof or higher than the roof line.

Paragraph 16. Mail boxes or newspaper tubes: Mail boxes or newspaper tubes will be prohibited unless the design, color and height are approved by the aforementioned committee.

Paragraph 17. Microwave or dish antennas: These shall not be permitted on any roof or in the front or sideyard visible from the street. They must be screened from view of any other lot.

Paragraph 18. Exterior lighting: All exterior lights and light standards on residential tracts shall be approved by the Architectural Committee for harmonious development and the prevention of lighting nuisances to others.

Paragraph 19. Animals and pets: No lot or plot or building thereon in said subdivision shall be used for the keeping or breeding of animals or creatures of any kind for commercial purposes, but such birds or household pets may be kept for the pleasure of the occupants of the premises where kept, and then only shall it be permissible to keep ordinary or usual species under conditions not constituting a nuisance or otherwise objectionable to other residents in the subdivision; and all yards, pens and outbuildings used in connection with the keeping of such birds and household pets shall be located only on the rear half of the respective lots, and shall be adequately screened from the street and be at all times kept and maintained in a clean and sanitary condition.

Paragraph 20. Acequia del Sur del Canon Ditch:

- 1.) Any wire fencing required by the Ditch Association will be provided and maintained by the developer or adjacent property owners;
- 2.) Adjacent property owners must not allow their family, friends, or pets to dig or play in the ditch and no debris, trash, grass clippings, leaves, branches may be dumped in the ditch;
- 3.) Access to the ditch will be available at all times;
- 4.) No Acequia water may be diverted for use by any property owner within the Vegas de Taos Phase II subdivision.

Paragraph 21. Mechanical Variance: A six (6) inch tolerance variation is by reason of mechanical variance of construction allowable for minimum distance requirements from setback lines.

APPROVED: _____
DATE: _____

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ARTICLE III

The restrictions and protective covenants herein specified shall attach to all the lots and tracts in said subdivision to which they are made applicable by the provisions hereof, and shall be covenants running with the land and be binding on the parties hereto and all persons claiming under them until 2118, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a vote of one hundred percent (100%) of the then record owners of all Class A and Class B lots it is agreed to change said covenants in whole or in part.

ARTICLE IV

If the owner or owners of any lot or tract of land of which these covenants are made applicable, or the agent, assign or representative of any such owner or owners, shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning any of the real property situate in the subdivision to which these covenants, or any of them are applicable, to prosecute any proceedings at law or in equity, including injunctive relief, against the person or persons violating or attempting to violate any such restrictions or covenants, and either prevent him or them from so doing or to recover damages or other dues from such violation.

ARTICLE V

The invalidation of any one of these covenants by judgment of Court Order shall in no way affect any of the other provisions, all of which shall remain in full force and effect.

IN WITNESS WHEREOF, STADEVCO, a limited partnership, the owners in fee of all the lands described and subdivided as VEGAS de TAOS, PHASE TWO, has executed this instrument this 15TH day of JUNE, 1993.

STADEVCO, a limited partnership

BY: Allen Stamm
Allen Stamm, General Partner

BY: C. L. Brown
C. L. Brown, General Partner

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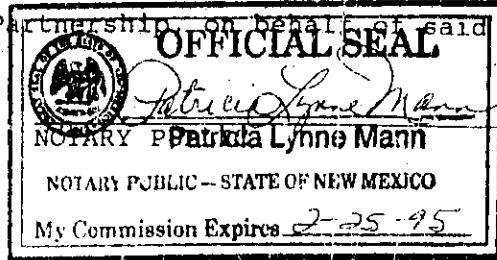
STATE OF NEW MEXICO)
COUNTY OF Santa Fe) SS.

The foregoing instrument was acknowledged before me this
15th day of June, 1993, by ALLEN STAMM, General Part-
ner of STADEVCO, a Limited Partnership, on behalf of said partner-
ship.

(SEAL)

My Commission Expires:

2-25-95



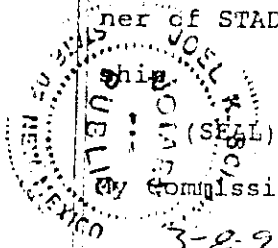
STATE OF NEW MEXICO)
COUNTY OF Taos) SS.

The foregoing instrument was acknowledged before me this
15th day of June, 1993, by C. L. BROWN, General Part-
ner of STADEVCO, a Limited Partnership, on behalf of said partner-
ship.

(SEAL)

My Commission Expires:

3-2-97



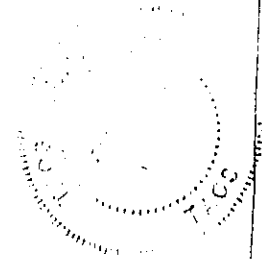
Joel K. Schenk
NOTARY PUBLIC

COUNTY OF TAOS) SS
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on 15th day of JUNE A.D.
19 1993 at 1:28 p.m.
and was duly recorded on 150-159 page 159 of the books of Taos County.

Witness my hand and Seal of Office
Carmel M. Medina
County Clerk, Taos County, N.M.

Carmel M. Medina
Deputy



CERTIFICATION
All microfilmable copies of documents on this file shall
be microfilmable copies of documents on this file shall
be microfilmable copies of documents on this file shall
be microfilmable copies of documents on this file shall
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