

**DESIGN CONTROLS FOR
THE CORONADO RIDGE SUBDIVISION**

ARTICLE I

STATEMENT OF INTENT

The goal of these Design Controls is to achieve a harmony of design within the Subdivision so that the reasonable expectations of Lot Owners regarding improvement and beautification of all property can be fulfilled for the benefit of all Lot Owners. The Subdivision has been designed so that the infrastructure can be built without destroying the natural beauty of the site and so that houses can exist within the natural landscape of the Subdivision without dominating the landscape. To that end, all new houses, walls, fences, and front-yard landscaping, as well as alterations or additions thereto, within the Subdivision shall be built by licensed contractors and/or licensed subcontractors approved by the Design Control Committee, which approval shall not be unreasonably withheld; and the design of all new houses, walls, fences, and front-yard landscaping, as well as alterations or additions thereto, within the Subdivision shall be performed by a builder, designer, or architect approved by the Design Control Committee, which approval shall not be unreasonably withheld.

ARTICLE II

DESIGN REVIEW

No construction of a new house, walls, fences, or front-yard landscaping on any Lot in the Subdivision, and no alterations or additions of any kind thereto, shall commence without adherence to the process of approval set forth in the provisions of Article IV of the Declaration of Protective Covenants, Conditions, and Restrictions of the Coronado Ridge Subdivision. Lot Owners should note that, although this process of approval requires only one submittal of a complete set of plans, it is advisable and strongly recommended that a preliminary design conference be held with a representative of the Design Control Committee so that the party

submitting plans can get an initial reaction to the proposed design prior to going to the expense of creating a complete set of plans. At the preliminary review, it is sufficient to provide only one copy of plans showing the conceptual design of the exterior elevations and the floor plan.

Drawings submitted for final review shall be one complete copy and include the level of detail required for obtaining a building permit from the applicable governmental regulatory department, as well as details relating to texture and color of all exterior surfaces.

Any plans regarding front-yard landscaping shall include a site plan drawing; site contours; and details of plant materials (with indication of size), rocks or pebbles, boulders, ground cover, lawns, paths, decks or patios, swimming pool or spa, driveway, walls, fences, exterior lighting, and any other relevant features that may be applicable.

Neither the Declarant nor the Design Control Committee seeks to restrict individual preferences but does want to avoid harsh contrasts within the Subdivision and to encourage careful design so that there is harmony between buildings and their sites, and among buildings themselves. To this end, the Declarant has established a general design theme for the Subdivision that includes such styles as traditional Southwest pueblo, contemporary Southwestern, Territorial, and Mediterranean, all in a color scheme from off-white to tan/beige. Examples of styles and features that will not be approved include extreme contemporary styles, styles that the Committee believes bear little resemblance to traditional Southwest design, minimalist styles devoid of Southwest features, and coloration that is predominantly dark in tone. If someone is interested in purchasing a Lot in the Subdivision and is uncertain if a particular style is acceptable for the Subdivision, the Declarant urges such an interested party to submit information about the proposed style prior to purchasing a Lot.

ARTICLE III

FITTING THE SITE

On each Lot, the area on which a house can be built (the building pad) has been constructed during the course of the building of the Subdivision. The building pads have been

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designated after careful consideration by the Subdivision's planners and engineers regarding such issues as privacy, preservation of views, drainage, and the like; and the location, size, and elevation of each building pad cannot be substantially changed; and no change can be made without written permission of the Committee. Because native trees and shrubs contribute much to the natural beauty and ecology of the Subdivision, these natural amenities are to be retained wherever possible. Therefore, except for clearing that takes place in connection with construction of the Subdivision, and except for clearing that is specified in a plan submitted to and approved by the Design Control Committee, clearing of a Lot will not be allowed beyond the building pad except for the driveway and close-in patio, garden, pool, and yard areas that do not extend so far outside the building pad as to be considered obtrusive. Any clearing of a Lot beyond the building pad and the driveway must be shown on the site plan submitted to the Design Control Committee, and no clearing shall take place without the approval of the Committee.

ARTICLE IV BUILDING DESIGN

Size. The minimum and maximum sizes of the living area of a house within the Subdivision (exclusive of basements, attics, carports, garages, and open courtyards and porches) shall be two thousand sq. ft. and six thousand sq. ft., respectively, except that a variance may be granted at the discretion of the Design Control Committee for up to an additional two thousand square feet of living area, depending on the location of the lot and the design of the home.

Setbacks. The setbacks for each Lot within the Subdivision shall be as required by the Las Cruces Extra-territorial Zoning ordinances or other governmental regulations, and no Lot Owner shall be allowed to apply for a variance or variances to those setbacks.

Height. All houses in the Subdivision shall be limited to one story, with the maximum height, as measured from the finished floor slab (which shall be within two feet of the elevation of the as-built building pad), being fourteen feet for approximately 70 percent of the roof area

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and eighteen feet for approximately 30 percent of the roof area, except that a variance may be granted at the discretion of the Design Control Committee for up to an additional two feet in height, depending on the location of the lot and the design of the home. For the purpose of measuring maximum height, a roof will be measured to the top of parapets. Flues and chimneys shall not be permitted to extend more than three feet above the maximum height.

Parapets. Parapets must extend a minimum of one and one-half feet above any point in the adjoining truss system and must fully enclose the roof.

Conduit. A conduit (or similar pipe or sleeve) must be run through the roof so that homeowners are able to have satellite dishes or other receivers installed without having wire exposed on the exterior of their house. Such exposed wire shall not be permitted on any house in the Subdivision.

Roofs. The Design Control Committee recommends flat roofs. Each flat roof is to be finished with a color the same as the house's predominant exterior stucco color. Bright white or reflective roofs shall not be permitted on any house in the Subdivision. The repair or replacement of any roof shall be subject to the same conditions as the original roof. Pitched roofs shall not be allowed with a pitch of more than 5:12. Pitched roofs must use terra cotta tile in the red-orange-brown-tan group of colors.

Cooling and/or Heating Units. No air-conditioning equipment, evaporative cooler, heating equipment, cooling or heating ducts, or other equipment that in the opinion of the Design Control Committee is visually obtrusive shall be permitted on any rooftop within the Subdivision. In addition, all such equipment that is ground-mounted shall be concealed from the view from rights-of-way and from other Lots by means of approved walls or fences.

Period of Construction. All construction and alteration work shall be prosecuted diligently. Any building of a new house on any Lot within the Subdivision shall be entirely completed within ten months after commencement of construction. Any alterations or additions to an existing house on any Lot within the Subdivision shall be entirely completed within four months after commencement of construction.

Towers and Antennae. Pursuant to Federal Communications Commission rules adopted as directed by Congress in the Telecommunications Act of 1996, the Design Control Committee cannot unreasonably delay, prevent, or increase the cost of a Lot Owner's ability to receive video programming signals. However, since the Design Control Committee does have the authority to minimize the visual impact of equipment used to receive video programming signals, the Committee has adopted the following guidelines for the Subdivision: none of the aforementioned equipment shall be installed within the front yard (that is, the street-side yard) of any house; no satellite dish more than three feet in diameter, or mounted on a pole more than two and one-half feet in height, shall be installed anywhere in the Subdivision; all houses shall be equipped with conduit for the purpose of directing the installation of a satellite dish or an antenna to the least obtrusive—yet still effective—location on the roof of a house; and all houses shall also be equipped with conduit for the purpose of directing the installation of a satellite dish to an unobtrusive—yet effective—location in the back yard of a house, this being the preferred location for such installation, in the view of the Committee.

Ham radio antennas and towers, as well as any other antennas and towers that are not covered by the FCC rules cited above, shall not be installed anywhere in the Subdivision, except that antennas for wireless internet services shall be permitted under the following conditions: the pole on which the antenna is mounted shall not exceed two and one-half feet in height and shall not be installed on the highest section of roofing, and the antenna itself shall not exceed three feet in diameter.

Outbuildings and Temporary Structures. No used or previously erected or temporary house, structure, house trailer, or permanent or nonpermanent outbuilding shall ever be placed, erected, or allowed to remain on any Lot, except during construction periods and only then with written approval of the Design Control Committee. No building shall be occupied in any manner prior to its completion.

Exterior Lighting. A front-yard exterior light fixture shall be installed for every residence in the Subdivision at the time of construction of each residence. It shall be the

responsibility of the Owner of each Lot to maintain said fixture. Use of other than white or pale white exterior light bulbs shall be allowed only with specific approval of the Committee. No obtrusive lighting shall be allowed in the Subdivision, and the Committee shall be the sole arbiter in deciding whether or not lighting is obtrusive. Holiday lighting during the Christmas season shall be allowed only from November 22nd through January 3rd and only in moderation. The Committee shall be the sole arbiter in deciding whether or not holiday lighting is excessive.

Utilities. All secondary utility extensions (from trunk lines to individual structures) must be underground.

Solar Panels. No roof-mounted solar panels shall be permitted in the Subdivision, and ground-mounted solar panels shall be permitted only if they are screened in such a way that they are not visible from outside the Lot on which they are installed.

ARTICLE V

LANDSCAPING AND WALLS/FENCES

In order to achieve an attractive and harmonious appearance of landscaping throughout the Subdivision, use of plants native to the region is required for the majority of the landscaping of each Lot. The use of exotic plants foreign to the region, except those proven over time as viable and appropriate, shall not be permitted. Scale, selection, and placement of plants and landscaping materials should be such that one senses the plants and materials have been integrated with the overall design theme of the Subdivision rather than contrast with or overpower it. Furthermore, no Lot shall contain any tree or shrub that, upon reaching maturity, is likely to obstruct the views from any other Lot(s). In addition, the front-yard landscaping of each Lot shall be substantially completed prior to first occupancy of a house on each Lot.

Walls or fences shall be allowed along or near the boundary of a Lot only where the boundary is contiguous with land outside the Subdivision or where a wall structure is needed for slope protection. Otherwise, walls or fences shall not be built to a significant extent into,

through, or around undisturbed areas of a Lot. However, in order for the Owner of each Lot to be able to enjoy a private outdoor space, a courtyard wall or privacy wall or fence constructed of masonry, frame/stucco, or acceptable metal materials shall be built to a maximum height of seven feet around the building pad and patio, garden, pool, and yard areas. All walls or fences shall be substantially completed prior to first occupancy of a house on each Lot.

It is the specific responsibility of the Owner of each Lot to landscape and otherwise manage the terrain of his Lot to prevent damaging runoff onto neighboring properties or any part of the Common Areas and the Right-of-Way as a result of development on his Lot. Any soil or debris from an Owner's Lot that runs onto any part of the Common Areas or the Right-of-Way shall be promptly cleaned up by the Owner of the Lot from which the soil or debris migrated. In the event of a dispute regarding the point of origin of soil or debris that has run onto any part of the Common Areas or the Right-of-Way, the Design Control Committee shall be the sole arbiter to determine the point of origin and the responsible party or parties. Notwithstanding this provision, Owners should note from the topography of the Subdivision that historical runoff through parts of the Subdivision has existed and will continue to exist and that, with the exception of action that was taken during construction of the Subdivision, such historical runoff should not be impeded or redirected and is not the responsibility of, or the cause of liability for, any Owner.

**ARTICLES OF INCORPORATION OF
THE CORONADO RIDGE NEIGHBORHOOD ASSOCIATION, INC.**

The undersigned, as the Incorporator under and pursuant to Sec 53-8-1 et seq., *New Mexico Statutes Annotated* (1978 Compilation), otherwise known as the Non-Profit Corporation Act, does hereby adopt the following Articles of Incorporation.

ARTICLE I

The name of the corporation is the Coronado Ridge Neighborhood Association, Inc.

ARTICLE II

The period of duration for this corporation is perpetual.

ARTICLE III

The purpose for which the corporation is organized is to maintain and repair in perpetuity the Common Areas within the Coronado Ridge Subdivision after seventy-five percent of the total of Lots have been conveyed by Bright View Land Company, the Declarant, or by its successors or assigns, said maintenance and repair to be undertaken for the mutual benefit of the Owners of Lots in the Subdivision. To this end, the corporation is authorized to engage in necessary and proper business.

ARTICLE IV

The name and address of the corporation's initial registered agent are as follows:

John Moscato
6500 Vista de Oro
Las Cruces, NM 88007

ARTICLE V

The sole director constituting the initial Board of Directors shall be as follows:

John Moscato
6500 Vista de Oro
Las Cruces, NM 88007

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ARTICLE VI

The name and address of the Incorporator are as follows:

John Moscato
6500 Vista de Oro
Las Cruces, NM 88007

IN WITNESS WHEREOF, the Incorporator has hereunto set his hand on this 22nd day of July, 2003.


John Moscato

STATE OF NEW MEXICO)
) ss.
DOÑA ANA COUNTY)

On this 22nd day of July, 2003, before me, a Notary Public in and for the State of New Mexico and Doña Ana County, personally appeared John Moscato, who, being duly sworn, executed the foregoing instrument.

Witness my hand and official seal.

My commission expires:



OFFICIAL SEAL
SHARON G. DEBRAAL
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires 9/15/2006

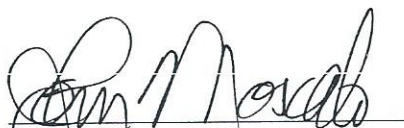
By 
Notary Public

AFFIDAVIT OF ACCEPTANCE OF APPOINTMENT BY
THE CORPORATION'S INITIAL REGISTERED AGENT

To the State Corporation Commission
State of New Mexico

STATE OF NEW MEXICO)
) ss.
DOÑA ANA COUNTY)

On this 22nd day of July, 2003, before me, a Notary Public in and for the State of New Mexico and Doña Ana County, personally appeared John Moscato, who, being duly sworn, acknowledged to me that he does accept his appointment as the initial Registered Agent of the Coronado Ridge Neighborhood Association, Inc., the non-profit corporation that is named in the foregoing Articles of Incorporation, and which is applying for a Certificate of Incorporation pursuant to the provisions of the Non-Profit Corporation Act, Sec. 53-8-1, *New Mexico Statutes Annotated* (1978 Compilation).



JOHN MOSCATO
Registered Agent
6500 Vista de Oro
Las Cruces, NM 88007

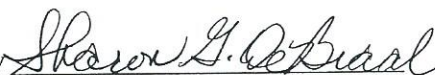
Witness my hand and official seal.

My commission expires:



OFFICIAL SEAL
SHARON G. DEBRAAL
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires 6/15/2006

By 
Notary Public