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:

Amending Section 6. Financial Guaranty, second paragraph, to read as follows: 1.

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

ype of Financial Guaranty: Letter of Credit
mount: \$ 2.057.189.52
ate City first able to call Guaranty (Construction Completion Deadline):
Guaranty is a Letter of Credit or Loan Reserve, then last day City able to all Guaranty is: June 28, 2020
dditional information:

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 2. 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:

Doc# 2019081449

By [signature]: M. Michael Fietz. Name [print]: W. Michael Fietz. Title: Manager, Dated: 8/23/2019		By: Shahab Biazar, P.E., C	ity Engineer
DEVELOPER'S NOTARY			
STATE OF New Mexico) ss) ss)			
This instrument was acknowledge	d before me on	23 day of August	, 20 <u>19</u> ,
by [name of person] W. Michael Fietz, [ti	tle or capacity,	for instance, "President" or	"Owner"]
Manager of ("Developer") Corazon Del M	<u>1esa 3B, LLC</u> .		
OFFICIAL SEAL. Leticia Martinez NOTARY PUBLIC STATE OF NEW MEXICO My Commission Expires: Oblas 12002	Notary Publ My	Commission 23, 2022	Expires:
<u>CITY'S NOTARY</u>			
STATE OF NEW MEXICO))ss COUNTY OF BERNALILLO)			
	l hafara ma an	24th day of Septer	Mboy, 20 <u>19</u> .
This instrument was acknowledged by Shahab Biazar, P.E., City Engineer of t		querque a municipal corno	
behalf of said corporation.	ne city of Anoc	quorquo, a mamorpar corpe	auton, on
	Notary Publi	eathe Rabadie	
March 15,2021	Му	Commission	Expires: