

**AMENDMENT TO AGREEMENT TO
CONSTRUCT SUBDIVISION IMPROVEMENTS**

City Project # 691583

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 07/03/2017, which was recorded on 07/14/2017, as Document No. 2017067881 in the records of the Bernalillo County Clerk, State of New Mexico, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements.

WHEREAS, the Subdivider has requested 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 Subdivision Ordinance requirements, the subdivider has acquired or is able to acquire the following "Financial Guaranty":

Type of Financial Guaranty: Subdivision Improvements Bond No. 1148341

Amount: \$652,235.30

Name of Financial Institution or Surety providing Guaranty:

Lexon Insurance Company

Date City first able to call Guaranty (Construction Completion Deadline):

January 25, 2019

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: March 25, 2019

Additional information: _____

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: Stormcloud, LLC

CITY OF ALBUQUERQUE:

By [signature]: _____

By: _____

Name [print]: _____

Shahab Biazar, P.E., City Engineer

Title: _____

Dated: _____

Dated: _____

SUBDIVIDER'S NOTARY

STATE OF NEW MEXICO)

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COUNTY OF BERNALILLO)

This instrument was acknowledged before me on _____ day of _____, 2017,
by [name of person] _____, [title or capacity, for
instance, "President" or "Owner"] _____ 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 _____, 2017,
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: _____