

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

City Project # \_\_\_\_\_  
Date \_\_\_\_\_

WHEREAS, the City and the Developer entered into a Sidewalk Deferral Agreement (“Original Agreement”) 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 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 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:

County Clerk’s Recording Label

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., Acting 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 "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., Acting 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)**