

AMENDMENT TO AGREEMENT TO CONSTRUCT INFRASTRUCTURE IMPROVEMENTS
AND
AMENDMENT TO DRB INFRASTRUCTURE LIST

City Project # _____
City Engineer’s Signature Date _____

WHEREAS, the City and the Developer entered into an Agreement to Construct Public and/or Private Infrastructure Improvements (“Original Agreement”) on _____, which was recorded on _____, in Book _____, pages _____ through _____ as Document No. _____ in the records of the Bernalillo County Clerk, State of New Mexico, wherein the Developer agreed to satisfactorily construct certain infrastructure improvements.

WHEREAS, the parties agree that the word “Subdivider” used in any previous Agreements is replaced with the word “Developer” for this Agreement. This change has no substantive effect on any other provision of the agreement.

WHEREAS, the Original Agreement was amended by a _____ Extension Agreement dated _____ recorded on _____, in Book _____, pages _____ through _____, as Document No. _____ in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to _____; and

WHEREAS, the Original Agreement was amended by a _____ Extension Agreement dated _____ recorded on _____, in Book _____, pages _____ through _____, as Document No. _____ in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to _____; and

WHEREAS, the Developer has requested final plat approval of its plat identified as _____; and

WHEREAS, the Developer is required to financially guarantee the construction of the public and/or private infrastructure; and

WHEREAS, the Developer is able to provide the required financial guaranty.

THEREFORE, the Developer and the City agree to amend the Original Agreement as follows:

1. Amending Section 6, Financial Guaranty, second paragraph, to read as follows:

To meet the City’s Integrated Development Ordinance requirements, the Developer has acquired or is able to acquire the following “Financial Guaranty”:

County Clerk’s Recording Label

Type of Financial Guaranty: _____ Amount: \$ _____

Name of Financial Institution or Surety providing Guaranty: _____

Date City first able to call Guaranty (Construction Completion Deadline): __/__/__

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: __/__/__ Additional information: _____

2. WHEREAS, the Developer is required to amend the infrastructure listing for public and/or private improvements attached as Exhibit A to the Original Agreement;

WHEREAS, the Developer has submitted to the City and the City has approved an amended infrastructure listing.

NOW THEREFORE, the Developer and the City agree to amend the Original Agreement as follows:

1. Amending Section 2, Improvements and Construction Deadline, to replace Exhibit A the required infrastructure listing dated _____ with a revised and amended infrastructure listing attached hereto as Exhibit A-1 dated _____.

2. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.

DEVELOPER: _____

CITY OF ALBUQUERQUE:

By (Signature): _____

Print Name: _____

Shahab Biazar, P.E., City Engineer

Title: _____

Dated: _____

Dated: _____

DEVELOPER’S NOTARY

STATE OF _____)
) ss
COUNTY OF _____)

This instrument was acknowledged before me on this ____ day of _____, 20__ by [name of person] _____, [title or capacity, for instance, “President” or _____ of (“Developer”)
_____.

(SEAL)

Notary Public

My Commission Expires: _____

CITY’S NOTARY

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on ____ day of _____, 20__, by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

Notary Public

My Commission Expires: _____

County Clerk’s Recording Label

(Exhibit A-1 attached)

County Clerk's Recording Label