

SHARED PARKING AGREEMENT

In conjunction with the development of The Brewstillery, located at 500 Yale SE, (the "Property") for which the legal description is attached as *Exhibit A*, the City of Albuquerque has allowed and Michele Nellos ("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 tenant 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, 50 spaces are required and 50 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 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 take commercially reasonable actions to prevent 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 void or violate this agreement. The terms of this agreement shall bind the Owners, successors and assigns. This agreement can be amended by 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# 2016082015

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Agre R: \$25.00 M. Toulouse Oliver, Bernalillo County

K15-036

PARKING AGREEMENT

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

Owner (applicant) Lots 1, 2, & 3

Michèle B. Nellos

Owner (off-site parking area) Lots 4&5

Steven Thoma / Kukui Properties

City of Albuquerque

Planning Director

Approved as to form - City Attorney

dam

7-5-16

Date

7-5-16

Date

8/29/16

Date

8/23/16

Date

STATE OF NEW MEXICO

) ss.

)

County of Bernalillo

The foregoing instrument was acknowledged before me the 5th day of July, 2016 by

Steven Thoma & Michèle Nellos on behalf of the Owner.

My Commission Expires

8/31/2019

STATE OF NEW MEXICO

) ss.

)

County of Bernalillo

The foregoing instrument was acknowledged before me the 29th day of August, 2016 by

My Commission Expires

5-14-2017

Notary Public

Denise Hidalgo



OFFICIAL SEAL
DENISE HIDALGO
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 5-14-2017



Notary Public

OFFICIAL SEAL
MARCUS L. PILLARS
NOTARY PUBLIC-STATE OF NEW MEXICO
My Commission Expires 8/31/2019

K15-036

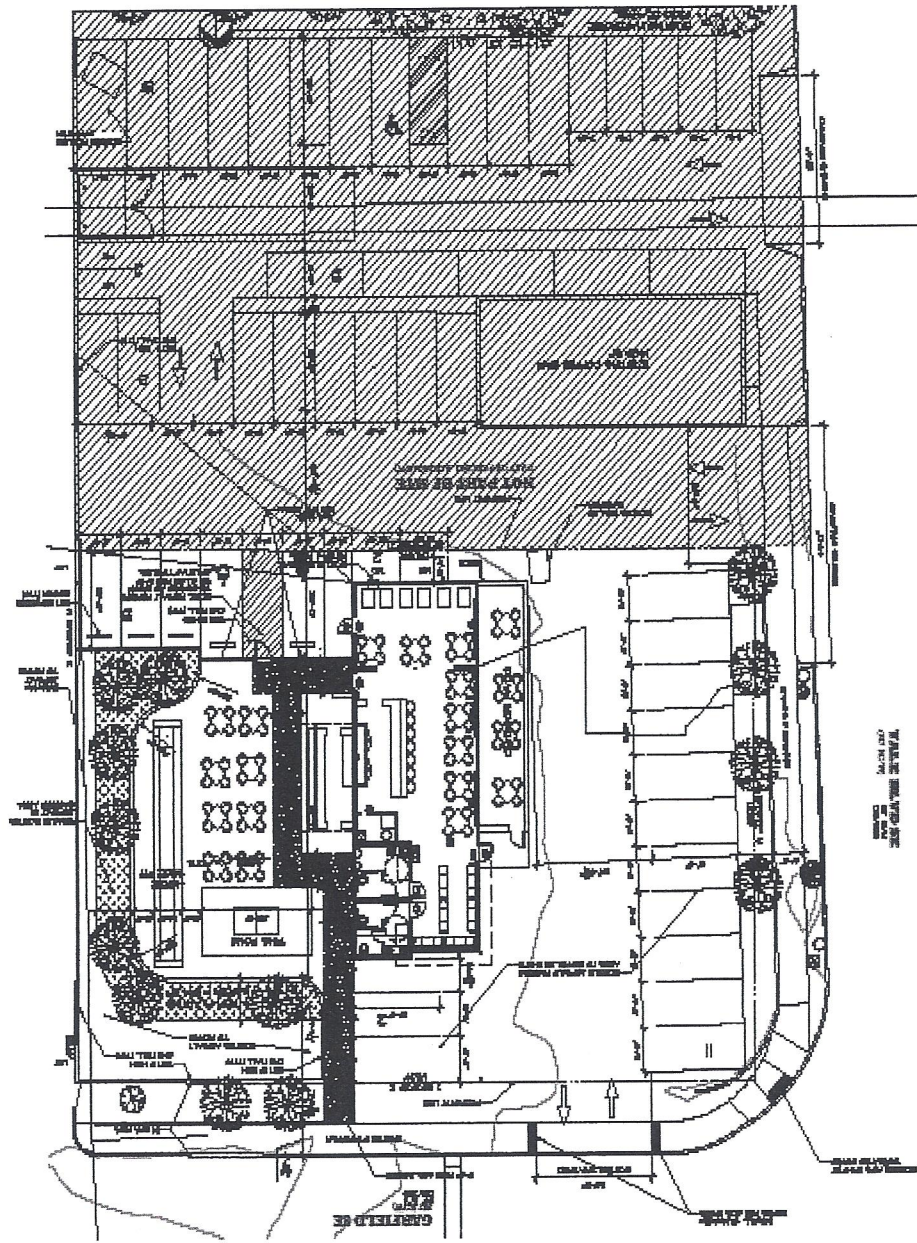
PARKING AGREEMENT
EXHIBIT A

Legal Description:

Lots 1,2,3,4, and 5, Block 70, University Heights Subdivision
Albuquerque, New Mexico

PARKING AGREEMENT EXHIBIT B

SITE PLAN:



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 uses 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	7 a.m. to 6 p.m.	6 p.m. to midnight	To 7 a.m.	Midnight	7 a.m. to 6 p.m.	6 p.m. to midnight	
Office and Industrial	5%	100%	5%	0%	0%	60%	10%	
Retail	0%	100%	80%	0%	100%	60%	100%	
Restaurant	50%	70%	100%	45%	70%	100%	60%	
Hotel	100%	65%	90%	100%	65%	80%	100%	
Cinema/Theater	0%	70%	100%	5%	70%	100%		

Brewstillery 99 seats @ 1 space/4 = 25 spaces required
20 spaces provided

Coffee Shop 32 seats @ 1 space/4 = 8 spaces required
8 spaces provided

512 Yale

F1 Occupancy 1/1000sf 3 space req.

A2 Occupancy 75 seats@1 space/4 = 19 spaces req.

22 spaces provided

55 spaces required

Less 10% for w/in 300 ft of bus route

50 spaces required

50 spaces provided