

**DESIGN CONTROLS FOR
THE MURANO ESTATES 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 landscaping, as well as alterations or additions thereto, within the Subdivision shall be built by a licensed contractor approved by the Design Control Committee, which approval shall not be unreasonably withheld; and the design of all new houses, walls, fences, and 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 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 Murano Estates Subdivision. Lot Owners should note that, although this process of approval requires only one submittal of two copies of a complete set of plans, it is advisable and strongly recommended that a preliminary

1321

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 stage, it is sufficient to provide only one copy of plans showing the conceptual design of the exterior elevations, the floor plan, and landscaping.

Drawings submitted for final review shall be in two copies 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 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. 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 designated after careful consideration by the Subdivision's planners and engineers regarding

1322

such issues as privacy, preservation of views, drainage, and the like; and the location and elevation of each building pad can be changed only to a minor extent and only with written permission of the Design Control 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, 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 four hundred sq. ft. and five thousand five hundred sq. ft., respectively.

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 and eighteen feet for approximately 30 percent of the roof area. 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.

Roofs. The Design Control Committee strongly recommends flat roofs. 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 group of colors.

1323

Cooling and/or Heating Units. No cooling and/or heating unit(s) of any kind shall be permitted on any rooftop within the Subdivision.

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 one meter in diameter 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.

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

1324

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 lights shall be allowed only with specific approval of the Committee. Holiday lighting during the Christmas season shall be allowed only from November 22nd through January 3rd and only in moderation. The Design Control 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 allowed in the Subdivision, and ground-mounted solar panels shall be allowed 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. 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 landscaping of each Lot shall be substantially completed prior to first occupancy of a house on each Lot.

1325

29697

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. Otherwise, walls or fences shall not be built 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 privacy wall or fence constructed of masonry, frame/stucco, or acceptable metal materials shall be built to a maximum height of five 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.

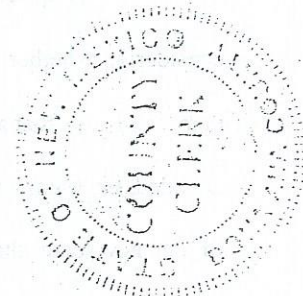
State of New Mexico County of Dona Ana, ss

RECEPTION NO. 29697

I hereby certify that this instrument was filed for recording and duly recorded on

at OCT - 7 2002 10:35 a'clock A M

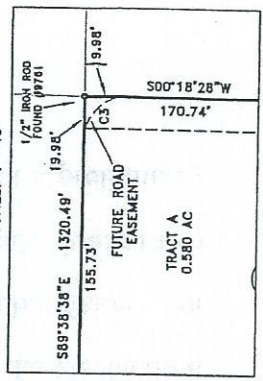
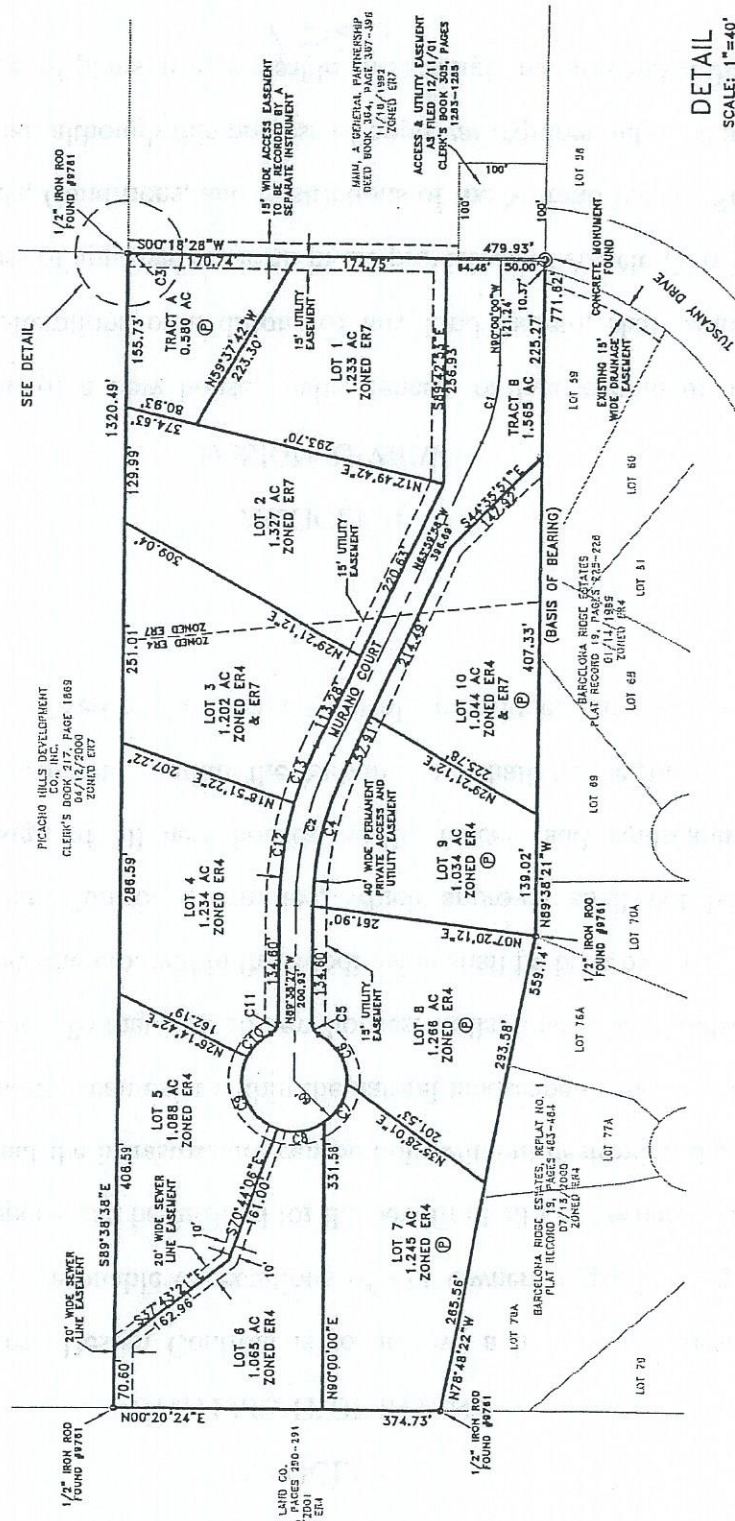
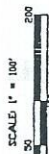
Book 366 Page 1308-1326
of the Records of said County. Ruben Ceballos,
County Clerk [Signature] Deputy



1326

MURANO ESTATES

AN EXTRA TERRITORIAL ZONE SUBDIVISION
 LOCATED IN PROJECTED SECTION 18, T.23S., R.1E.
 WITHIN TRACT 2 OF THE MESILLA CIVIL COLONY GRANT,
 WEST OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 SCALE: 1" = 100'
 MAY 13, 2002



CURVE	RADIUS	LENGTH	CHORD	CH-LENGTH	DELTA
C1	200.00'	80.78'	178.933516\"/>		

- NOTES:
1. BASIS OF BEARINGS: THE NORTH LINE OF BARCELONA RIDGE ESTATES AS SHOWN.
 2. DEVELOPMENT MUST COMPLY WITH ETC ORDINANCE NO. 84-02 AS AMENDED AND OTHER APPLICABLE ORDINANCES.
 3. THIS PARCEL OF LAND IS IN FLOOD ZONE X OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS DATED SEPTEMBER 22, 1991. THIS SUBDIVISION LIES WITHIN MAP #5501J0024 E.
 4. TRACT A IS A PONDING AND DRAINAGE EASEMENT. MAINTENANCE OF TRACT A SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.
 5. TRACT B IS A PERMANENT PRIVATE ROAD & UTILITY EASEMENT FOR A GATED, PRIVATE ACCESS DRIVEWAY. MAINTENANCE OF TRACT B SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.
 6. A GRANT OF DRAINAGE EASEMENT WILL BE FILED AS A SEPARATE DOCUMENT WITH THE FINAL PLAT GUARANTEEING INTERNAL WATER DRAINAGE IN HISTORICAL DRAINAGE WAY.
 7. EXCESS STORM DRAINAGE FROM THIS ENTIRE SUBDIVISION TO BE RETAINED WITHIN TRACT A.



DIAMONDBACK
 LAND SURVEYING CO., INC.
 4868 HISSON BELL AVENUE
 LAS CRUCES, NM 88011
 (505) 524-2755
 FILE 10-0167-DVG

Exhibit A