

SHARED PARKING AGREEMENT

Owner/Applicant

Name: Bernalillo County

Business Name: Bernalillo County

Street Address: 521 Cardenas Dr SE Albuquerque, NM 87108

Legal Description: Lot 5A Shirley's Subdivision Of Block 3 Baron Burg Heights

UPC #: 101805618749923008

Owner of Off-Site Parking Area

Name: Endorphin Power Company

Business Name: Endorphin Power Company

Street Address: 509 Cardenas Dr SE Albuquerque, NM 87108

Legal Description: Lot 3 and Lot 4 Shirley's Subdivision Of Block 3 Baron Burg Heights

UPC #: 101805618551823011

In conjunction with the development of Bernalillo County Recovery Support Center, located at 521 Cardenas Dr SE (The "Property") for which the legal description is Lot 5A Shirley's Subdivision Of Block 3 Baron Burg Heights, the City of Albuquerque has allowed and Bernalillo County (the "Owner") has voluntarily elected, for a reduction to off-street parking requirements based upon § 14-16-3-1(E)(6)(b) of the Comprehensive City Zoning Code and the currently known tenant uses proposed and/or existing on the Property.

The provided site plan, as shown on Exhibit B, includes a parking layout and the reduced parking calculations. Based on the site plan and considering the tenant uses, the Comprehensive City Zoning Code requires a minimum of 20 off-street parking spaces. Under the terms of this Agreement, 6 off-street parking spaces will be provided on the Property, while the difference between the required number of off-street parking spaces and the parking spaces provided on the Property – 16 parking spaces – will be provided on the property with the off-site parking area, 509 Cardenas Dr SE Albuquerque, NM 87108.

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 off-street parking spaces unless additional parking spaces are provided. In the event that there are changes to the tenant uses which would increase the number of required off-street parking spaces on the Property, the

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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 the users of any portion of the Property.

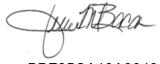
The foregoing shall not, however, impair the right of the Owner or its successors to declare exclusive parking areas for such items as spaces for disabled drivers, loading, designated timed areas such as "15 minute" temporary parking areas, or any other areas set forth on any site plan of the Property 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 Owner, successors, and assigns. This Agreement can be amended with 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.


SHARED PARKING AGREEMENT

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

DocuSigned by:

 BBF25CA19A90438...
 Julie Morgas Baca, County Manager


4/26/2023

Date

DocuSigned by:

 Approved as to Form
 W. Ken Martinez, County Attorney

4/26/2023

Date


 Owner (off-site parking area)

3/31/23

Date

Approved as to Form – City Attorney

Date

City of Albuquerque,
 Planning Director

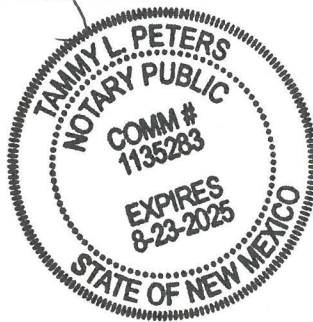
Date

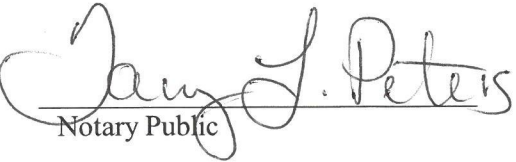
STATE OF NEW MEXICO)
) ss.
 County of Bernalillo)

The foregoing instrument was acknowledged before me this 3rd day of March,
 2023 by Steven Hoberg on behalf of the Owner.

My Commission Expires:

8-23-2025




 Notary Public

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