

AMENDMENT TO AGREEMENT TO
SIDEWALK DEFERRAL AGREEMENT
AND
AMENDMENT TO DRB SIDEWALK DEFERRAL EXHIBIT

City Project # _____
City Engineer's Signature Date _____

WHEREAS, the City and the Developer entered into a Sidewalk Deferral Agreement ("Original Agreement") on _____ which was recorded on _____, which was recorded on _____, in the records of the Bernalillo County Clerk, State of New Mexico, in Book _____, pages _____ to _____ as Document No. _____, wherein the Subdivider 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 to financially guarantee the construction of the sidewalk improvements; 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 2, 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”:

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 has requested an amendment to the City’s Development Review Board (“DRB”) Sidewalk Deferral Official Notice of Decision; and

WHEREAS, the DRB has approved an amended Sidewalk Deferral Official Notice of Decision.

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

1. Amending Section 1-A. Sidewalk Construction Deadline, to replace Exhibit A the approved Sidewalk Deferral Official Notice of Decision attached hereto as **Exhibit A-1**.

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]: _____

By: _____

Name [print]: _____

Shahab Biazar, P.E., City Engineer

Title: _____

Dated: _____

Dated: _____

County Clerk’s Recording Label

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 "Owner"] _____ of
("Developer") _____.

(SEAL)

Notary Public

My Commission Expires: _____

CITY'S NOTARY

STATE OF NEW MEXICO)
)
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: _____

(Exhibit A-1 attached)

County Clerk's Recording Label