

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

City Project # **666786**

This Agreement made this 15<sup>th</sup> day of April, 2020, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of Developer:) **Eagle Vista, LLC** ("Developer"), whose address is **9201 Montgomery NE, Bldg 1, Albuquerque, NM, 87111** and whose telephone number is **(505) 884-4699**, 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 21<sup>st</sup> day of **July, 2017**, which was recorded on 26<sup>th</sup> day of **July, 2017**, pages 1 through 10 as Document No. **2017072463** 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 12<sup>th</sup> day of **July, 2019**; and

WHEREAS, the City and the Developer entered into an 1<sup>st</sup> Extension Agreement on the 4<sup>th</sup> day of **February 2020**, which was recorded on **February 04, 2020**, pages 1 through 3, as Document No. **2020011068** 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 12<sup>th</sup> day of **July 2020**;

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: Loan Reserve Letter

Amount: \$ 56,954.50


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

July 12, 2021

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: September 12, 2021

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

**Doc# 2020035432**

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AMND R.\$25.00 Linda Stover, Bernalillo County  


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: Eagle Vista, LLC

CITY OF ALBUQUERQUE:

By [signature]: \_\_\_\_\_  
Name [print]: Lance Sigmon  
Title: Principal  
Dated: April 2, 2020

By: \_\_\_\_\_  
Shahab Biazar, P.E., City Engineer  
Dated: \_\_\_\_\_

**DEVELOPER'S NOTARY**

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on 2nd day of April, 2020,  
by [name of person] Lance Sigmon, [title or capacity, for instance, "President" or "Owner"]  
Principal of ("Developer") Eagle Vista, LLC.



OFFICIAL SEAL  
COURTNEY TINNIN  
NOTARY PUBLIC, STATE OF NEW MEXICO

MY COMMISSION EXPIRES July 30, 2022

\_\_\_\_\_  
*[Handwritten Signature]*

Notary Public

My

Commission

Expires: July 30, 2022



CITY'S NOTARY

STATE OF NEW MEXICO        )  
  ) ss.  
COUNTY OF BERNALILLO    )

This instrument was acknowledged before me on this 15<sup>th</sup> day of April,  
2020, by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal  
corporation, on behalf of said corporation.

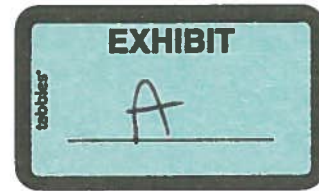
(SEAL)

Charlotte LaBadie  
Notary Public

My Commission Expires: March 15, 2021



PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946



## OFFICIAL NOTIFICATION OF DECISION

Lance Sigmon  
9201 Montgomery Blvd. NE Bldg. 1  
Albuquerque, NM 87111

**Project# PR-2019-002874**

**Application#**

**SD-2019-00172**

EXTENSION OF THE INFRASTRUCTURE  
IMPROVEMENTS AGREEMENT (IIA)

### LEGAL DESCRIPTION:

All or a portion of **TRACT C PLAT OF TRACTS A, B & C COTTONWOOD POINTE**, zoned NR-BP, located at **9651 IRVING BLVD NW** between **IRVING BLVD NW** and **EAGLE RANCH RD NW**, containing approximately 6.7675 acre(s). (B-13)

On March 11, 2020 the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request based on the following Findings:

1. This is a request to extend the Infrastructure List for the above referenced area to allow the completion of the project. It is a request for a 2-year extension.
2. The current Infrastructure List was approved in 2017. The project is under development and this extension allows time for project completion.
3. Pursuant to 14-16-6-4(W)(4)(a) The applicant has made this request in writing prior to the expiration of the previous approval and the DRB, the original approving body, has made a decision using the same procedure required for the initial approval.
4. This action will extend the approval of the IIA to March 26, 2022. Per Section 14-16-6-4(W)(4)(a)(1), the IDO allows one extension of any approval action so this is the **final extension**.
5. The proper notice was given as required by the IDO.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **MARCH 26, 2020**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

Official Notice of Decision  
Project # PR-2019-002874 Application # SD-2019-00172  
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For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Jolene

Wolfley

DRB Chair

JW/jr



March 19, 2020

City of Albuquerque  
Chief Administrative Officer  
P.O. Box 1293  
Albuquerque, NM 87103

Re: Reserve Letter Amendment #1, Eagle Vista, LLC Project ID 666786

To whom it may concern:

This is to advise the City of Albuquerque ("City"), that, at the request of Eagle Vista, LLC, BOKF, dba Bank of Albuquerque ("Financial Institution"), is amending our originally provided Loan Reserve Letter dated July 12, 2017, by reducing the amount of the Loan Reserve Letter from \$106,259.51 to \$56,954.50, and by changing date the City can first call the guaranty (the "Construction Completion Deadline" referenced in paragraph 3. "Draw on Reserve"), from July 12, 2019 to July 12, 2021. In addition, the last day the City can call the guaranty (referenced in paragraph 3. "Draw on Reserve" and paragraph 4. "Termination of Reserve") is hereby changed from September 10, 2019, to September 12, 2021.

All other terms as outlined in the original letter remain unchanged.

If you need further information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darin Davis", with a stylized flourish at the end.

Darin Davis  
Senior Vice President | Commercial Real Estate  
Bank of Albuquerque  
100 Sun Avenue NE, Suite 500  
Albuquerque, NM 87109  
505-222-8562 | Office  
[ddavis@bankofalbuquerque.com](mailto:ddavis@bankofalbuquerque.com) | Email