FIRST AMENDMENT TO THE DECLARATIONS OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE VISTA DE PLATA SUBDIVISION

This First Amendment to the Declarations of Protective Covenants and Restrictions dated ____________, 2019, and is made by the Town of Silver City (the “Developer”) as follows:

RECITALS

WHEREAS, the Town approved the final plat of the Property by that certain Resolution No. 2011-02 (the “Resolution”), passed, approved, and adopted on January 25, 2011, and recorded in the real property records of Grant County, New Mexico on April 4, 2011, as 201101492.

WHEREAS, the Resolution incorporates by reference the Declaration of Protective Covenants and Restrictions (the “Declaration”) (referenced in the Resolution as Exhibit A, but separately recorded) dated January 31, 2011, and recorded in the real property records of Grant County, New Mexico on March 27, 2012, as Doc#201201220, and re-recorded on April 2, 2012, as Doc#201201341.

WHEREAS, the Resolution further incorporates by reference the Development Agreement (the “Development Agreement”) (referred to in the Resolution as Exhibit B, but separately recorded) dated January 31, 2011, and recorded in the real property records of Grant County, New Mexico, on April 4, 2011 as Doc#201101494.

WHEREAS, the Resolution, Declaration, and Development Agreement incorrectly recites the acreage and lots for the property as being a 27.5-acre tract with 56 lots. The correct acreage and lots for the property is an 18.736-acre tract with 60 lots. (See Exhibit A and hereinafter referred to as the “Property”.)

WHEREAS, the Town seeks to further amend the Declaration as indicated herein.

NOW, THEREFORE, in consideration of the foregoing, Developer declares that the real property described above shall be held, occupied, used, sold and conveyed subject to the Covenants as amended herein as follows:

1. Article I, Section 1 is amended to include the following subsection and definition:
(i) “Future Development Area” shall mean that real property as such is generally shown and described on Exhibit B, attached hereto and incorporated herein by reference.

(j) “Multi-Family Housing” shall mean and refer to any Lot zoned for Residential Use of more than 3 units.

2. Future Development Area and Multi Family Housing Use. The Declarations are amended to remove the Future Development Area from the covenants, restrictions, operation and control of the Declaration. Effective as of the date of this Amendment, the Future Development Area shall not subject to the Declaration or any amendment thereto. It is anticipated that the Future Development Area will be used for Multi-Family Housing. When the Future Development Areas are platted, the primary use and zoning of the Future Development Areas may be Multi-Family Housing and shall be restricted, operated and controlled by separate declarations of protective covenants and restrictions to be entered into at the time of replatting.

3. Article III, Section 4(e), shall be revised as follows: “Any detached storage buildings, sheds, or other outbuilding located on any Lot shall be located in the rear of the Lot and shall be constructed of quality materials, with the exterior thereof continually constructed and maintained to aesthetically conform to the residence and surrounding dwellings. No form of concrete block shall be allowed for facing on any dwelling.”

4. Article III, Section 4(g) shall be revised as follows: “Each dwelling shall have an all-weather surface driveway of a minimum width of ten feet. The driveway shall be installed at the time of placement of the dwelling. Sufficient off-street parking for all vehicles owned by residents shall be constructed of asphalt, concrete, laid stone, compacted crusher fines, or gravel materials.”

5. Garages, Carports, and Enclosed Storage Areas. There shall be no requirement that the Lots have garages, carports, or enclosed storage areas. Article III, Section 4(d) shall be revised as follows: “No parking shall be allowed in the front yard except in the driveway.”
6. **Model Home.** The Declarations are further amended to provide for a lot within the Property to be used as a model home. The model home shall not be used as a Residence concurrently with being used as a model home. The original model home shall be built on Lot 8. The model home lot may be relocated within the Property; provided that, the original or prior model home lot is sold, transferred, or conveyed to a third-party for use as a Dwelling. Any model home may be sold without the requirements of Article V.

7. Article III, Section 3 is hereby deleted in full.

8. **Advertisements.** The Developer or any sub-developer may place signs, banners, and other advertisements within the Property and Future Development Areas.

**IN WITNESS WHEREOF,** the undersigned Developer has executed this First Amendment the day and year first written above.

**THE TOWN OF SILVER TOWN,**

a political subdivision of the State of New Mexico,

By: __________________________

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk

Approved as to form:

Robert L. Scavron, Town Attorney
EXHIBIT A

REAL PROPERTY
EXHIBIT B

FUTURE DEVELOPMENT SITES (highlighted)