

NOTE: This is a copy and not an official document and is believed to be a reasonable and accurate transcription, including any typographical errors and nonstandard grammar, of the *Declaration of Covenants, Conditions and Restrictions for Sandia Mountain Ranch Subdivision Unit Two*, originally signed and notarized on October 25, 1995 and filed with the County of Bernalillo on the same day. This document also includes the amendments incorporated and voted on by the Lot Owners and filed with the County of Bernalillo on March 24, 2008. **The type shown in red below indicates the changes.** This is not an official copy and any differences between this document and the original and the amendment will be resolved in favor of the original documents only. Although somewhat similar to the SMR CC&Rs filed in other Phases, these particular CC&Rs apply only to SMR Phase 1. An attempt was made to keep the format and style of the original document intact, but not line breaks or pagination.

## **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SANDIA MOUNTAIN RANCH SUBDIVISION UNIT TWO PHASE 1**

This Declaration of Covenants, Conditions and Restrictions covers Sandia Mountain Ranch Subdivision Unit Two, a subdivision in Bernalillo County, New Mexico as shown on the Plat thereof filed in the Office of the County Clerk of Bernalillo County on this 25th day October, 1995.

The Covenants, Conditions and Restrictions are to run with the land and shall be binding upon all parties and all persons owning lots in Sandia Mountain Ranch Subdivision Unit Two.

1. **HOMEOWNERS ARCHITECTURAL CONTROL AND COVENANT ENFORCEMENT COMMITTEE.** To ensure the maintenance of the standards established by these Covenants, a committee of ~~at least three property owners will be created. The committee shall consist of three~~ persons owning real estate within the Subdivision and occupying said real estate as their principal dwelling. The first committee shall be appointed by the Developer and serve until ninety (90) percent of the lots are sold. The initial committee need not be property owners and may be replaced by the Developer at will. At the time ninety (90) percent of the lots are sold, ~~the Committee shall be elected by a majority of the Lot Owners who are present at a special meeting new members shall be elevated by the majority vote of all of the owners of property within Sandia Mountain Ranch Subdivision Unit Two~~ on a one vote per lot basis. If requested, the Homeowner Architectural Control and Covenant Control Committee may grant variances to these Covenants, where they do not violate any County or other governmental agency law or regulation, by a majority vote of Committee members.
2. It shall be lawful for any owner or owners of Sandia Mountain Ranch Subdivision Unit Two real property to prosecute any proceeding at law or in equity against any parties hereto, or their heirs or assigns who shall violate or attempt to violate any of the restrictions herein, and either prevent said violating parties from so doing, or to recover damages or other due for such violation. The restrictive covenants can be changed with a sixty-five percent or greater vote of the lot owners within Sandia Mountain Ranch Subdivision Unit Two, after the Developer has sold ninety (90) percent of the lots.
3. Invalidation of anyone of these restrictions by judgment or court order shall in no way affect any other provisions. which remain in full force and effect.
4. All lots shall be known and described as residential lots. The property is to be used for residential purposes only. No mobile homes are allowed within the subdivision.
5. No building shall be located on any lot nearer than eighty (80) feet to the right-of-way running along the front. No building shall be located on any lot nearer than twenty-five feet from any

side lot line. The subdivider retains the right to allow structures to be built closer to the right-of-way of the road on those lots where the amount of usable building space on the lot is limited. There shall be no fencing any closer than fifty feet (50) of the road right-of-way. No chain link or barbed wire fencing is allowed within the subdivision. Animal enclosures can be constructed out of chain link; however, they shall be located no closer than one hundred (100) feet from the right-of-way.

6. The heated area of the main structure on any lot, exclusive of porches and garages, shall be no less than sixteen hundred (1,600) square feet for lots fifty-four (54) through sixty-nine (69); eighteen hundred (1,800) square feet for lots fifty (50) through fifty-three (53) and lots seventy (70) through seventy-seven (77); two thousand (2,000) for lots seventy-eight (78) through eighty-one (81), eight (8) through seventeen (17) and lots forty-four (44) through forty-nine (49). The maximum building height shall be thirty-five (35) feet, exclusive of chimneys, measured from the natural ground at the highest point adjacent to the building. Higher structures are permitted with written consent of the record owners of all adjacent lots.
7. All building on all lots shall be of accepted architectural design, typical of New Mexico and the Southwest, including Pueblo, Territorial, Ranch, Adobe, and Spanish styles. Garages and outbuilding shall be approved by the Architectural Control Committee. A complete set of building plans must be submitted to and approved by the Architectural Control Committee prior to construction of any structure on any lot. A fee of one hundred twenty-five dollars (\$125.00) shall be paid at the time construction drawings, site plan, construction materials and color choices are submitted. The Architectural Control Committee will have fifteen (15) days to respond to the applicant. It is recommended that the lot owner consult with the Architectural Control Committee early in the design process to avoid any inconvenience, delays or additional costs.
8. All buildings are to be finished as to exterior within twelve (12) months from the start of construction. Prior to commencing construction, the owner must have installed necessary culverts and a minimum of fifty (50) feet of graveled driveway.

Certain lots within the subdivision have erosion control terraces constructed on them. These terraces have significant historical value. It is the responsibility of the lot owner to maintain these terraces to prevent erosion. Guidances for maintenance shall be sought from Ciudad Soil and Water Conservation district.

9. Natural vegetation will be left undisturbed, except for access to property, clearing of building sites, or establishment of lawns, gardens, and landscaped improvements within the immediate vicinity of the dwelling. To preserve water, irrigation of lawns, gardens, and patio areas shall not exceed two thousand (2,000) square feet.

Land within the drainage easement shall not be disturbed and, no dwellings or outbuildings shall be placed within the easement. Some lots have drainage easements granted by Plat and dedicated to the County of Bernalillo. These easements are restricted to drainage, flood control, conveyance of storm water, and the construction, operation, and maintenance of and access to such facilities. Except by written approval of the County Engineer, no fence, wall, building or other obstruction may be placed or maintained in said easements, and there shall be no alteration of the grades or contours in said easements. The granting of easements does not obligate the County of Bernalillo to maintain natural arroyos, drainage channels, or facilities that do not meet the standards of the County Engineer for design and construction nor is the County of Bernalillo obligated to provide protection of the property lying outside of the easements granted. Safe locations for structures built on lands adjacent to dedicated easements may be substantially

outside of the area described by the easements. Any portion of any lands, right-of-way, or easements dedicated or granted shall revert to the owner, its successors and assigns, as and to the extent said portion is declared unnecessary for flood control and drainage by the County Engineer of Bernalillo County. Vacation approval consistently with the Bernalillo County Subdivision Ordinance may be required.

10. No businesses, industrial activity, or commercial trade shall be carried out on any residential lot, nor any activity done on any lot, which may be or may become an annoyance or nuisance to the neighborhood. This provision does not prevent the conduct of arts and crafts studios, or professional offices, providing the activity does not result in frequent multiple vehicular traffic, noise, or other annoyance. Any signs within the subdivision shall be approved by the Architectural Control Committee.
11. Propane tanks and water storage tanks must conform to state regulations and shall be architecturally screened from the view of neighbors and passers-by. Propane tanks shall be buried and out of sight wherever practical.
12. Garbage cans, clothes lines, and other similar items shall be screened from the view of neighbors and passers-by.
13. Outdoor privies are forbidden and each residence shall be provided with a method of sewage disposal which meets the requirements contained in the Federal Housing Administration minimum standards in effect at the time of construction and, which meet the recommended standards of the Bernalillo County Environmental Health Department. Garbage and solid waste shall be kept in a covered waterproof containers and shall be stored and disposed of in a manner approved by the Bernalillo County Environmental Health Department.
14. No household pets, livestock, or poultry shall be raised for commercial purposes on any lot. No such animals shall be kept in quantities which may be or may become an annoyance. Animals are not allowed to roam free. All animals shall be kept on the owner's premise in suitable housing, or penned enclosure in a manner approved by the Animal Humane Association of New Mexico. On-site corrals, livestock pens, or uncovered stables shall be limited to 15,000 square feet. Due to fragile nature of vegetation and erodibility of soils, all corrals are to be maintained to prevent erosion. No animals shall be allowed to graze the drainage easements. No more than four (4) horses shall be allowed per lot.
15. Proper restraint of animals shall be maintained at all times. Animals shall not be permitted to trespass onto the real estate of other lot owners in the subdivision.
16. Pens, corrals, stables and other animals enclosures shall not be located nearer than one hundred (100) feet to road right-of-way and, shall not be located nearer than fifty (50) feet from any building on any adjacent lot. Furthermore, no animal enclosure shall be located nearer than twenty-five (25) feet from any site or rear lot line, except with the written consent of the record owner of the adjacent lot. The Developer reserves the right to make exceptions on a case-by-case basis.
17. No residential lot may be subdivided, nor may a portion of a residential lot be sold.
18. On-street parking is not permitted. Owners shall provide adequate parking for residents and guest. Storage and parking of commercial vehicles, equipment, machinery, shall not be permitted. Motor homes, trucks campers, trailers, boats, etc., shall be screened from view of

neighbors and passers-by. All radio, TV antennae and satellite dishes must be screened to the extent possible and must be approved by the Architectural Control Committee.

19. No structure shall be erected, altered, placed, or permitted to remain on any residential lot other than one single-family dwelling and related outbuildings. This provision does not prevent the combination of two adjoining lots for one such building.
20. All lot owners shall hook up the Entranosa Water Cooperative for domestic water. All lot owners shall purchase their water share from the Developer, at the currently Entranosa price.
21. All residences shall use water saving toilets.
22. All residences shall use water saving dishwashers.
23. All residences shall use water restricting shower heads and faucets.
24. All residences shall use water saving clothes washers.
25. All lots shall be limited to the irrigation of two thousand (2,000) square feet of lawn, garden and trees. Total watering shall not exceed two thousand six hundred (2,600) gallons per month, averaged over a nine-month period (equal to 0.072 acre-feet per lot).
26. No swimming pools are allowed on any lot, except when water for filling the pool is obtained from outside sources. Arrangements may be made with the Bernalillo County Fire Department for filling the pool to use as a possible fire-fighting source of water.
27. All residences shall properly insulate all hot water pipes to prevent energy and water waste.

IN WITNESS WHEREOF, Sedillo 100 Partnership has caused these Declarations to be signed in its name by its agent this 25th day of October, 1995.

(signed)

GARY D. MAPLE

Original:

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
FILED FOR RECORD  
1995 OCT 25 PM12:28  
BK 9525 PG 8974-8978  
JUDY D. WOODWARD  
CO CLERK RECORDER  
(signed) DEPUTY

Amendment:

Doc #2008032190  
03/24/2008 10:51AM Page 1 of 2  
AMND R:\$11.00 M. Toulouse, Bernalillo County