

**AMENDMENT TO AGREEMENT TO
CONSTRUCT INFRASTRUCTURE IMPROVEMENTS"B"**

City Project # 775782

This Agreement made this 24th day of September, 2019, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of Developer:) Corazon del Mesa 3B, LLC ("Developer"), whose address is 9600 Tennyson St NE, Albuquerque, NM, 87122 and whose telephone number is (505) 218-7964, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

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 City and the Developer entered into an Agreement on the 29th day of March, 2019, which was recorded on 8th day of April, 2019, pages 1 through 14 as Document No. 2019027157 in the records of 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 8th day of November, 2019; and

WHEREAS, the Developer has requested 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 6. Financial Guaranty, second paragraph, to read as follows:

To meet the Integrated Development Ordinance requirements, the Developer has acquired or is able to acquire the following "Financial Guaranty":

Type of Financial Guaranty: Letter of Credit

Amount: \$ 2,057,189.52

Date City first able to call Guaranty (Construction Completion Deadline):
April 28, 2020

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: June 28, 2020

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.

DEVELOPER: **Corazon Del Mesa 3B, LLC**

CITY OF ALBUQUERQUE:

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AMND R: \$25.00 Linda Stover, Bernalillo County

