

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

City Project # 764882  
City Engineer's Signature Date May 5, 2014

WHEREAS, the City and the Developer entered into an Agreement to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on July 27, 2007, which was recorded on July 27, 2007, in the records of the Bernalillo County Clerk as Document No. 2007109286, wherein the Developer agreed to satisfactorily construct certain infrastructure improvements on or before the 15<sup>th</sup> day of August 2008; and

WHEREAS, the Original Agreement was amended by a First Extension Agreement dated October 21, 2008, recorded on October 28, 2008, as Document No. 2008117105 in the records of Bernalillo County, New Mexico, extending the construction deadline to July 27, 2009; and

WHEREAS, the Original Agreement was amended by a Second Extension Agreement dated September 15, 2009, recorded on September 24, 2009, as Document No. 2009107587 in the records of Bernalillo County, New Mexico, extending the construction deadline to July 27, 2011; and

WHEREAS, the Developer has requested final plat approval of its plat identified as SUNSET VILLA SUBDIVISION; and

WHEREAS, the Developer is required to financially guarantee the construction of the public and/or private infrastructure; 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 5, Financial Guaranty, second paragraph, to read as follows:

To meet the City's Subdivision Ordinance requirements, the Developer has acquired or is able to acquire the following "Financial Guaranty":

Type of Financial Guaranty: Municipal Lien

Amount: \$1,199,831.95

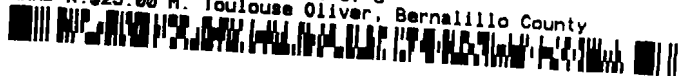
Name of Financial Institution or Surety providing Guaranty:

CITY OF ALBUQUERQUE

Date City first able to call Guaranty (Construction Completion Deadline): July 27, 2016

Doc# 2016042172

05/10/2016 02:59 PM Page: 1 of 6  
AMND R:\$25.00 R. Toulouse Oliver, Bernalillo County



If Guaranty other than a Bond, last day City is able to call Guaranty is  
SEPTEMBER 27, 2016, .

Additional information: \_\_\_\_\_  
\_\_\_\_\_

2. WHEREAS, the Developer is required to amend the infrastructure listing for public and/or private improvements attached as Exhibit A to the Original Agreement;

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

NOW THEREFORE, the Developer 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 9/27/2006 with a revised and amended infrastructure listing attached hereto as Exhibit A-1 dated 6/24/2015.

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 : SUNSET Villa, LLC

By (Signature): Joe R. Halon

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

Title: MANAGING MEMBER

Dated: FEB 11, 2016

CITY OF ALBUQUERQUE:

[Signature]

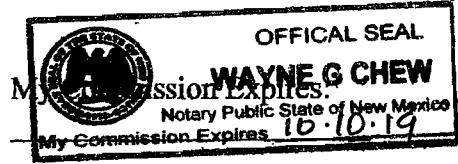
Rev. Shahab Biazar, City Engineer

Dated: 5/5/16

DEVELOPER'S NOTARY

STATE OF NEW MEXICO )  
 )  
COUNTY OF BERNALILLO )ss

This instrument was acknowledged before me on this 11 day of FEB, 2016  
by [name of person] JOE R. HAHN, [title or  
capacity, for instance, "President" or "Owner"] MANAGING MEMBER of  
("Developer") SUNSET VILLA, LLC.



Wayne G. Chew  
Notary Public

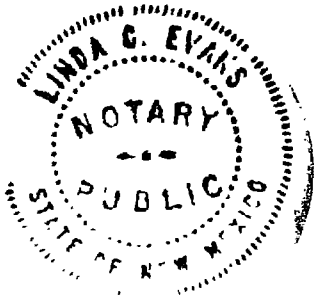
CITY'S NOTARY

STATE OF NEW MEXICO )  
 )  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on 5<sup>th</sup> day of May, 2016,  
by Shahab Biazar, City Engineer of the City of Albuquerque, a municipal corporation, on behalf  
of said corporation.

Linda G. Evans  
Notary Public

My Commission Expires:  
10-17-16



(Exhibit A-1 attached)

Revised 3/31/2010

Current DRC

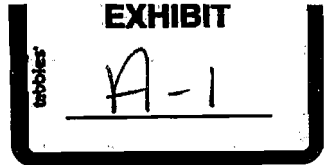


FIGURE 12

# 1003613  
6-24-15

Date Submitted: \_\_\_\_\_

Date Site Plan Approved: 9-27-06

Date Preliminary Plat Approved: 9-27-06

Date Preliminary Plat Expires: 9-27-07

INFRASTRUCTURE LIST

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT  
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

DRB Application No.: 1003613

ORIGINAL

SUNSET VILLA SUBDIVISION

PROPOSED NAME OF PLAT

Lots 1,2,3 powell add, sunset villa addition, tract 34 merged map 39

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		28'wide	residential paving w/curb and gutter, 6' sidewalk east side*	Twilight vista lane	Sunset gardens road	183 feet south	/	/	/
		2-20'wide w/8'median	residential paving w/curb and gutter both sides, 6' sidewalk east side*	Twilight vista lane	183 feet south	233 feet south	/	/	/
		28'wide	residential paving w/curb and gutter, 6' sidewalk east side*	Twilight vista lane	233 feet south	garden way	/	/	/
		26' wide	residential paving w/curb and gutter, 4' sidewalk both sides*	garden patch lane	garden way	end of cul-de sac	/	/	/
		28'wide	residential paving w/curb and gutter, 4' sidewalk both sides*	garden way	whitten trail	end of cul-de sac	/	/	/
		26'wide	residential paving w/curb and gutter, 4' sidewalk both sides*	garden way stub	garden way	lot 53	/	/	/
		28'wide	residential paving w/curb and gutter, 4' sidewalk both sides*	tyrack lane	garden way	end of cul-de-sac	/	/	/
		28'wide	residential paving w/curb and gutter, 4' sidewalk both sides*	whitten trail	garden way	lot 1	/	/	/
		28'wide	residential paving w/curb and gutter 6' sidewalk- west side*	whitten trail	lot 1	powell road	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		8"	Waterline	twilight vista lane	sunset gardens road	garden way	/	/	/
		4"	waterline	garden patch lane	garden way	end of cul-de sac	/	/	/
		8"	waterline	gerden way	whitten trail	end of cul-de sac	/	/	/
		4"	waterline	tyrack lane	garden way	end of cul-de sac	/	/	/
		8"	waterline	whitten trail	garden way	powel road	/	/	/
		8"	Sewerline	twilight vista lane	garden way	lot 47	/	/	/
		8"	Sewerline	gerden patch lane	garden way	end of cul-de-sac	/	/	/
		8"	Sewerline	garden way	whitten trail	end of ex. sas	/	/	/
		8"	Sewerline	tyrack lane	garden way	end of cul-de sac	/	/	/
		8"	Sewerline	whitten trail	garden way	powel road	/	/	/
		30"	rcp	garden way	lot15	lot19	/	/	/
		36"	rcp	garden way	lot 19	lot 55	/	/	/
		36"	rcp	gerden way	lot55	twilight vista lane	/	/	/
		30"	rcp	garden way	twilight vista lane	lot 45	/	/	/
		48"	rcp	twilight vista lane	garden way	lot 49	/	/	/
		48"	rcp	tract b	twighlight vista	bottom pond	/	/	/

<input type="checkbox"/>	<input type="checkbox"/>	0.677	retention pond w/agreement and covenant	lot 16a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	0.509	retention pond w/agreement and covenant	lot23a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	0.397	retention pond w/agreement and covenant	lot 45a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	0.485	retention pond w/agreement and covenant	lot49a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	0.579	retention pond w/agreement and covenant	lot59a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		LOMRF	lots46,47,49a,50	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTES

- 1 paving to include residential sidewalks to be deferred\* and signage per drc
- 2 grading certification required prior to release of site
- 3 waterlines include valves, fittings and services( no water service shall be provided to lots 14,15,18,22,23,39,44,45,48,49,57,58,59)
- 4 storm drain includes catch basins, connector pipes, manholes and outlet structures
- 5 sanitary sewer lines include manholes and services(no sewer service shall be provided to lot 39)
- 6 perimeter wall per drb approved perimeter wall design
- 7 wall certification from registered engineer required prior to release of financial guarantee

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS		
<u>David Salk</u> <small>NAME (print)</small> <u>Rio Grande Engineering</u> <small>FIRM</small> <u>[Signature]</u> <small>SIGNATURE - date</small> <small>MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A DRB EXTENSION: _____</small>	<u>[Signature]</u> 6-24-15 <small>DRB CHAIR - date</small> <u>[Signature]</u> 6/24/15 <small>TRANSPORTATION DEVELOPMENT - date</small> <u>[Signature]</u> 6/24/15 <small>UTILITY DEVELOPMENT - date</small> <u>[Signature]</u> 6-24-15 <small>CITY ENGINEER - date</small>	<u>Carol S. Dumont</u> 6-24-15 <small>PARKS &amp; GENERAL SERVICES - date</small> <u>Recreation</u> <small>AMAFA - date</small>  <small>- date</small> <small>- date</small>	
<b>DESIGN REVIEW COMMITTEE REVISIONS</b>			

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER