

PHASING MODIFICATION AGREEMENT

THIS PHASING MODIFICATION AGREEMENT entered into by and between the City of Pueblo, a municipal corporation, acting by and through its Director of Public Works ("City") and _____ ("Subdivider").

WHEREAS, Subdivider and City entered into a Subdivision Improvements Agreement and related Addendum thereto for _____ ("Subdivision") recorded on _____, 200__ as document number _____ of the records of the Pueblo County Clerk and Recorder ("Subdivision Improvements Agreement"); and

WHEREAS, Subdivider has requested modification to the phasing sequence for the Subdivision; and

WHEREAS, such requested modification to the phasing sequence requires that Exhibit "A", phasing sequence and Exhibit "B", Public Improvements be amended and modified; and

WHEREAS, City is willing to cooperate with Subdivider and grant its request to modify the phasing sequence for the Subdivision.

NOW, THEREFORE, in consideration of the foregoing and mutual covenants contained herein, City and Subdivider agree as follows:

1. Exhibit "A" to the Addendum to the Subdivision Improvements Agreement relating to the phasing sequence for the Subdivision is amended and modified to read as set forth in the Exhibit "A" attached hereto and incorporated herein.
2. Exhibit "B" to the Subdivision Improvements Agreement relating to Public Improvements is amended and modified to read as set forth in the Exhibit "B" attached hereto and incorporated herein.
3. The Subdivision Improvements Agreement including Addendum and Exhibits thereto as amended and modified by this Phasing Modification Agreement shall remain in full force and effect and the covenants of the Subdivision Improvements Agreement and this Phasing Modification Agreement shall run with the land in the Subdivision and shall extend to, be binding upon, and inure to the benefit of the City and Subdivider, and their respective heirs, personal representatives, successors and assigns.

Executed at Pueblo, Colorado as of _____.

Note: Need acknowledgment for Subdivider as well as each person or entity consenting to and approving the Phasing Modification Agreement. This Phasing Modification Agreement shall be recorded in the records of the Pueblo County Clerk and Recorder.