PARTIAL ASSIGNMENT AND AMENDMENT TO AGREEMENT TO CONSTRUCT INFRASTRUCTURE IMPROVEMENTS

| NAME OF PROJECT: | |
|---|--------------------------|
| ORIGINAL DEVELOPER/ASSIGNOR: | |
| NEW OWNER/ASSIGNEE: | |
| CITY PROJECT # | |
| | |
| THIS PARTIAL ASSIGNMENT AND AMENDMENT is made | • |
| , 20, by the City of Albuquerque, New Mexico (" | |
| Developer)("Ass | ignor") and (new owner) |
| type of business entity, for instance "corporation," "general partnership". | ("Assignee") a (state |
| type of business entity, for instance "corporation," "general partnership". | , "joint venture", |
| "individual," etc.:) | whose address is |
| number is (, is made in Albuquerq | whose telephone |
| number is (| ue, New Mexico and is |
| effective as of the date of final execution on this Agreement. | |
| WHEREAS, the title "Subdivision Improvements Agreement" may | v have been used in |
| previous Agreements and is now replaced with the title "Infrastructure In | |
| Agreement" as part of this Agreement. The change in title has no substa | |
| provision of the agreement. | <i>j</i> |
| F | |
| WHEREAS, the parties agree that the word "Subdivider" used in | any previous |
| Agreements is replaced with the word "Developer" for this Agreement. | • 1 |
| substantive effect on any other provision of the agreement. | C |
| | |
| WHEREAS, the Assignor is the developer/Developer of the (Name of P. | |
| | , City Project |
| No:; and | |
| WHEREAS, the City and | entered |
| into a Infrastructure Improvements Agreement (Procedure B) ("Orig | oinal Agreement") on |
| , which was recorded on, in Book | |
| through, as Document No in the records of | |
| Clerk, State of New Mexico, at wherein | agreed to construct |
| Clerk, State of New Mexico, at whereininfrastructure improvements as shown on Plans and Specifications subm | itted to and approved by |
| the City; and | |
| WHEREAG A O C LA A | Б., |
| WHEREAS, the Original Agreement was amended by a | Extension |
| Agreement dated recorded on | , in Book, |
| pages through, as Document No Bernalillo County Clerk, State of New Mexico, extending the construction | records of |
| ; and | on deadine to |
| , and | |

| | WHEREAS, the Original | l Agreement was amended by a | Extension |
|---|---|--|--|
| Agreei | | recorded on | |
| pages | through | _, as Document No | records of |
| Bernal | illo County Clerk, State o | of New Mexico, extending the construct | ion deadline to |
| obligat the As with or | ereof is sold, conveyed or cions, nor will the City releasing that entered into a F f the City and posted a sub | Agreement provides that if the Develor assigned the City will not release the Agreese Assignor's financial guaranty until Partial Assignment and Amendment to be be be the Agreement and Amendment to be be the Agreement and Amendment to be the Agreement and Amendment to be be the Agreement and Amendment to be the Agreement and Amendment to be the Agreement and Amendment to be the Agreement and | Assignor from its l a successor in interest to the Original Agreement to the City; and |
| acquire the Be | rnalillo County Clerk at B | rill become the new owner of tty Deed, which was recorded on Book Misc, Pagesthrough | , having, in the records of; (the "Warranty |
| | THEREFORE, the Assig | gnor, Assignee and the City agree: | |
| Deed. amend Origin substit as ame | t in and to the Original As Assignee hereby accepts ed, and all of the duties ar al Agreement as amended uted hereafter. Assignee | dereby assigns to Assignee all of Assign greement as amended for the property of said assignment, and assumes the Original and obligations of Assignor thereunder. It to the Assignor as "Developer" are del agrees that the terms and conditions of oplied to Assignor are hereby ratified ar | lescribed in the Warranty inal Agreement as All references in the leted and the Assignee is the Original Agreement |
| 2. regard | Financial Guaranty: Secing the financial guaranty, | tion 5 of the Original Agreement, speci , is amended to read: | fically the information |
| | Type of Financial Guaran Amount: \$ | nty: | |
| | Name of Financial Institu | ution or Surety providing Guaranty: | |
| | Date City first able to cal | ll Guaranty (Construction Completion l | Deadline): |
| | Guaranty is:Additional information: _ | Credit or Loan Reserve, then last day | <u> </u> |
| | al Agreement will remain | Except as amended herein, the terms unchanged and will continue in full for nd conditions of this Partial Assignment | rce and effect unless there |

COA# _____

the terms and conditions of the Original Agreement, in which case the terms and conditions of this Assignment to Original Agreement will control.

- 4. Entire Agreement: This Partial Assignment and Amendment contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.
- 5. Changes to Agreement: Changes to this Partial Assignment and Amendment are not binding unless made in writing, signed by all parties.
- Form not Changed: Assignor and Assignee agree that changes to this form are not 6. binding unless initialed by both on this form.
- 7. Authority to Execute: If the Assignor signing below was not the prior owner of the Developer's Property, or the Assignee is not the present owner of the Developer's Property, the true past and/or present owner(s) must execute and deliver to the City a Power of Attorney or other evidence of authority which is acceptable to the City, establishing the authority of the Assignor and/or Assignee to sign this Partial Assignment and Amendment.

Executed on the date stated in the first paragraph of this Partial Assignment and Amendment.

| ASSIGNOR: | ASSIGNEE: | |
|---|------------------------|----------------------|
| By (signature): | By (signature): | |
| Name (print): | Name (print): | |
| Title: | Title: | |
| Date: | Date: | |
| ASSIGN | OR'S NOTARY | |
| STATE OF NEW MEXICO))ss. | | |
| COUNTY OF BERNALILLO) | | |
| This instrument was acknowledged before | ore me on this day of | , 20, |
| by [name of person:] | , [tit | tle or capacity, for |
| instance, "President" or "Owner":] | | of |
| [Developer:] | | · |
| | | |
| (SEAL) | Notary Public | |
| | My Commission Expires: | |
| Partial Assignment and Amendment to Agreement | 3 (0. | Δ# |

ASSIGNEE'S NOTARY

| STATE OF NEW MEXICO |) | | | |
|------------------------------------|---------------|------------------------|--------------------|---------------------|
| COUNTY OF BERNALILLO |)ss.) | | | |
| This instrument was acknowl | edged before | e me on this _ | day of | , 20 |
| by [name of person:] | | | , [titl | le or capacity, for |
| instance, "President" or "Owner":] | | | | |
| [Developer:] | | | | |
| (SEAL) | | Notary | Public | |
| ` , | | • | nmission Expires: | |
| (| CITY OF AL | BUQUERQ | UE: | |
| By: | | | | |
| By: Shahab Biazar, P.E., City Eng | ineer | | | |
| Date: | | _ | | |
| | | | | |
| | CITY'S | NOTARY | | |
| STATE OF NEW MEXICO |) | | | |
| COUNTY OF BERNALILLO |)ss.) | | | |
| This instrument was ackno | wledged befo | ore me on | day of | , 20 |
| by Shahab Biazar, P.E., City Engin | neer of the C | ity of Albuqu | erque, a municipal | corporation, on |
| behalf of the municipal corporatio | n. | | | |
| (SEAL) | | Notary | Public | |
| | | My Commission Expires: | | |
| | | | | |