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PROTECTIVE COVENANTS AND BUILDING RESTRICTIONS TO RUN WITH THE LAND AND IMPOSED UPON ALL LOTS AND BLOCKS OF THE REPLAT OF A PORTION OF THE NETHERWOOD CORPORATION'S REPLAT OF A PORTION OF NETHERWOOD PARK, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME IS KNOWN AND DESIGNATED ON SAID REPLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON THE 21 DAY OF June, 1957.

WHEREAS, the undersigned are the owners of all of the lots and blocks of the replatted portion of the Netherwood Corporation's replat of a portion of Netherwood Park, an Addition to the City of Albuquerque, New Mexico, above referred to, and desires to impose protective covenants and building restrictions thereon for the use and occupancy thereof; to this end and purpose the following restrictions are hereby imposed, to-wit:

1.

All of the lots shown in said replat shall be known and described as residential lots and shall not be used except for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any residential building lot other than one detached single family dwelling, not to exceed 2 stories in height, and a private garage for not more than three cars, and other outbuildings which are purely incidental to the residential use of any such lot.

2.

ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure, have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevations. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. The use of the term "building" in this paragraph shall specifically include other substantial improvements such as fences, walls, retaining walls, and driveway copings, exceeding six inches in height, whether temporary or permanent in nature.

3.

The minimum ground floor area of the main structure to be erected on any lot or lots in this Addition, exclusive of one-story open porches, garages and car ports, shall be not less than 1200 square feet for a one-story dwelling, nor less than 1000 square feet for a dwelling of more than one-story.

4.

No building shall be located on any of the lots nearer than 20 feet to the front line, nor more than 35 feet from said front line, nor nearer than 10 feet to any side street line. No building or other structure shall be located nearer than 5 feet from any side lot line, provided that the projected minimum setback lines and side street setback lines, as placed upon the recorded map and plat of this replat of the Addition, shall in all cases be construed to be the controlling minimum requirements in this regard. No detached garage or car port shall be placed nearer than 20 feet to any front property line or 10 feet from any side street line.

5.

No residential structure or dwelling shall be erected or placed on any residential building lot or lots having an area of less than 6000 square feet, more a width of less than 60 feet at the front building minimum setback line, provided, however, that should any of the lots shown upon the recorded map and plat of this addition have a width of less than 60 feet at the front building minimum setback line, then and in that event, structures or dwellings may be erected thereon, provided, however, that the said structure or dwelling shall be placed upon said lot in such manner as will provide for a lot width of 60 feet at the front setback.

6.

An easement for installation and maintenance of utilities and drainage facilities is reserved as shown on the recorded plat, and in all cases the easements as shown and projected on the recorded plat shall be controlling.

7.

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

8.

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

9.

ARCHITECTURAL CONTROL COMMITTEE. The architectural control committee shall be composed of Edward Schell, 2711 Haines Avenue, Albuquerque, New Mexico; Edna W. Schell, 2711 Haines Avenue, Albuquerque, New Mexico, and George T. Harris, Jr., Simas Building, Albuquerque, New Mexico. A majority of the committee may designate a representative to act for it.

In the event of a death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time the then owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee, or to withdraw from the committee or restore to it any of the powers and duties.

PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

10.

No unfinished house, as to exterior only, shall be permitted to remain on any lot or lots herein described for a period exceeding eight months from the date of the commencement of construction.

11.

No sign of any kind shall be displayed to the public view on any lot or lots except one professional sign of not more than one square foot; one sign of not more than 5 square feet advertising the property for sale or rent; or signs used by a builder to advertise the property during the construction and sales period.

12.

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that cats or other household pets, or not more than two dogs, may be kept, provided they are not kept, bred or maintained for any commercial purposes.

13.

These covenants are to run with the land and shall be binding on all purchasers of the blocks or lots described herein, or any part thereof, and all persons claiming under or through such purchasers, their heirs, executors, administrators, successors and assigns, until November 1, 1970, at which time said covenants shall be automatically extended for successive periods of ten years, unless by a vote the majority of the then owners of the lots in said blocks agree to change said covenants in whole or in part. If any purchaser or purchasers, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall then be lawful for any other person or persons owning any real property situated in said residential lots, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and to either prevent him or them from so doing, or to recover damages or other relief for such violations.

14.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

15.

SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 8 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight lines limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

IN WITNESS WHEREOF, said owners have hereunto set their hands and seals this 26 day of June, 1957.

Edward R. Schell
EDWARD R. SCHELL

Edna M. Schell
EDNA M. SCHELL

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss

The foregoing instrument was acknowledged before me this 26 day of June, 1957, by EDWARD R. SCHELL and EDNA M. SCHELL, his wife.

George T. Harris
Notary Public of New Mexico
County of Bernalillo, SS

My commission expires: 1-24-59

This instrument was filed for record on

7:04 JUN 26 1957
At 10 o'clock AM Recorded in Vol. 100
of records of said County Public
CLAY WARDEN
County Clerk
Frank M. Secretary