

Agreement No. _____

Date of Agreement: _____

Shared Parking Agreement

In conjunction with the development of Lots 6A, 7A and 8 of McMahon Marketplace, located at generally the southwest corner of McMahon and Fineland in the City of Albuquerque (the "Property") for which the legal description is attached as *Exhibit A*, the City of Albuquerque has allowed, and JMD-McMahon, LLC, a New Mexico limited liability company ("Owner") has elected, to reduce off-street parking requirements based upon Section 14-16-3-1-D-6 of the Zoning Ordinance of the City of Albuquerque and currently known proposed tenants uses. The approved site plan, as shown on *Exhibit B*, includes parking and the reduced parking calculations, as shown on *Exhibit C* attached hereto. Under this site plan and using the proposed tenant uses, 67 spaces are required and 90 spaces are provided.

The Owner, and its successors and assigns, agrees that it will not change the tenant uses at the Property in a manner that increases the number of required parking spaces unless additional spaces are provided. In the event that there are changes to the tenant uses, which would increase the number of required parking spaces at the Property, the parking calculations shall be updated by the Owner to reflect such change and presented to the City.

Furthermore, the Owner agrees that the Property shall operate an open/shared parking arrangement, whereby, the Owner shall not segregate property access/parking rights or significantly impair access to parking on the Property by users of any portion of the Property.

The foregoing shall not, however, impair the right of the Owner or its successors to declare exclusive parking areas for such items as employee parking, handicap spaces, loading, designated timed areas such as "15 minute" temporary parking areas, or any other areas set forth on any site plan of the Property approved by the City, or to take commercially reasonable actions to prevent parking in areas which are not designated parking spaces on the site plan.

No sale or transfer of all or any portion of the Property shall be deemed to void or violate this Agreement. The terms of this Agreement shall bind the Owners, successors, and assigns. This Agreement can be amended by the mutual consent of the Owner and the City of Albuquerque. THIS AGREEMENT SHALL BE RECORDED WITH THE BERNALILLO COUNTY CLERK'S OFFICE PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROPERTY.

Doc# 2016062777


07/07/2016 03:55 PM Page: 1 of 5
AGRE R: \$25.00 M. Toulouse Oliver, Bernalillo County




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PARKING AGREEMENT

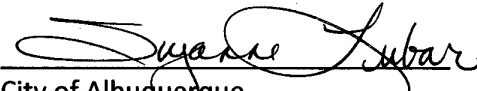
IN WITNESS WHEREOF, the parties have executed this Agreement of the date noted below.


Owner (applicant)
JMD – McMahon, LLC, a New Mexico limited liability company
By Douglas Peterson, Manager

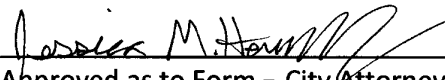
6/23/16
Date


Owner (off-site parking area)
JMD – McMahon, LLC, a New Mexico limited liability company
By Douglas Peterson, Manager

6/23/16
Date


City of Albuquerque,
Planning Director

6/27/16
Date

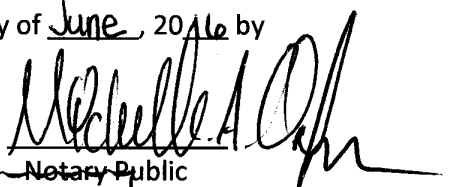

Approved as to Form – City Attorney

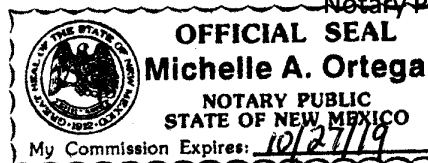
7/05/16
Date

STATE OF NEW MEXICO)
) ss.
County of Bernalillo)

The forgoing instrument was acknowledged before this 23 day of June, 2016 by
Douglas Peterson, on behalf of the Owner.

My Commission Expires
10/27/19

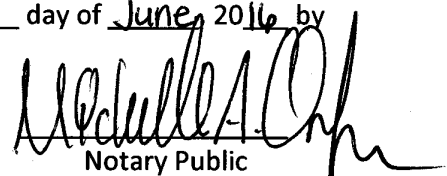

Notary Public



STATE OF NEW MEXICO)
) ss.
County of Bernalillo)

The forgoing instrument was acknowledged before this 23 day of June, 2016 by
Douglas Peterson, on behalf of the Owner.

My Commission Expires:
10/27/19


Notary Public

Parking Agreement



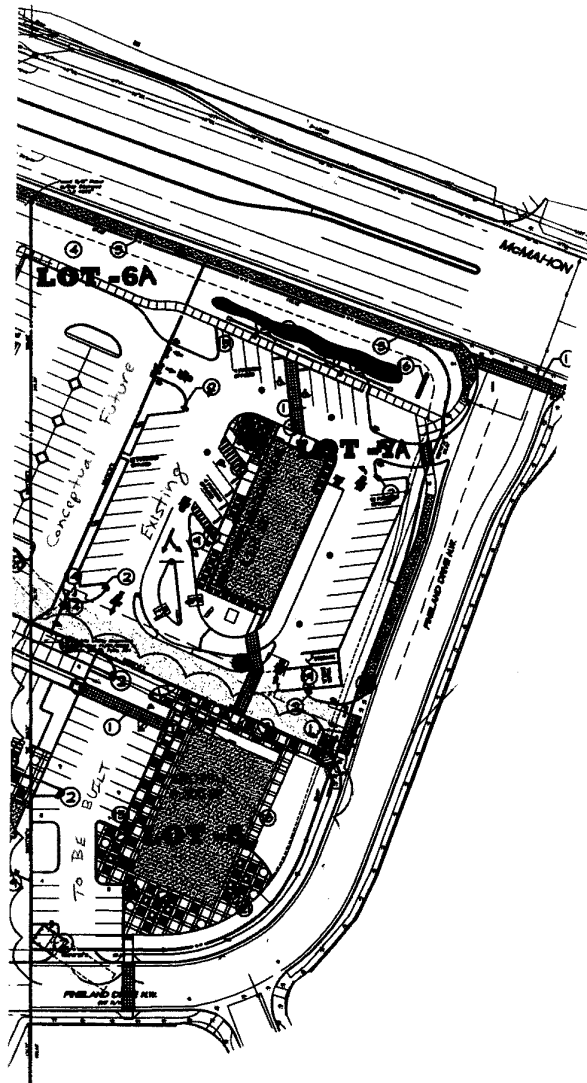
Exhibit A

Legal Description: Lots 6-A and 7-A of McMahon Marketplace as shown on that certain plat of Lots 6-A and 7-A McMahon Marketplace (being a replat of lots 6 and 7, McMahon Marketplace) as recorded in the real property records of Bernalillo County, NM, as document #2013124407 on November 15, 2013 in book 2013C, page 0129 plus Lot 8 of McMahon Marketplace as shown on that certain plat of McMahon Marketplace (being a replat of Tract 16A-1, Paradise North and Tract E-1-A-1, Crestview Subdivision), as recorded in the real property records of Bernalillo County, NM, as document #2010095126 on September 24, 2010 in book 2010C, page 0112.

Parking Agreement

Exhibit B

Site Plan:



MS

SHARED PARKING CALCULATIONS

EXHIBIT C

The Planning Director or designee may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing on-site parking subject to the following:

The respective hours of operation of the uses do not overlap, as demonstrated by the application of table A below. If one or all of the land uses proposing to use joint parking facilities do not conform to one of the general land use classifications in table A, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses. Such data may include information from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), or by a professionally prepared parking study.

Table A. Schedule of Shared Parking Calculations

General Land Use Classification	Weekdays			Weekends		
	Midnight to 7 a.m.	7 a.m. to 6 p.m.	6 p.m. to mid.	Midnight to 7 a.m.	7 a.m. to 6 p.m.	6 p.m. to mid
Office and Industrial	5%	100%	5%	0%	60%	10%
Retail	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Cinema/theater	0%	70%	100%	5%	70%	100%

How to use the schedule of shared parking.

1. Calculate the number of spaces required for each use.
2. Applying the applicable general land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period (six time periods per use.)
3. Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period.
4. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.