

EL VADO LAKE PROPERTIES -- RESTRICTIVE COVENANTS

EL VADO LAKE PROPERTIES **UNITS 1 through 11**

RESTRICTIVE COVENANTS **Revised -- January 1999**

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owners of all of the tracts contained in all Units of **EL VADO LAKE PROPERTIES**, a Subdivision of a plat of land in Rio Arriba County, New Mexico, as shown on the plat thereof filed in the office of the County, certify and agree that the following restrictive covenants shall apply to and be binding upon the owners of the tracts contained in said Subdivision and shall run with the land and shall be enforceable by the owner of any tract in said Subdivision.

1. It is the purpose of these restrictions to insure the use of the property for attractive residential purposes, to prevent nuisances and maintain the desirable tone of the community, and thereby to secure to each tract owner the full benefit and enjoyment of his property.

2. These covenants shall continue in force until the owners of record of sixty percent (60%) of the tracts contained in said Subdivision, by an instrument in writing signed by them, modify or extinguish said covenants.

3. All new construction within the Subdivision shall comply with the current legal provisions enforced at the time of said construction by the New Mexico Construction Industries Division, and requires all of the permits and inspections of that Authority.

4. Mobile homes shall be skirted with a material compatible with the outside finish of the structure. Carports, canopies and other appurtenant structures shall be of a like quality and compatible with the residence.

5. No tires, rocks, blocks, or other objects shall be placed on any roof. Premises must be kept in a neat and orderly manner and clean of all scrap or junk. Any car, truck, or trailer without a current year license plate shall be considered junk.

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6. It is preferable that all lavatories and toilets be built indoors and connected with an approved waste disposal system. Approved systems include, but are not limited to, traditional outdoor septic systems, gray water systems, and constructed wetlands. Approved indoor systems include, but are not limited to, composting and solar toilets. Property owners who have no easy access to electricity or for whom the cost of electrical hookup is prohibitive or who simply prefer to utilize an outhouse must ensure that the building construction falls within the following guidelines:

- a) All outhouses must be sited well above the water table and away from any site where ground water will be taken for use in watering plants or animals;
- b) The hole shall be at least eight (8) feet deep and three (3) feet square and must be entirely covered by the outhouse building;
- c) The building must be tightly skirted to the ground on all sides;
- d) The structure should be constructed of solid wood frame construction using 2x4 or larger lumber and at least 1/2" CDX or better plywood. In every instance sound material, not scrap, must be used in construction.
- e) Ventilation shall be provided by installing a 4" diameter pipe through the bench and roof of the building;
- f) All windows and ventilation holes shall be covered by screen;
- g) All outhouse buildings shall be painted.

Owners utilizing outhouses shall ensure that the waste is treated regularly (in no case to be less than once a month) with lime or other deodorizing, disinfecting substance. All systems shall be maintained in such a manner that they; (a) do not contaminate the land or water of any property owner, (b) do not create a nuisance for any neighbor due to its appearance, odor, or insects, and (c) remain in good repair and attractive to the eye. Should the Association Board receive complaints regarding an outhouse structure, the owner of that structure shall rebuild/remodel the unit so that it meets the Board's approval and the above guidelines.

7. No livestock of any kind shall be maintained on a tract unless properly fenced and maintained to assure that no animals are to cause a problem to other tract owners.

8. No manufacturing or commercial enterprise, or business office open to the public shall be maintained upon any tract in the Subdivision other than upon those lots which abut State Highway 112, except that the El Vado Lake Subdivision Association may maintain an office at its own property, or at the property of one of its Directors or Officers. Any establishment requiring free access by the general public shall be responsible for creating its own entrance directly from Highway 112 and for building a new security fence along all other sides of the lot save the highway frontage.

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9. No nuisance or offensive, noisy or illegal conduct shall be done, suffered or permitted upon any tract, nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood.

10. The formation of an El Vado Lake Subdivision Property Owners Association is hereby authorized. The association shall operate according to by-laws to be approved by the current owners of a majority of the legally recorded parcels in the Subdivision at the time of its formation. Its goals shall be to maintain the highest possible property values and the greatest possible enjoyment of use for each property owner. Such Association is hereby charged with the authority to enforce these covenants by any legal means. The Association may also organize committees of property owners to help accomplish the following: maintenance of roads; cooperation in the extension of electric lines and telephone lines; cooperation in beautification and cleanup projects; supervision of grazing leases; maintenance of general security against trespass, vandalism, and theft; and to promote other projects for the general benefit of the property owners. Annual assessments to the members of such an Association are hereby set at \$40.00 per legally recorded parcel owned except that the owner of multiple redivided parcels may elect to treat them as a single parcel, with a maximum of \$500.00 for owners of multiple parcels. The first year for which said assessments shall be mandatory shall be the calendar year 1993. Unpaid assessments shall result in a lien in favor of the said Association against the parcel(s) of the delinquent owner. No change in assessments may be enacted except by approval of the owners of a majority of the legally recorded parcels in the Subdivision at the time of such enactment.

11. The Association is authorized to promote security for the property owners by maintaining locked gates at each entrance to the Subdivision, in an effort to limit access to owners, their guests, government agencies, and utility companies that have legitimate business in the Subdivision. Owners hereby agree that there are no legal "through roads" that require access through the Subdivision by others, and that the roads should therefore be considered as private roads, and that furthermore, the County does not maintain the roads, nor will the County be asked to maintain the roads.