

FIGURE 18

5th EXTENSION AGREEMENT  
Procedure "B"  
PROJECT NO. 583181

This Agreement made this 4th day of June, 2008, by and between the City of Albuquerque, New Mexico, municipal corporation ("City") and (name of developer/subdivider:) Bret Tabor and Debra A Tabor, individuals (husband & wife) ("Developer"), whose address is 9219 Macallan Rd NE Albuquerque, NM 87109 and whose telephone number is 505-294-8596 is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Developer entered into an Agreement on the 22nd day of June, 1998, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on June 24, 1998, at Book Misc. 4811, pages 6779 through 6779, ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 27th day of March 2000; and

WHEREAS, the Earlier Agreement was amended by an Extension Agreement dated 22nd May 2006 recorded 5/23/2006, in Book Misc. A117, pages 4733 through 4733, records of Bernalillo County, New Mexico, extending the construction deadline to April 3, 2008; and

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty;

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

1. The required completion date for construction of the improvements, as set forth in the attached Exhibit A, is extended (Complete either A or B):

A. for all improvements, the 22 day of June, 2010.

B. on portions of the improvements as follows:

<u>IMPROVEMENTS</u>	<u>COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

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AGRE R: \$15.00 M. Toulouse Oliver, Bernalillo County



2. With this Extension Agreement, Developer has provided the City with the following financial guaranty:

Type of Financial Guaranty: Cashier Check # 1337233  
Amount: \$ 20,330.04 Name of Financial Institution or Surety  
providing Guaranty: Sandie Labs Federal Credit Union  
Date City first able to call Guaranty (Construction Completion  
Deadline): June 22, 2010  
If Guaranty other than a Bond, last day City able to call Guaranty  
is: August 22, 2010  
Additional information: \_\_\_\_\_

3. The parties agree that all terms and conditions of the Earlier Agreement not in conflict with this Extension Agreement shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

Executed on the date stated in the first paragraph of this Agreement.

DEVELOPER:

By (Signature): Bret Taber  
By (Signature): Debra A. Taber  
Name: Bret Taber and Debra A. Taber  
Title: owners (Hand W) (J.O.)  
Dated: 5/30/08

CITY OF ALBUQUERQUE:

Paul Powell  
City Engineer  
Dated: 6-04-08

He 6/2/08

5-30-08

DEVELOPER'S NOTARY

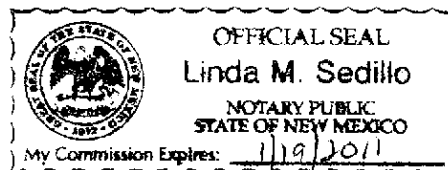
STATE OF New Mexico  
COUNTY OF Bernalillo ) ss.

This instrument was acknowledged before me on 30 day of May, 2008 by (name of person:) Bret Tabor & Debra A Tabor, (title or capacity, for instance, "President" or "Owner") owners (H+W) (J.O.) of (Developer:) property (Chanslor's Replot).

Linda M. Sedillo  
Notary Public

My Commission Expires:

1/19/2011



CITY'S NOTARY

STATE OF New Mexico  
COUNTY OF Bernalillo ) ss.

This instrument was acknowledged before me on 4 day of June, 2008 by Richard Douste, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Lisa Cornejo  
Notary Public

My Commission Expires:

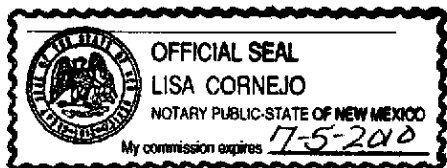




EXHIBIT "A"

## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 23, 2008

1. **Project# 1000364**  
08DRB-70156 MAJOR - 2YR EXTENSION OF SUBDIVISION  
IMPROVEMENTS

BRET or DEBRA A. TABOR request(s) the above action(s) for all or a portion of Lot(s) 1-B-1, Block(s) 1, **CHANSLOR'S REPLAT OF GALLAGHER ADDITION**, zoned C-2, located on the north side of CENTRAL AVE NE BETWEEN GLENRIDGE PARK NE AND BURMA DR NE, containing approximately 1 acre(s). (L-22)

At the April 23, 2008 Development Review Board meeting, the 2 year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by May 8, 2008, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

  
Jack Cloud, AICP, DRB Chair

Cc: Bret/Debra A. Tabor – 9219 Macallan Rd. NE – Albuquerque, NM 87109