

ARCHITECTURAL CONTROL COMMITTEE RULES
FOR
CASITAS AT HIGH RESORT VILLAGE

The following rules, were formally adopted on _____, 1995, by unanimous vote of the High Resort Village Community Association, organized pursuant to the High Resort Village Community Master Restrictions. They shall apply to that real property known as Casitas at High Resort Village, further described in Exhibit "A" which is attached to these Rules and incorporated herein by reference.

These Rules supplement the High Resort Village Community Master Restrictions and are adopted by the Architectural Control Committee for the purpose of further enhancing and perfecting the value, desirability, and attractiveness of Casitas at High Resort Village.

Definitions contained in Article I of the High Resort Village Community Master Restrictions are incorporated herein by reference.

ARCHITECTURAL CONTROL COMMITTEE APPROVAL

Limitations and Disclaimer on Purpose and Scope of Architectural Control Committee Approval: Any review, rejection or approval by the Architectural Control Committee for Casitas at High Resort Village of any application, plan, drawing, section or other document or drawing and/or specification of material or design is limited in scope and purpose to a review as to the aesthetic harmony of a proposed improvement or structure with the aesthetic intent of the development of Casitas at High Resort Village. The Architectural Control Committee does not intend nor should an

approval by the Architectural Control Committee be interpreted by any person or entity to encompass anything other than an approval of the aesthetics of the proposed improvement or structure. The Architectural Control Committee does not have the expertise nor is it within the scope of their purpose to review, analyze, inspect, or approve any specific structural, engineering, foundational, or material specification or design for any sort of suitability or adequacy in design for legal permitting, structural sufficiency, structural integrity or suitability for local conditions of any nature, including but not limited to, climate conditions, or for the nature of or type of soil condition existing in the Casitas at High Resort. The Architectural Control Committee approval or disapproval does not extend to any manner of construction methods, techniques, or materials nor to the structural integrity of any manner of engineering design for improvements, structures, or landscaping features to be placed on the lot. All legally required permits, inspections, plan approvals and other requirements are unaffected by, and separate from, Architectural Control Committee procedures, and are the sole responsibility of the Owner or other person proposing any improvement. No front yard landscaping, side yard landscaping on corner lots, or rear yard landscaping on lots which abut the golf course may be installed, altered, changed or removed until the plans for such change, alteration or removal have been approved by the Architectural Control Committee.

1. No building, garage, enclosure, parking facility, fence, wall, basement, or other structures of any kind, whether

permanent or temporary shall be erected, placed or attached on any Lot until construction plans and specifications, and a plan showing the location of the structure, have been approved by the Architectural Control Committee as to the quality of material, harmony of external design with existing structures, and as to the location of the building with respect to topography, setback requirement and final grade elevations.

2. The owner shall make application for any such construction by submitting to the Architectural Control Committee the following:

a. A complete set of construction drawings which identify construction materials. Such drawings shall include a roof plan, colors and or samples of exterior materials and colors, wall sections, the owner's proposed construction schedule, and exterior garden and retaining wall sections.

b. A site plan which shows the topography of the lot. Contour lines shall show existing grade and indicate any grade changes of or more than one foot, that will be caused by the construction. The site plan shall also locate and identify all construction including, but not limited to, storage sheds, pool houses, etc., their roof overhang lines, and finished floor elevations, all setbacks at point of minimum perpendicular distance to each property boundary, all walks, drives, patios, decks, and walls and/or fences and their construction materials.

c. A landscaping plan must be submitted to the Architectural Control Committee for review and approval of any

installation or changes to the landscaping.

3. Architectural Control Committee approval or disapproval shall be given in conformity with Section 3.5 of the High Resort Village Community Master Restrictions.

ARCHITECTURAL DESIGN STANDARDS

1. Size: Residential homes in Casitas at High Resort Village shall have a minimum of eleven hundred (1,100) square feet of living area. Living area shall include heated and/or air conditioned areas and shall exclude garages, porches, patios, decks, breezeways, accessory buildings or other covered or appurtenant areas.

2. Height: No structure may be constructed on Lots 10 through 21, inclusive, Block 1, which exceeds one story. No building shall be erected, altered, placed or permitted to remain on any other Lot that will exceed two (2) stories, or a total height from ground level to midpoint of pitched roof or top of parapet of a flat roof of twenty-six feet (26'). Ground level shall be defined as the highest pad elevation of the lot, as shown on the grading plans on file at the office of Village Joint Venture.

3. Setback Requirements: No structure or improvement, except where specifically permitted herein, shall be constructed:

a. Within areas restricted from use by easement or right-of-way.

b. Within twenty-five (25') feet from the front property lot line "Minimum Front Setback".

c. Within twenty-five feet (25') from the rear property lot line for Lots 10 through 21, inclusive, Block 1.

d. Within fifteen feet (15') from the rear property lot line for all other Lots.

e. Within five (5') feet from the side property lot line for interior lots "Minimum Side Setback".

f. Within seven and one-half (7½) feet from the side property lot line for corner lots "Minimum Side Street Setback".

g. At street intersections, lots having frontage on two (2) streets shall have one (1) street declared by the Architectural Control Committee, on approval of building plans, as the street where the "Minimum Front Setback" applies and the other street as the street where the "Minimum Side Setback" applies.

h. The effect desired by Grantor is to accomplish a staggered streetscape, with not less than a one (1) foot stagger.

i. A tolerance of four (4) inches by reason of mechanical variance of construction is allowed for the minimum distance requirements.

j. Roof overhangs, fireplaces decorative walls and like shall not be considered part of the permanent structure for measurement purposes in determining conformance to these setback requirements.

4. Garage: Every residence shall have a garage with at least a minimum two car capacity. Garage doors shall be of the overhead design and they may not exceed 9 feet in height. The garage may not be used as a residential area.

5. Parking:

a. All parking within the street right-of-way shall be limited to "designated parking areas" (median) only. Such designated parking areas are for bona fide guests only. Travel trailers belonging to bona fide guests may not remain in the designated parking area for longer than one (1) week for any one visit. Vehicles parked in nondesignated areas will be subject to

removal at owner's expense.

b. Recreational vehicles and trucks parked on the Driveway in front of the house, shall conform with Section 3.3(1) of High Resort Village Community Master Restrictions and in no instance remain in front of the house longer than one (1) night without prior written approval of the Architectural Control Committee.

6. The exterior appearance of the residence, appurtenant structures and improvements must be consistent with the high quality standards established for the Casitas at High Resort Village Neighborhood and the appearance must be consistent, compatible with, and, complimentary to preceding construction on other Neighborhood lots.

CONSTRUCTION STANDARDS

1. Exterior finishes of all residences, structures, or improvements on the lot shall be in stucco and colored "Lighter New Pink" or "New Navajo White" that will be compatible with the exterior color of other structures either on the subject lot, or adjoining lots. Exterior colors will be carefully reviewed and will be subject to approval by the Architectural Control Committee.

2. The roofing materials of all residential units, improvements, and other structures having pitched roofs which are visible from the street, the golf course, or common areas shall be clay or concrete tile the color of which shall be one of the following: San Carlos Blend (#668), Coronado Blend Capri (#647), or Marble Terracotta (#654) or other color as approved by the Architectural Control Committee.

3. No reflective finishes (other than glass) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including but not limited to the exterior surfaces of any of the following: roofs, all projections above the roofs, retaining walls, doors, trim, fences, pipes, and equipment.

4. Air conditioning, heating, and other machinery may be maintained in or on roof areas of flat-roofed structures, but they must be shielded from view if they are visible from any street within the subdivision, the golf course, or any common area within the subdivision.

5. No radio, citizens band, HAM or other aerial, satellite dish, antenna, or tower, whether for transmitting or receiving or any support thereof, shall be erected, installed, placed maintained or attached to any dwelling or any lot, without the prior written consent of the Architectural Control Committee.

WALL AND FENCE REQUIREMENTS

1. Fences and walls shall be in conformance with all applicable zoning and building ordinances, and any other public ordinances pertaining thereto, and in addition:

a. On all lots the rear lot line will be fenced with fencing constructed of white slump block to a minimum height of forty-eight (48) inches above the high finish grade of the lot, with a maximum height not to exceed seventy-two (72) inches.

b. On all lots which front the golf course, the rear lot line will be fenced with fencing constructed of white slump block to a height of approximately twenty-four (24) inches and

ornamental wrought iron and white slump block pilasters from approximately twenty four (24) inches to approximately forty eight (48) inches above the high finished grade of the lot. On lots where back yard swimming pools are installed, the white slump block portion of the rear lot line wall may be raised by two feet in order to meet the six foot height that is required by city code.

c. In all other areas, the lot line wall shall be of grey block, painted to match the exterior of the parent structure, and shall not exceed a height of forty eight (48) inches above the high finish grade of the lot on the high side, or higher, as necessary to comply with city code as it pertains to swimming pools, unless approved by the Architectural Control Committee. Cost of wall and matching finish of neighbor's side to be borne by swimming pool owner. All side fences must extend from the rear property line forward at least to the rear of the house on both sides. If the rear location of one house is unknown, the side fence shall extend at least three (3') forward from the rear of the known house location. No side yard fence may be constructed forward beyond the front of adjacent structures, without specific review and approval of The Architectural Control Committee.

d. On corner lots, no side street fence or wall, except retaining walls of minimum four (4) feet in height above the high, finished grade, or architectural walls approved with the original construction shall be erected or allowed to remain nearer to the side street than the Minimum Side Setback permitted by the City of

Rio Rancho zoning regulations.

e. All side street lot fences and front yard fences shall be finished in stucco that is acceptable with its parent structure.

f. Chainlink, welded wire, or welded pipe fence enclosures shall not be permitted on any lot in an area where they may be easily seen from the street, golf course or neighboring lots. In no case may these materials be used for lot perimeter, rear or side yard return fencing. In no case will barbed wire fencing be allowed anywhere on a lot.

g. All gates providing access between the front and backyards must be constructed of ornamental wrought iron as approved by the Architectural Control Committee, except necessary retaining walls of minimum height not to exceed twenty four (24) inches.

h. All fences and walls shall be constructed on a level plane, adjusting to grade differentials by stepping down a slope. In these cases, the height limitations shall be forced as an adjusted average (i.e., on sloping ground, an average 60" wall may be 66" above grade at one end of the section and 54" at the other end).

i. Retaining walls shall be party walls, if placed on the common property line of two lots, and shall not be removed by either property owner without prior written consent of the other property owners and the Architectural Control Committee.

j. Walls for the purpose of visual screening, privacy,

protection of swimming pools, etc., may be constructed between the front and rear setback lines, provided their style, color and materials are compatible with those of the residence and other structures and improvements to the lot and provided prior written consent has been obtained from the Architectural Control Committee.

LANDSCAPING

1. All front yards, side yards facing the street on corner lots, and rear yards on golf course lots must be landscaped at completion of construction or occupancy of the residential unit on the lot, whichever is sooner. All other rear yards must be landscaped within six (6) months of completion and/or occupancy of the residential unit on the lot.

2. Landscaping shall be in conformance with Section 3.3 (a) of the High Resort Village Community Master Restrictions and include the following:

a. Sixty percent (60%) of all front yards and sixty percent (60%) of all side yards adjacent to the street on corner lots must be vegetated. The vegetation may be native New Mexico low water use plantings as determined acceptable by the Architectural Control Committee. To determine the size of the yard, front yards and side yards shall be defined as that area between the back of curb and the front and/or side facade of the dwelling.

b. If rock is used as an accent material, it shall be at least one and one-half inches (1-1/2") in diameter, shall not be volcanic rock or cinder, and the rocked area must contain at least one five-gallon (5) plant for every twenty-five square feet (25

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Landscaping shall be in conformance with Section 3.3 (a) of the High Resort Village Community Master Restrictions and include the following:

Landscaping in front and side yards shall consist of grass or other ground cover, xeriscaping, or a combination of the above elements. Plans for front and side landscapes for corner lots, regardless of the elements included in the area, must be approved by the Architectural Control Committee. The Architectural Control Committee will notify the homeowner its decision within ten (10) working days of receiving the request.

If rock is used as an accent material, it shall be at least one and one-half inches (1-1/2") in diameter, shall not be volcanic rock or cinder, and the rock area must contain at least one five-gallon (5) plant for every twenty-five square feet (25 S.F.) of rock area.

The use of at least one (1) deciduous or evergreen shade tree of 1.5 to 2 inch caliper is required in each front landscaping plan.

Lawns shall be mowed and weeds removed during the growing season at least once every two weeks, or more often if necessary, to maintain the lawn and lot in a neat and well kept manner. All landscaping, such as shrubs, floral plantings, trees, landscape stone, wood and other materials, shall likewise be maintained in a neat and well-kept manner, to the extent that the lawn and all landscaping shall not be permitted to become rundown, deteriorated, disorderly or unsightly.

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EASEMENTS

Easements and right-of-way designated on the plat are hereby reserved unto Grantor, The City of Rio Rancho, the County of Sandoval and all public and private utility companies for the construction, installation and maintenance of any and all utilities, such as power cables, gas lines, drains, sewers, roads, water supply lines, telephone and television lines or the like, necessary or desirable for public health and welfare. Such easements and right-of-way shall be confined to a five (5) foot width along the rear and side lines of every lot and along every street, road or highway abutting the premises, unless otherwise designated on the plat. All easements shall be kept free from alteration, and owners of lots containing such easements shall keep them free from permanent structures and shall provide access

without trespass by maintenance personnel for the upkeep of such facilities which may be constructed within those easements. Sale of any lot shall include rights of Grantor or other Seller in and to the street, road or highway fronting the same, subject however to the rights of all others to use the same as public or private thoroughfares. The above notwithstanding, there shall be no access to or from Broadmoor Drive except by platted thoroughfare (public or private). Grantor reserves the right to dedicate to the public all streets, roads and highways abutting the property affected hereby and elsewhere in the High Resort Village Unit I without the consent of any owner within the Subdivision. All public and private rights-of-way, including streets and roads dedicated to the City of Rio Rancho, shall be considered a utility easement. Such easement shall be measured perpendicular (or radial on curves) from the front property corners of all lots to the centerline of such street or road.

MISCELLANEOUS

1. Site Triangle at Intersections: No fence, wall, hedge, shrub planting or tree, or other object, which obstructs sight lines at elevations between three (3) and eight (8) feet above the adjoining roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting them at a distance of 25 feet from the intersection of the street right-of way lines or as in the case of round property corners, from the intersection of the street right-of-way lines extended. 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.

2. Yard Lights: All owners of lots shall erect and maintain electric or gas front yard lights with photo electric cells, the location of which must be approved by the Architectural Control committee and in accordance with the ordinances, rules and regulations of Rio Rancho and may be of the following:

- a. Masonry Construction, finished with stucco provided it matches the stucco color of the house;
- b. Wrought iron, painted white or painted to match the primary color of the house.

3. Grading: No lot may be developed or regraded in such a manner as to cause the drainage characteristics of the lot to differ from the approved grading plan on file at the office of the Grantor; and in no case should the drainage characteristics be modified in such a way as to cause drainage to adjacent properties. Any modification shall require the prior written approval of the Architectural Control Committee.

4. Each lot owner shall be responsible and pay for all erosion control and maintenance of their property and shall hold the Association harmless from any expense, maintenance, and liability connected therewith.

5. Requests to approve plans for construction of new homes or remodeling will not be considered for approval if any claims for outstanding unpaid association dues or assessments exist against the subject lot.

6. Plans for remodeling will not be considered for approval if the applicant is in violation of any existing Architectural Control Committee Rules and Requirements and/or High Resort Village Community Master Restrictions. All construction, whether new construction, alterations, additions or remodeling, shall be completed in accordance with plans approved by the Architectural Control Committee, within six (6) months from commencement of construction.

7. At the time construction commences, a container or enclosure must be placed on each lot for discarding building material which is easily displaced by wind. All discarded building material, trash, debris, etc., will be removed from the construction site weekly, and all vacant lots within the subdivision will be maintained in a clean manner. If the construction site becomes unusually offensive due to trash, debris, etc., the Association will have the right to enter the subject lot and remove unsightly trash and assess the owner of the lot for costs incurred.

8. The Architectural Control Committee shall have the exclusive power to control any and all construction and/or improvements within Casitas at High Resort Village in accordance with Article 4 of the High Resort Village Community Master Restrictions, and any exceptions to the above rules.

THESE RULES WERE ADOPTED BY UNANIMOUS VOTE OF THE HIGH RESORT
VILLAGE COMMUNITY ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE ON
THIS _____ DAY OF _____, 1995.

Architectural Control Committee Chairman

ATTEST:

Dee A. Foster
Member

Member

EXHIBIT "A"

CASITAS AT HIGH RESORT VILLAGE, A Replat and
Vacation of a portion of Country Club Drive, A
Replat of a Portion of Parcel 2D, and a
Subdivisions of Unplatted Lands in the High
Resort, recorded in the Sandoval County, New
Mexico real estate records on February 9,
1995, in Vol. 3, Folio 1212-A, as Document No.
61027, and in Rio Rancho Plat Book No. 7, page
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Legal Assistant