

APPENDIX J***SAMPLE OF SHARED PARKING AGREEMENT***

Agreement No. _____

Date of Agreement: 7/22/19**SHARED PARKING AGREEMENT**

In conjunction with the development of 1718 YALE, located at 1718 YALE BOULEVARD SE (the "Property") for which the legal description is attached as *Exhibit A*, the City of Albuquerque has allowed. and GUARDIAN AIRPORT PARKING, LLC ("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, 124 spaces are required and 124 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.

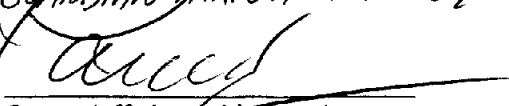
PARKING AGREEMENT

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


Owner (applicant)

GUARDIAN AIRPORT PARKING, LLC

7/22/19
Date


Owner (off-site parking area)

GUARDIAN AIRPORT PARKING, LLC

7/22/19
Date

City of Albuquerque,
Planning Director

Date

Approved as to Form – City Attorney

Date

STATE OF NEW MEXICO)

) ss.

County of Bernalillo)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____, on behalf of the Owner.

My Commission Expires

Notary Public

STATE OF NEW MEXICO)

) ss

County of Bernalillo)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ of the City of Albuquerque on behalf of the City.

My Commission Expires:

Notary Public

Exhibit A

CLAYTON HEIGHTS PARCEL:

Lots numbered Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Eleven (11) and Twelve (12) in Block numbered Five (5) of CLAYTON HEIGHTS, a Subdivision, Albuquerque, New Mexico, as the same are shown and designated on the map of said subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 26, 1946, in Map Book C1, Folio 170.

YALE AND ROSS PARCEL:

"TRACT B" of YALE AND ROSS ADDITION, Albuquerque, New Mexico, as the same is shown and designated on the plat of said addition filed in the Office of the County Clerk of Bernalillo County, New Mexico, on April 20, 1966, in Map Book C6, Folio 119;

AND:

"TRACT A-2" of YALE AND ROSS ADDITION, City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the replat of Tract A of said addition filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 21, 1984, in Map Book C25, Folio 141.

CACTUS DRIVE-IN PARCEL:

A tract of land, being the westerly one hundred seventy (170) feet of the southerly forty four (44) feet of "TRACT 1" of CACTUS DRIVE-IN PARCEL, Albuquerque, New Mexico, as the same is shown and designated on the plat of said subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on September 23, 1983, in Map Book C22, Folio 51, and being designated as "Tract 1-A" on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 5, 1996, in Map Book 96C, Folio 345.

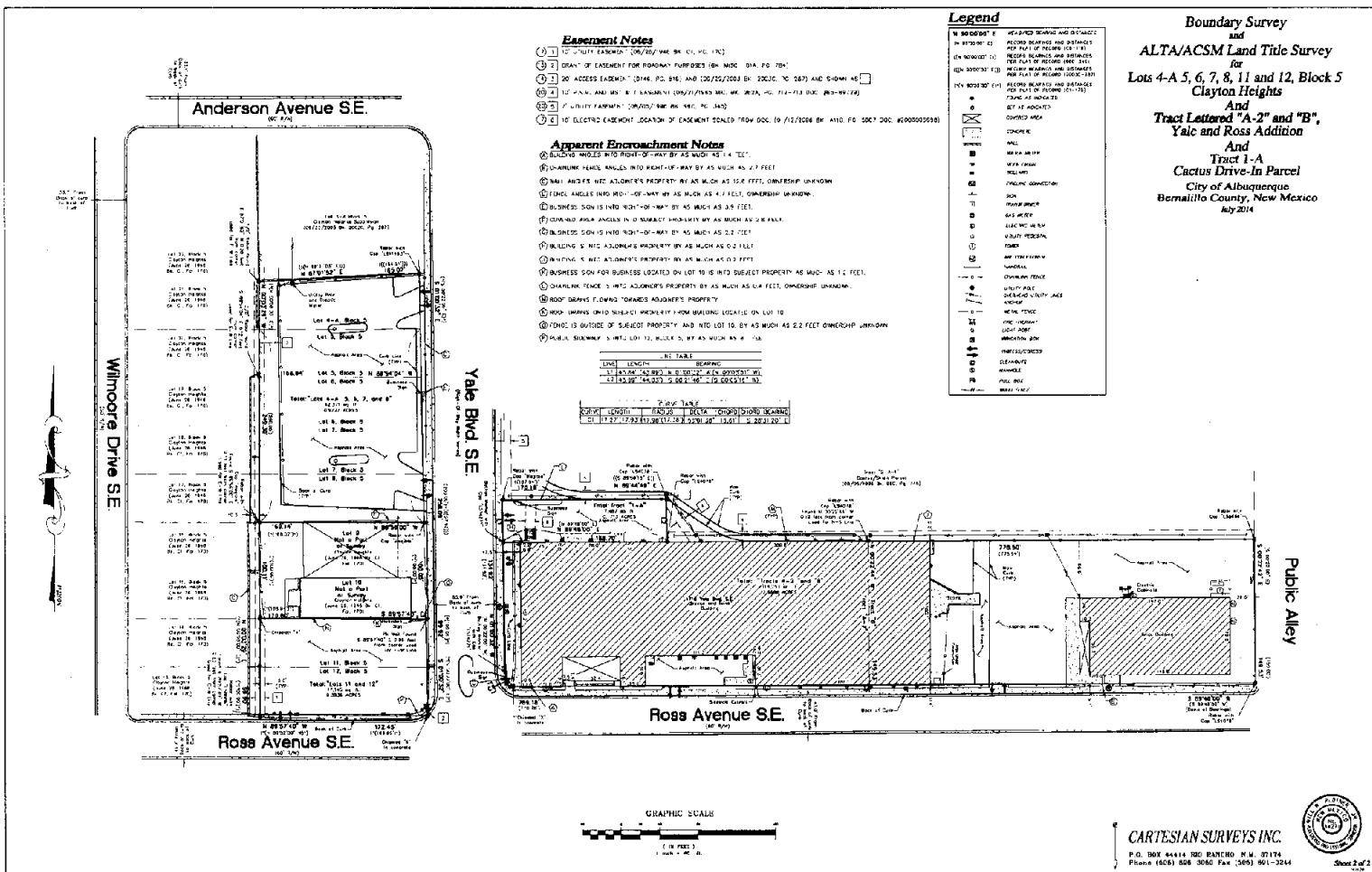
EASEMENT PARCEL:

Non-exclusive easement for the benefit of the owner of Lots numbered Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) of the CLAYTON HEIGHTS PARCEL, as created by Grants of Easement, dated June 29, 1950, recorded in Book D146, Page 513, and Book D146, Page 516, records of Bernalillo County, New Mexico, for ingress and egress, over and across the property abutting the land described as follows:

The westerly twenty (20) feet of Lots numbered One (1) and Two (2) in Block numbered Five (5) of CLAYTON HEIGHTS, a Subdivision, Albuquerque, New Mexico, as the same are shown and designated on the map of said subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 26, 1946, in Map Book C1, Folio 170;

subject to the terms, provisions and conditions set forth in said instruments.

EXHIBIT B



Acknowledgment by Individual

State of

Nevada

County of

Clark

On this 23rd day of

July

20

19

before me,

Lorraine Ann Flores

Name of Notary Public

the undersigned Notary Public, personally appeared

Lawrence W. Rieder

Name of Signer(s)

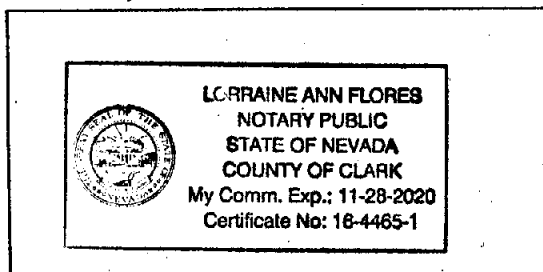
☐ Proved to me on the oath of _____☐ Personally known to me☒ Proved to me on the basis of satisfactory evidence

NV. DL. #1703606395 Exp. 1-12-22

(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

A handwritten signature in cursive script, reading "Lorraine Ann Flores".
(Signature of Notary Public)

My commission expires

11-28-20

Optional: A thumbprint is
only needed if state statutes
require a thumbprint.

Right Hand print
of Signer

Top of thumb here

n/a

Description of Attached Document

Type or Title of Document

Parking Agreement

Document Date

7-22-19

Number of Pages

8

Signer(s) Other Than Named Above

County Officer

