

**EXTENSION AGREEMENT**

**SIDEWALK DEFERRAL**

PROJECT NO.: \_\_\_\_\_

This Agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer:) \_\_\_\_\_ ("Developer"), whose address is \_\_\_\_\_, and whose telephone number is \_\_\_\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on \_\_\_\_\_, in Book \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_, as Document No. \_\_\_\_\_ ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the \_\_ day of \_\_\_\_\_; and

WHEREAS, the Earlier Agreement was amended by a \_\_\_\_\_ Extension to Agreement dated \_\_\_\_\_ recorded on \_\_\_\_\_, in Book \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_, as Document No. \_\_\_\_\_ in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to \_\_\_\_\_; and

WHEREAS, the Earlier Agreement was amended by a \_\_\_\_\_ Extension to Agreement dated \_\_\_\_\_ recorded on \_\_\_\_\_, in Book \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_, as Document No. \_\_\_\_\_ in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to \_\_\_\_\_; and

WHEREAS, the Earlier Agreement was amended by a \_\_\_\_\_ Extension to Agreement dated \_\_\_\_\_ recorded on \_\_\_\_\_, in Book \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_, as Document No. \_\_\_\_\_ in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to \_\_\_\_\_; 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:

County Clerk's Recording Label

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 \_\_\_\_ day of \_\_\_\_\_.

B. On portions of the improvements as follows:

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

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

Type of Financial Guaranty: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Name of Financial Institution or Surety providing Guaranty: \_\_\_\_\_

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

If Guaranty other than a Bond, last day City able to call Guaranty is: \_\_\_\_\_

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

3. The parties agree that all terms and conditions of the Earlier Agreement are not in conflict with this Extension Agreement and 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: \_\_\_\_\_

CITY OF ALBUQUERQUE:

By [signature]: \_\_\_\_\_

By: \_\_\_\_\_

Name [print]: \_\_\_\_\_

Richard Dourte, City Engineer

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

DEVELOPER'S NOTARY

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by [name of person:] \_\_\_\_\_, [title or capacity, for  
instance, "President" or "Owner"] \_\_\_\_\_  
of [Developer:] \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

CITY'S NOTARY

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

This instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf  
of said corporation.

((SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_