

A

**DEVELOPMENT AGREEMENT**

By and between the  
City of Albuquerque, Albuquerque, New Mexico,  
Department of Family & Community Services,  
a municipal corporation,

and

YES Housing, Inc., a New Mexico non-profit corporation,  
901 Pennsylvania NE  
Albuquerque, New Mexico 87110

Feb 9<sup>th</sup>, 2018

**NUEVO ATRISCO APARTMENTS**

7909 Central Avenue NW  
Albuquerque, NM 87121

## **TABLE OF CONTENTS**

<u><b>Sections</b></u>	<u><b>Page No.</b></u>
Development Agreement	3
Recitals	3
Article I        Definitions	4
Article II       Project Purpose and Description	4
Article III      Funds Committed to the Project	5
Article IV       Commencement and Completion of the Project	6
Article V        Real Property Acquisition	8
Article VI       Usage and Documentation of Loan -Real Property Acquisition	9
Article VII      Warranties and Obligations	10
Article VIII     Monitoring Reports Required	16
Article IX       Fees, Taxes, Insurance and Other Amounts Payable	17
Article X        Damage, Destruction and Condemnation	21
Article XI       Special Covenants	22
Article XII      Events of Default Defined and Remedies Upon Default	24
Article XIII     Miscellaneous	25

### **Exhibits**

Exhibit A        Definitions	30
Exhibit B        Legal Description	35
Exhibit C        Mortgage, Assignment of Rents and Security Agreement (City Mortgage)	36
Exhibit D        Promissory Note (City Note)	45
Exhibit E        Project Budget	49
Exhibit F        Sources and Uses	51
Exhibit G        Development Schedule	57
Exhibit H        Request for City Loan Disbursement	58
Exhibit I        Restrictive Real Estate Covenants	60
Exhibit J        Subordination Agreement	67
Exhibit K        Collateral Assignment of Promissory Note and Mortgage, Assignment of Rents and Security Agreement	71
Exhibit L        Agreement to Assume Rights and Responsibilities	75

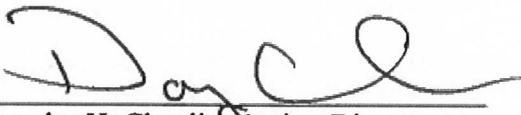
Section 13.26. Approval Required. This Agreement shall not become effective or binding until approved by the City's Director of the Department of Family and Community Services. The effective date of this Agreement shall be the date of the Director's approval.

Section 13.27. Agreement Binding. This Agreement and all parts contained herein shall be binding upon each party and such transferees, their successors, assigns and all parties claiming by, through or under any of them. It is further agreed that each and every conveyance of any portion of the Project shall contain the covenants specified in this Agreement and those contained in **Exhibit I**, Restrictive Real Estate Covenants, attached hereto.

IN WITNESS WHEREOF the City and Developer have caused this Agreement to be executed in their respective names and all as of the date first written above.

CITY OF ALBUQUERQUE

Approved By:

  
Douglas H. Chaplin, Acting Director  
Dept. of Family & Community Services

Date: 2/9/18

YES HOUSING, INC.

(Signature below must be that of a board member or officer authorized to bind the corporation).

By:   
JOSEPH R. ORTEGA, Executive Vice  
President

02-186501-009  
State Taxation and Revenue Department

Taxpayer Identification Number

85-0388252  
Federal Taxpayer Identification Number