

STATEMENTS ACCOMPANYING PLAT OF
 HILLSIDE ESTATES
 IN S $\frac{1}{2}$ SECTION 21, T.25S., R.8W., N.M.P.M.
 LUNA COUNTY, NEW MEXICO
 November 28, 1972

BN 7 Pg 22
 PLAT
FILED

IN MY OFFICE

1:15 P.M.

DEC 30 1972

Teen Affair

County Clerk, Luna County, New Mexico

By _____ Deputy

SUITABILITY OF TERRAIN, WATER AVAILABILITY & ROAD ACCESS

The land on which this subdivision lies is suitable for proposed use as a residential subdivision.

Available records in the office of the State Engineer and information obtained from owners of wells in the general area indicate that the static underground water level in the area of this subdivision is approximately 225 feet below the ground surface.

The southwest corner of this subdivision is four miles east from State Road 11 (Columbus Road), asphalt surfaced, and $\frac{1}{2}$ mile east from a County maintained graded road leading to State Road 11. A 60 foot wide dedicated road provides legal access from this County maintained road to all lots in this subdivision.

This subdivision complies with all Luna County and State of New Mexico subdivision regulations and laws.

John L. Gray
 John L. Gray
 Registered Professional Engineer
 and Land Surveyor, N. M. No. 148

STATE OF NEW MEXICO) S.S.
 County of Luna

I certify that this instrument was filed for
 record at *1:15* P.M.

DEC 29 1972

RESTRICTIVE & PROTECTIVE COVENANTS

HILLSIDE ESTATES

STATE OF NEW MEXICO) ss
 COUNTY OF LUNA)

and recorded in book *89* of *Book*
 page *244-8*
Teen Affair County Clerk
 Deputy
 Reception No. *74807*

WHEREAS, Kenneth B. Holdridge, Winnie Lou Holdridge, his wife, Orval Dupree and Charlotte Dupree, his wife, are the owners of the following described lands situated in Luna County, New Mexico: South one half (S $\frac{1}{2}$) of Section 21 less the NE $\frac{1}{4}$ SE $\frac{1}{4}$ in T.25S., R.8W., N.M.P.M. also know as Hillside Estates, Luna County, New Mexico.

NOW THEREFORE, said owners do hereby publish and declare said land subject to the following Restrictive and Protective Covenants, which restrictive and protective covenants are to run with the land and be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date hereof, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of said land has been recorded, agreeing to change said covenants in whole or in part.

1. None of said land shall be subdivided, nor shall any dwelling be erected or placed on any lot having an area of less than two and one-half (2 $\frac{1}{2}$) acres.
2. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed 16 feet in height, a private garage and a guest house for intermittent occupancy.

3. No dwelling shall be permitted on any lot of which the ground floor area of the main structure, exclusive of one-story open porches and garages, shall be less than 1000 square feet, or mobile home with less than 600 square feet of floor space and not older than 5 years.

4. No building shall be located on any building plot nearer than fifty (50) feet to the front lot line nor nearer than twenty-five (25) feet to any side street or to an interior lot line which constitutes boundary between ownership. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of any building provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

5. No obnoxious or offensive activity 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.

6. 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 nor shall any privy be permitted, except during construction. All construction shall be completed within six (6) months from the date of commencement.

7. SIGNS: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five 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.

8. No vehicle may be kept or maintained on the premises which is not licensed and operable.

9. There shall be no dumping on said premises. All trash and garbage must be disposed of in a sanitary manner in compliance with Luna County requirements.

10. No occupant of these premises, or any part thereof, shall keep or maintain any animals for commercial uses provided, however, that pleasure animals may be kept on said premises so long as same do not create a nuisance or otherwise interfere with other owners within said tract.

11. Nothing shall be constructed nor done on this land that will change the natural drainage pattern. No building for human occupancy shall be placed in areas which are natural drainage channels or subject to overflow from such channels.

12. The Grantors (owners of Hillside Estates) reserve the right to enter onto any property subject to these covenants to remove rubbish or do the necessary things required to keep the property from becoming unsightly in appearance. Grantor may charge reasonable cost for such services and the owner, grantee, of the property shall pay for such services, or it shall be a lien against the property under statute of the law of New Mexico.

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

Witness our hands and seals this 24th day of December 1972.

Kenneth B. Holdridge
Kenneth B. Holdridge

Orval Dupree
Orval Dupree

Winnie Lou Holdridge
Winnie Lou Holdridge

Charlotte Dupree
Charlotte Dupree

STATE OF NEW MEXICO)
COUNTY OF LUNA)ss

The forgoing instrument was acknowledged before me this 24th day of December, 1972 by Kenneth B. Holdridge, Winnie Lou Holdridge, his wife, Orval Dupree, Charlotte Dupree, his wife.

My Commission Expires 2-15-76

John L. Smith
Notary Public

OWNERS' STATEMENT

The land in this subdivision is a sandy loam on a gentle slope located at an elevation of about 4500 feet above sea level, near the west side of the Florida Mountains, about 11 miles south on asphalt surfaced State Highway 11 and 4 miles east on a graded County road from Deming, New Mexico. This site is about 300 feet above the flat valley floor, affording an excellent view of the valley farm lands and surrounding mountains.

Mean annual rainfall is approximately 7 inches. Mean annual temperature for 1971 was 59.9° with a high of 102° and a low of 03°F. The area is sparsely covered with native grasses and shrubs with a denser growth along the drainage courses. With the application of water, almost anything that is not subject to winter freezing at night will grow in this area.

Graded dirt roads will be built and maintained by the owners of this subdivision on all dedicated streets until Luna County accepts the maintenance. The road right of way will be cleared of brush to a width of 40 feet and the roadbed will be 24 feet wide, shoulder to shoulder, built of material available on the site with adequate provisions for drainage of surface runoff water off of the roadway and into existing natural drainage channels. Necessary precautions will be taken to prevent diversion of water from existing drainage channels into roadways in quantities that would damage the roads. Roads will be completed by February 28, 1973.

Electric energy is supplied in the area of this subdivision by Columbus Electric Co-operative, Box 631, Deming, New Mexico 88030 and Public Service Company of New Mexico, 117 South Gold, Deming, New Mexico 88030. The nearest existing service is approximately two miles west of the southwest corner of this subdivision.

Telephone service is supplied in the area of this subdivision by Mountain Bell, 120 West Maple, Deming, New Mexico 88030. The nearest existing service is approximately two miles west of the southwest corner of this subdivision.

Gas in liquid form is available from various firms in Deming, New Mexico. Home owner will be required to purchase his own tank.

The nearest hospital, medical and dental services are in Deming, New Mexico approximately 14 miles distant.

Fire protection is provided to county residents by the Deming Fire Department. It should be pointed out that in the event the equipment were being used in the community, then not all of the equipment could be dispatched to the county. If the municipal fire were serious, perhaps none could be dispatched.

The Luna County Sheriff's Department is responsible for law enforcement in this area.

There is no public transportation available in the area of this subdivision. Taxi service is available at Deming, 15 miles distant.

Elementary, junior and senior high schools are operated by Deming Public Schools. Free school bus service is available to all schools.

Shopping facilities for a progressive community of 10,000 people are available at Deming.

Water wells, sewage disposal systems and waste disposal will be provided by each individual home owner at his own expense.

The interesting Mexican town of Palomas, Chihuahua is located just across the Mexican border about 28 miles south of this subdivision.

Within the State of New Mexico and within short driving distance of Deming are a substantial number of State parks. Elephant Butte Lake and Caballo Lake are 86 and 76 miles respectively from Deming, New Mexico. City of Rocks State Park is 25 miles from Deming. Rock Hound State Park is approximately 12 miles from Deming. Bear Canyon Lake is approximately 40 miles from Deming. Lake Roberts is approximately 75 miles from Deming as is the Gila National Forest. Gila Wilderness Area and Gila Cliff Dwellings National Monument are 100 miles from Deming. White Sands National Monument is 120 miles from Deming. There are also many mining and ghost towns in the surrounding area. Television reception from El Paso, Texas, which includes the three major networks, is available throughout this area by installation of a television aerial. A public golf course and public swimming pool are in Deming as are several municipal parks, one theatre, and a drive-in theatre. Weekend horse racing is available at Anapra, New Mexico, which is adjacent to El Paso, Texas, and is 104 miles distant.

Purchasers can easily locate their property as all lots are staked with steel rods at the four corners as indicated by circles on the subdivision plat.

Mineral rights will not be conveyed to purchasers of lots.

We, the undersigned owners of Hillside Estates do hereby certify that the foregoing statements are true and correct to the best of our knowledge and belief and we do hereby, jointly and severally pledge our personal bonds and assume full responsibility for completion of the road construction as outlined above.

Kenneth B. Holdridge
Kenneth B. Holdridge

Orval Dupree
Orval Dupree

Winnie Lou Holdridge
Winnie Lou Holdridge

Charlotte Dupree
Charlotte Dupree

STATE OF NEW MEXICO)
COUNTY OF LUNA)ss

The foregoing instrument was acknowledged before me this 22nd day of January, 1972 by Kenneth B. Holdridge, Winnie Lou Holdridge, his wife, Orval Dupree, Charlotte Dupree, his wife.

My Commission Expires 2-12-74

Notary Public

SOILS, EROSION AND DRAINAGE

The soil in this subdivision is a deep, rapidly permeable soil with a low water holding capacity. The major soil unit is Sonoita gravelly sandy loam, on a 2.5% slope, characterized by gravel on surface and ranging from 20 to 25% fine gravel throughout the profile. It is normally non-calcareous and non-saline. This soil has only slight limitations for road locations, building foundations, sanitary land fills and septic tank filter fields.

More detailed information on soils in this area is available from Deming Soil and Water Conservation District, Federal Building, Deming, New Mexico 88030.

There are several well defined arroyos bisecting the proposed subdivision. The capacity of these channels appears to be sufficient to carry a 100 year flood. We recommend that present arroyos be retained as permanent drainage ways.

Because arroyos are stabilizing, there are no major problems of water nor wind erosion now extant and none are anticipated as a result of properly constructed roads and residential improvements.

B. T. Blum
Deming Soil and Water Conservation District

WATER QUALITY AND WASTE DISPOSAL

Water available within 2 miles of this subdivision meets the minimum chemical quality standards of the U. S. Public Health Service.

Water is available at depths greater than 20 feet so that water from a properly installed system can be expected to meet biological standards.

The size of tract meets present criteria of the Environmental Improvement Agency for individual water supply and sewage disposal. Based on percolation tests of the soil, the minimum number of square feet of absorption field required per bedroom is 100.

The nearest supervised solid waste disposal site is 15 road miles away and is located 1 1/2 miles northeast of Deming, New Mexico. It is the Deming municipal disposal site.

Edith J. Reed
New Mexico Environmental Improvement Agency

UTILITY ACCESS

Easements for electric power and telephone access to all lots in this subdivision are satisfactory.

Paul Long
Mountain Bell

Terry P. Wamba
Public Service Company of New Mexico

Richard Glover
Columbus Electric Co-op

PLANNING COMMISSION

Approval of this subdivision is recommended by Luna County Planning Commission.

Tommy W. Ray
Chairman