

**AMENDMENT AND EXTENSION AGREEMENT**  
**Procedure "A"**

Project No. \_\_\_\_\_

Project Name: \_\_\_\_\_

This Amendment and Extension Agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of Developer) \_\_\_\_\_ ("Developer"), whose address is \_\_\_\_\_ whose telephone number is \_\_\_\_\_ and whose email address is \_\_\_\_\_ is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Developer entered into an Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, which was recorded on \_\_\_\_\_, in Book \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_, as Document No. \_\_\_\_\_ in the office of the Bernalillo County Clerk, State of New Mexico ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and

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.

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

1. Amending paragraph 4. Work Order Requirements: Paragraph 4 in the original Agreement is deleted and replaced by the following amended paragraph 4:

The Developer must procure a New Mexico licensed Contractor to construct the improvements per the specifications contained in the City-approved construction drawings. The Contractor shall provide proof of proper licensure to complete the improvements. If the Contractor that has been identified by the Developer does not possess all of the proper licenses for the improvements then proof of proper licensure of the subcontractors must be provided. The Developer's Contractor shall obtain a Performance & Warranty bond and a Labor & Materials bond utilizing the bond templates provided and approved by the City. The mandatory bonds obtained by the Contractor are independent of, and in addition to, the Financial Guaranty provided by the Developer. If the Developer or the City determines that the Contractor failed to faithfully construct or maintain the specified and warranted work, the Developer and the City shall each have standing to make claim on the applicable bonds.

2. Extension of Agreement:

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided Developer submits updated work order;

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

3. The required completion date for construction of the improvements, as set forth in paragraph \_\_\_\_\_ of the Earlier Agreement, is extended (Complete either A or B:)

A. for all improvements, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

B. on portions of the improvements as follows:

IMPROVEMENTS:

COMPLETION DATE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The parties agree that all terms and conditions of the Earlier Agreement not in conflict with this Extension Agreement shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement.

Executed on the date stated in the first paragraph of this Agreement.

DEVELOPER:

By [signature]: \_\_\_\_\_

Name [print]: \_\_\_\_\_

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

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

DEVELOPER'S NOTARY

STATE OF \_\_\_\_\_ )

)ss

COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by  
(name of person:) \_\_\_\_\_, (title or capacity, for instance,  
"President" or "Owner") \_\_\_\_\_ of  
(Developer:) \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

