

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

City Project # \_\_\_\_\_  
City Engineer’s Signature Date \_\_\_\_\_

WHEREAS, the City and the Subdivider entered into an Agreement to Construct Public and/or Private Subdivision 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 Subdivider agreed to satisfactorily construct certain infrastructure improvements.

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 Subdivider has requested final plat approval of its plat identified as \_\_\_\_\_; and

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

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

THEREFORE, the Subdivider 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 Subdivision Ordinance requirements, the Subdivider 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 Subdivider is required to amend the infrastructure listing for public and/or private improvements attached as Exhibit A to the Original Agreement;

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

NOW THEREFORE, the Subdivider 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.

SUBDIVIDER: \_\_\_\_\_

CITY OF ALBUQUERQUE:

By (Signature): \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

Shahab Biazar, P.E., City Engineer

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

SUBDIVIDER’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 (“Subdivider”)  
\_\_\_\_\_.

(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