

IV. Appendix

1. Application.
 - A. Certificates.
 - B. Specifications for Electronic Files.
 - C. Original Final Plat Specifications.
 - D. Notice Specifications.
2. Traffic Impact Study.
3. Parkland Dedication.
 - A. General Requirements.
 - B. Dedication Requirements.
4. Easement Boiler Language
5. Shared Parking Agreement
6. Tree Preservation Landscape Credit

Section 1 - Application: Certificates

A. Certificates.

The following certificates are required. Refer to Figure 1.A-1 for sample language for all the certificates listed below.

1. Preliminary Plat. The following certificates are required on the Preliminary Plat (refer to I.4.C Preliminary Plat).
 - a. Certificate of Mortgagee and Dedication.
 - b. Certificate of Engineer.
 - c. Certificate of Surveyor.
 - d. Certificate of Owners and Dedication.
 - e. Certificate of MPC Approval
 - f. Certificate of Planning Review and Compliance.
 - g. Certificate of the Natural Resources Director.
 - h. Certificate of City Engineer.

2. Construction Plans. The following certificate is required on the construction plans (refer to I.4.D Construction Plans).
 - a. Certificate of Engineer.
 - b. Certificate of City Engineer - Construction.

3. Final Plat. The following certificates are required on the Final Plat (refer to I.4.E).
 - a. Certificate of Mortgagee and Dedication.
 - b. Certificate of Engineer.
 - c. Certificate of Surveyor.
 - d. Certificate of Owners and Dedication.
 - e. Certificate of Approval of the Final Plat by the Planning Commission.
 - g. Certificate of the City Engineer.

4. Minor Site Plan , Site Plan, and Design Review (refer to I.4.J-K and I.4.Q). The following certificates are required as follows:
 - a. For all Minor Site Plans, with the exception of single family residences, and all Site Plans, Certificate of Planning Review and Compliance.
 - b. For all Site Plans, Certificate of Municipal Planning Commission (MPC) Approval.
 - c. For all Site Plans and those Minor Site Plans requiring DRC review, Certificate of Review by the DRC.
 - d. For Site Plans, Certificate of Engineer.
 - e. For Site Plans, Certificate of Surveyor.

5. Certificates

CERTIFICATE OF MORTGAGEE AND DEDICATION

We, the Mortgagee, _____, do hereby freely consent to the Subdivision of this property in accordance with the Final Plat; dedicate the Public Improvements, Easements, or lands herein specifically identified for dedication, to the appropriate agencies as outlined in this Plat and approved by the Municipal Planning Commission of Lakeland, Tennessee for the purposes of operation, construction and maintenance of these improvements, as needed for the proper development and maintenance of said Subdivision.

Date: _____

Signature of Authorized Agent of Mortgagee

CERTIFICATE OF ENGINEER

I _____, a Professional Engineer, do hereby certify that the design of public and private improvements provided for in the Preliminary Plat / Construction Plans / Final Plat (whichever is applicable) are in accordance with acceptable engineering practices, the Tennessee Department of Environment and Conservation, City of Lakeland Manual for Public Works and Materials Specifications, and all City of Lakeland ordinances, including Subdivisions.

In witness whereof, I the said _____, a Professional Engineer, hereunto set out hand and affix my seal this _____ day of _____ 20__.

Tennessee Registration No. _____

Professional Engineer

CERTIFICATE OF SURVEYOR

State of Tennessee
County of Shelby

I, _____ hereby certify that this plat was prepared from notes taken during an actual survey made by me during the month of _____, 20__, and that this Plat or Site Plan correctly represents said survey. All bearings are referenced to the 1983 Tennessee State Plane Coordinate System; all new property corners are marked in accordance with Lakeland Subdivision Standards; the precision of the unadjusted survey is 1:10,000 or greater and all special flood hazard areas are properly located as per the latest Flood Insurance Rate Map. All dimensions are expressed in feet and decimals. All bearings, distances, and field information are true and correct to the best of my knowledge.

In witness whereof, I the said _____, a Land Surveyor, hereunto set out hand and affix my seal this ___ day of _____ 20__.

Tennessee Registration No. _____

CERTIFICATE OF OWNER(S) AND DEDICATION

IV. Appendix

The undersigned, _____, _____, (etc.) hereby certify that they are the owners of the foregoing property and that the plat is with the free consent and in accordance with the desires of the above named owners, proprietors, do hereby dedicate to the City of Lakeland all Public Improvements, Easements, or lands herein specifically identified for dedication, for the purposes of operation, construction and maintenance of these improvements, as needed for the proper development and maintenance of said Subdivision.

Date: _____

Signature of Owner(s)

Include Notary Seal and Signature

CERTIFICATE OF MUNICIPAL PLANNING COMMISSION APPROVAL - SUBDIVISION

I, _____ do hereby certify that the City of Lakeland Municipal Planning Commission has approved this Preliminary / Final Plat (whichever is applicable). The signing of this certificate shall in no way be deemed to constitute or effect an acceptance of the dedication of any street, improvement, or other ground shown upon the plat.

Date: _____

MPC Secretary

CERTIFICATE OF PLANNING REVIEW AND COMPLIANCE

The Preliminary / Final Plat / Minor Site Plan Review / Site Plan Review (whichever is applicable) is reviewed and deemed compliant with the Land Development Regulations, subject to any waivers, modifications, or variances thereof granted by the City of Lakeland.

Date: _____

Code Administrator

CERTIFICATE OF NATURAL RESOURCES DIRECTOR

The Preliminary / Final Plat / Site Plan (whichever is applicable) is reviewed and deemed compliant with the Land Development Regulations, subject to any waivers, modifications, or variances thereof granted by the City of Lakeland., and if applicable, have received review by the NRB.

Date: _____

Natural Resources Director

Section 1 - Application: Certificates

CERTIFICATE OF CITY ENGINEER - CONSTRUCTION

The Construction Plans are reviewed and deemed compliant with the Land Development Regulations, subject to any waivers, modifications, or variances thereof granted by the City of Lakeland.

Date: _____

City Engineer

CERTIFICATE OF CITY ENGINEER

The Preliminary / Final Plat / Minor Site Plan Review / Site Plan Review (whichever is applicable) is reviewed and deemed compliant with the Land Development Regulations, subject to any waivers, modifications, or variances thereof granted by the City of Lakeland.

Date: _____

City Engineer

CERTIFICATE OF MUNICIPAL PLANNING COMMISSION APPROVAL - SITE PLAN

I, _____ do hereby certify that the City of Lakeland Municipal Planning Commission has approved this Site Plan.

Date: _____

MPC Secretary

CERTIFICATE OF DRC REVIEW

I, _____ do hereby certify that the City of Lakeland Design Review Commission has reviewed this plan and has made a recommendation..

Date: _____

DRC Secretary

Figure 1.A-1 Sample Certificates for Drawings Submitted for Development Approvals.

Section 1 - Application: Specifications for Electronic Files

B. Specifications for Electronic Files.

Electronic copies of all plan and Plat sets are required per the application processes outlined in I.4 Process Criteria and Application. These files shall adhere to the following in order for the application to be complete.

1. Digital Files. Provide electronic, read-only files on a CD-ROM, DVD, or other media that can be also be filed in flat files.
2. Non-CAD Files. All non-CAD files, including illustrations, declaration of covenants and restrictions, and hand written as built information shall be submitted as a PDF, JPEG, or TIFF.
3. CAD Files.
 - a. Files shall be submitted in a DWG, DXF, or DGN format.
 - b. All relevant information shall be included, including utilities, streets, Parcels, curbs, etc.
 - c. Files shall be in Tennessee State Plane coordinates, NAD83 with units in feet.
 - d. All external reference files (XREF) should be included with the drawing.
 - e. All multiline text (MTEXT) and all blocks shall be exploded.
 - f. AutoCAD Release 14 or later is required.
4. Revisions. If the plan or Plat sets are revised during the course of the process or as a condition of approval, revised electronic files are also required.
 - a. Prior to Approval/Disapproval. Electronic files shall be submitted with the paper copy of the plan or Plat.
 - b. After Approval. Electronic files shall be submitted prior to document recordation or granting of a Certificate of Compliance, which ever occurs first, and may be submitted by CD-ROM or other acceptable permanent file per the Code Administrator.

C. Original Final Plat Specifications.

The original Final Plat shall adhere to the following criteria.

1. Size. Plat shall be twenty-four (24) inches by thirty-six (36) inches.
2. Material. Plat shall be mylar drafting film of at least three (3) mil thickness.
3. Ink. Black permanent ink shall be utilized.

4. Scale. Scale shall be at least one (1) inch equals one hundred (100) feet.
 5. Multiple Pages. If more than one (1) sheet is required, an index sheet of equal size shall show a key map of the entire area being platted. Additional pages shall be keyed alphabetically and shall match lines with the adjoining sheets.
- ### D. Notice Specifications
1. When required for MPC and BOC public meetings (refer to I.4 Process Criteria and Application), notice through the posting of a notice on the subject property and by United States Postal Service First Class Mail to adjacent property owners is the responsibility of the Applicant. The City shall publish notice in a newspaper; Applicant shall be charged the applicable publishing fees. The following details the requirements for these notice provisions.
 - a. Posted Notice on Subject Property. Posted notices shall adhere to the following provisions.
 - (1) Sign (refer to Figure 1.D-1).
 - (i) Construction. Notice shall be constructed on weatherproof material.
 - (ii) Size. Notice shall be a minimum of thirty-six (36) inches by thirty-six (36) inches.
 - (iii) Docket Number. Docket number is available from the Code Administrator.
 - (2) Location. Notice shall be posted in a conspicuous location, not less than every seven hundred and fifty (750) feet along each street frontage of the Parcel in question.
 - (3) Time. Notice shall be posted at least fifteen (15) days in advance of the hearing and must remain throughout the hearing process.
 - (4) Affidavit of Completion. Prior to the public hearing, the Applicant shall file a notarized affidavit certifying that the required notice has been completed according to the provisions of these Land Development Regulations. A sample affidavit is in Figure 1.D-2.
 - b. Notice by Mail. Notice through the mail shall be completed as follows.
 - (1) Letter.
 - (i) Letter shall be sent by United States Postal System First Class Mail.
 - (ii) Each Owner of adjoining Parcels, including those separated by Right-of-Way or corporate limit boundary, to a depth of one thousand (1000) feet surrounding the perimeter of the Parcel in question or a

Sample

DEVELOPMENT NOTICE CITY OF LAKELAND

REQUEST PENDING

Reviews for Advisory Planning Recommendations

- Parks and Recreation Board
- Natural Resources Board
- Design Review Commission

MEETING DATE: _____ MEETING DATE: _____ MEETING DATE: _____

DOCKET NUMBER: _____

REQUEST: _____

City of Lakeland – 867-2717

Dates may be revised per meeting results

Figure 1.D-1 Sample of Posted Notice by Sign.

Section 1 - Application: Notice Specifications

minimum of three (3) Owners, whichever is greater, shall receive the mailed notice.

(iii) Notice shall also be mailed to the City of Lakeland, and any other agency required by the City at the time of the application, including, but not limited to, Memphis Light Gas and Water, Shelby County Schools, and Shelby County Fire Department.

(2) Time. Notice shall be mailed at least fifteen (15) days prior to the hearing.

(3) Affidavit of Completion. Prior to the public hearing, the Applicant shall complete and file a notarized affidavit certifying that the required notice has been completed according to the provisions of these Land Development Regulations. A sample affidavit is in Figure 1.D-2.

c. Notice by Publication. Code Administrator shall cause notice to be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation.

2. When required for Advisory Board meetings involving DRC, NRB, and/or PRB, (refer to I.4 Process Criteria and Application), notice through the posting of a notice on the subject property is the responsibility of the Applicant. The City shall publish notice in a newspaper; Applicant shall be charged the applicable publishing fees. The following details the requirements for these notice provisions.

a. Posted Notice on Subject Property. Posted notices shall adhere to the following provisions.

(1) Sign (refer to Figure 1.D-1).

(i) Construction. Notice shall be constructed on weatherproof material.

(ii) Size. Notice shall be a minimum of thirty-six (36) inches by thirty-six (36) inches.

(iii) Docket Number. Docket number is available from the Code Administrator.

(2) Location. Notice shall be posted in a conspicuous location, not less than every seven hundred and fifty (750) feet along each street frontage of the Parcel in question.

(3) Time. Notice shall be posted at least seven (7) days in advance of the hearing and must remain throughout the hearing process.

(4) Affidavit of Completion. Prior to the public hearing, the Applicant shall file a notarized affidavit certifying that the required notice has been completed according to the provisions of these Land Development Regulations. A sample affidavit is in Figure 1.D-2.

b. Notice by Publication. Code Administrator shall cause notice to be published at least seven (7) days

prior to the hearing in a newspaper of general circulation.

IV. Appendix

Section 1 - Application: Notice Specifications

AFFIDAVIT OF NOTICE OF PUBLIC HEARING

STATE OF TENNESSEE)
COUNTY OF SHELBY)

I, _____, DO HEREBY CERTIFY THAT NOTICE, in conformity with the requirements of the Land Development Regulations of the City of Lakeland, was transmitted to interested parties FOR THE PUBLIC HEARING BY THE LAKELAND (Insert appropriate Board or Commission name here) _____, to consider the application of

(Name of Applicant)

Requesting: _____

Located at: _____

Docket Number: _____

Said notice was sent by UNITED STATES POSTAL SERVICE FIRST CLASS MAIL to the last known address of each of the following (attach additional pages, if necessary):

OWNERS NAME ADDRESS

And that said notices were sent on or before the ____ day of _____, 20__, being at least _____ days prior to the date of the Public Hearing*.

And, if applicable, the notice sign, in conformity with the Land Development Regulations of the City of Lakeland, was posted on the property on or before the ____ day of _____, 20__ being at least _____ prior to the scheduled public hearing date.

(Name of person mailing letters)

STATE OF TENNESSEE)
COUNTY OF SHELBY)

Subscribed and sworn to before me this ____ day of _____, _____.

Notary Public Signature / Printed

Residing in _____ County My Commission expires _____

*Mailed notices are not required for Design Review Commission, Parks and Recreation Board, or Natural Resources Board.

Figure 1.D-2 Affidavit of Notice.

Section 2 - Traffic Impact Study

A. Traffic Impact Study.

1. Completed by a Professional. Traffic impact studies shall be conducted and signed by a Tennessee registered professional engineer experienced in traffic engineering.
2. Applicability. An Applicant shall undertake a traffic impact study as part of the land development application (refer to I.4 Process Criteria and Application) completed for developments resulting in more than 75 new peak hour vehicle trips on the adjacent street. A traffic impact study may be required for developments generating less than 75 new peak hour trips when the site plan indicates the need, when the traffic from the site would impact a local problem area (high crash location, congested area, etc), or when determined by the City Engineer. Examples of the types of development that would generate more than 75 new peak hour trips on the adjacent street would include the following.
 - a. More than sixty-nine (69) single-family residential lots or units.
 - b. Seven thousand (4,500) square feet of shopping center (gross leasable area).
 - c. Sixty-seven thousand (50,000) square feet of general office (gross floor area).
3. Traffic Engineer. When traffic studies are warranted a fee shall be paid to the City for the cost of the study prepared by an independent traffic engineer. This fee will be due and paid in full from the developer to the City prior to the traffic engineer beginning work for the City.
 - a. The traffic engineer shall be selected by the City and shall work directly for the City in the preparation of the study.
 - b. The traffic engineer will use the scope of services adopted by the City.
 - c. The City will utilize the services of the traffic engineer to review traffic issues relating to the development.
 - d. The traffic engineer shall provide the City a negotiated fee to cover the costs associated with traffic studies on each development.
4. Study Components. All traffic impact studies shall be prepared to contain the following information about the site and the project. The City Engineer shall have the authority to request the evaluation or addition of further information, if a more extensive analysis is warranted.
 - a. Proposed Development.
 - (1) Description of development including the study area, project location, off-site or background development in the project vicinity, proposed land use/ zoning and intensity (number of dwelling units, square footage, etc.), project phasing and timing, and proposed site plan.
 - (2) Identification of project opening date, date of full build out, and horizon year for traffic analysis. Typical study horizon years will be opening day, date of full build out and occupancy (if it is not the same as opening day), and five years after full build out and occupancy. If a project is expected to generate more than 1000 peak hour trips and if the proposed development will produce more trips than the land use contained in the City of Lakeland adopted Land Use Plan, then the study horizon year will be the same year as the horizon year of the Metropolitan Planning Organization's Long Range Transportation Plan.
 - b. Existing Conditions.
 - (1) Identification of existing land uses and zoning of the subject property and of adjacent properties;
 - (2) Identification of nearby properties that have been identified for redevelopment or that have approved plans for redevelopment;
 - (3) Identification of the existing and future roadway system in the vicinity of the project. Include existing and future laneage, and existing traffic control
 - (4) Documentation of existing traffic volumes and operations. Turning movement counts are to be provided for the peak hours of operation of the proposed development and the peak hours of traffic for the adjacent street. Depending on the proposed use, weekend counts may be required.
 - (5) Documentation of existing transportation alternatives (bike, pedestrian, transit, transportation system management programs)
 - c. Projected Traffic
 - (1) Site traffic
 1. Identify trip generation rates utilized. All trip generation rates are to be in accordance with the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, unless otherwise approved by the Engineer.
 2. Documentation of trip distribution methodology and diagram of proposed distribution.

Section 2 - Traffic Impact Study

- 3. Identify modal splits used for the proposed development.
 - 4. Documentation and diagram of trip assignments.
 - 5. Internally captured trips are to be determined based on methods included in the ITE Trip Generation Handbook (most recent edition).
- (2) Non-Site Traffic
- 1. Identify current year traffic volumes
 - 2. Document methodology for projecting non-site traffic to the study horizon year.
 - 3. Document anticipated non-site traffic due to approved or planned area developments, including methodology for determining trips generated, trip distribution, modal split, and trip assignment.
 - 4. Determine estimated volume of total non-site traffic.
 - 5. Determine appropriate percentage of pass-by trips based on methods included in the ITE Trip Generation Handbook (most recent edition).
- (3) Total Traffic – Determine the total traffic for each horizon year, including both site and non-site traffic.
- d. Analyses
- (1) Site Access – determine number, type, and location of site access points. Location and type of access points should also consider other roads and access points in the vicinity of the proposed project.
 - (2) Determine limits of analyses – The study boundaries and limits of analysis will be determined based on the number of peak hour trips expected to be generated by the proposed development. The following guidelines will be used unless otherwise determined by the City Engineer:
 - Less than 200 Peak Hour Trips – Adjacent intersections (if corner location) and within 1000 feet of all access points
 - Between 200 and 500 Peak Hour Trips – all signalized intersections within ½ mile of the property lines of the site and all unsignalized intersections within ¼ mile of the site.
 - Greater than 500 Peak Hour Trips – all signalized and unsignalized intersections within 1 mile of site property lines.
- (3) Capacity and Level of Service – determine the capacity and level of service of the roadways and intersections within the study boundaries for the following conditions:
- 1. Existing Conditions
 - 2. Background Conditions – existing traffic plus growth to each horizon year
 - 3. Total Traffic Conditions – existing plus background plus site total traffic for each horizon year.
- (4) Provide an assessment of the safety issues for the development
- (5) Provide an assessment of site circulation and parking
- e. Improvement Analyses – conduct analyses of the conditions listed below to determine the improvements required due to the proposed development, if any. For these analyses, Level-of-Service D or better is considered to be acceptable for intersection analyses. Improvements shall also consider multi-modal improvements such as pedestrian paths, bicycle routes, or transit. Multi-modal improvements shall comply with the Lakeland Comprehensive Plan.
- (1) Improvements to accommodate existing traffic – if the existing conditions analyses reveals intersections or roadway segments that will operate at an unacceptable Level-of-Service (LOS), determine the improvements required for those intersections or roadway segments to operate at an acceptable LOS.
 - (2) Improvements to accommodate background traffic – conduct analyses of the background traffic for each horizon year to determine if any of the intersections or roadway segments within the study area will operate at an unacceptable LOS and, if so, the improvements required for these intersections or roadway segments to operate at an acceptable LOS.
 - (3) Total Traffic – conduct analyses of the total traffic for each horizon year to determine if any of the intersections or

roadway segments within the study area will operate at an unacceptable LOS, and if so, the improvements required for these intersections or roadway segments to operate at an acceptable LOS.

Analyses should clearly indicate the improvements required due to the proposed development. The analyses shall include a determination of any changes to traffic control devices that may be required for the proposed development, including traffic signals. If there are improvements that are already planned or programmed within the study area, the study shall document the status of those improvements and the schedule of those improvements relative to the horizon years of this study.

- f. Recommendations and Summary – provide a summary of the assumptions and analyses contained above and a list of recommended improvements required to accommodate the proposed development. These improvements may contain recommendations for road improvements, changes to intersection traffic control, intersection improvements, or multi-modal improvements.
- g. Appendices – provide copies of all traffic counts, worksheets, analyses, or other items used to prepare this study.

This Page Left Blank Intentionally

Section 3 - Parkland Dedication

A. Parkland Dedication Formula

Formula: $D = L \times A \times P \times M$

Where: D = Required parkland Dedication in acres

L = Number of dwelling units proposed

A = Average family size for the City (based on the most recent U.S. Census or State-certified census)

P = Parkland ratio of .0100 (10 acres per 1,000 population)

M = Density multiplier

<u>Number of Acres divided by Number of Lots</u>	<u>Density Multiplier</u>
.80 and over	1.00
.70-.80	1.12
.60-.70	1.25
.50-.60	1.40
.40-.50	1.57
.30-.40	1.76
.20-.30	1.97
.10-.20	2.21
.09-.10	2.47
.08-.09	2.77
.07-.08	3.10
.06-.07	3.47
.05-.06	3.89
Under .05	4.36

Table 3.B-1 Quantity of Land Required for Parkland Dedication.

This Page Left Blank Intentionally

Section 4 - Easement Boiler Language

The following language shall be utilized for the dedication of easements to the City of Lakeland, unless otherwise revised by the City for specific requirements.

This section is part of the Subdivision Regulations.

Section 4 - Easement Boiler Language

GRANT OF PUBLIC UTILITY EASEMENT

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned, **[Names of Grantors]** (hereinafter collectively referred to as "Grantors"), do hereby grant, transfer and convey to the **City of Lakeland** (hereinafter referred to as "Grantee"), its successors and assigns, an exclusive, permanent utility easement {width of easement] ([width of easement]) feet in width and over, under, upon and across the property described in Instrument Numbers Book [book #]Page [page #] filed [date filed], in the Shelby County Register's Office, City of Memphis, Shelby County, State of Tennessee, within which to construct, install, operate, maintain, change the size of, inspect, alter, replace, repair and/or remove public utilities, and associated appurtenances such as manholes, with said easement being more particularly described in metes and bounds as follows in attached Exhibit A.

Grantee, and its successors and assigns, agrees to restore property, including fences, to its condition as existed prior to any disturbance caused by exercise of rights granted in this easement, including seeding and fertilization for disturbed areas.

Included with the easement are the following incidental rights and powers that Grantors hereby agree that Grantee, its successors and assigns shall have:

- (a) During construction, including replacement, improvement and repair, the easement shall extend an additional twenty feet (20') on either side of the permanent easement;
- (b) Grantee may install gates in any fences crossing the easement;
- (c) Grantee shall have ingress and egress to the easement over and across the land owned collectively or individually by Grantors, however, Grantee will notify Grantors prior to exercising such right and shall compensate Grantors for any damages caused by exercise of this right;
- (d) Grantee shall have reasonable use of other land owned by Grantors, collectively or individually, immediately adjacent to the easement in the exercise of the rights herein granted, not to exceed the additional area specified in paragraph (a) above; and

Section 4 - Easement Boiler Language

- (e) Grantee may keep the easement clear of any debris, roots, growth or obstructions that may interfere with the utilities, and appurtenances thereto.

Grantors covenant that no excavation, building, structure or obstruction of any kind will be constructed or permitted on said easement and that they will not destroy, weaken or damage the utilities or interfere with the operation, position or installation thereof.

Waiver of Priority will be secured from the owner, or holder, of any lien outstanding on this property by the Grantors if determined by the City of Lakeland.

This Easement is subject to approval by the proper City Officials as evidenced by their signatures below.

TO HAVE AND TO HOLD the above-described easement with the estate, title and interest thereto, including all rights and powers therewith, belonging to Grantee, its successors and assigns, forever; and Grantors do covenant with Grantee that Grantors are lawfully seized and possessed of the underlying land in fee simple and of the easement, have a good right to convey said easement, and the easement is unencumbered, except as otherwise herein set out; and Grantors do further covenant and bind themselves, their successors and representatives, to warrant and forever defend the title to said easement to Grantee, its successors and assigns, against the unlawful claims of all persons whomsoever.

Whenever used, the singular number shall include the plural, the plural, the singular, and the use of any gender shall be applicable to all genders. This Grant, and the provisions herein contained, shall run with the land and shall inure to the benefit of, and be binding upon, the parties hereto, their respective heirs, personal and legal representatives, lessees, employees, agents, successors and assigns.

City of Lakeland, TN
Sample Shared Parking Agreement

Page | 1

This Shared Parking Agreement ('Agreement') entered into this _____
 day of _____, 20__ by and between _____
 whose address is _____ and
 Parcel Identification Number (PIN) is _____
 ('Lessor') and _____
 whose address is _____
 ('Lessee') and Parcel Identification Number (PIN) is _____

1. To relieve traffic congestion in the streets, to minimize any detrimental effects of off- street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City, the City Land Development Regulations establish the minimum number of off-street parking and loading spaces necessary for the various land uses; and

2. Lessee owns property at _____,
 Lakeland, TN. ('Lessee Property') which property does not have the number of off-street parking spaces required for the use to which Lessee Property is put; and

3. Lessor owns property at _____,
 Lakeland, TN ('Lessor Property') which is zoned with the same or more intensive zoning classification than Lessee Property and which is put to a use with different operating hours or different peak business periods than the use on Lessee Property; and

4. Lessee desires to use some of the off-street parking spaces on Lessor Property to satisfy Lessee Property off-street parking requirements, such shared parking being permitted by the Lakeland Regulations; and

5. City regulations require that such shared use of parking spaces be done by written agreement.

IV. Appendix

City of Lakeland, TN Sample Shared Parking Agreement

Page | 2

NOW THEREFORE, in consideration of the premises and the information stated above, the parties agree as follows:

1. Per City Land Development Regulations for parking, and the required shared parking analysis, Lessor's property has off-street parking spaces in excess of required off-street parking spaces. Lessee's property is required off-street parking spaces as indicated in the City Land Development (parking) Regulations, which may consist of a combination of spaces on Lessor's and Lessee's property.

Lessor hereby agrees to share with Lessee a maximum of off-street parking spaces associated with Lessor's Property, which is described in more detail on Attachment 1, attached hereto and incorporated herein by reference ('Shared Spaces').

Lessee's interest in such parking spaces is non-exclusive. The Lessee's shared use of parking shall be subject to the following:

[describe the time, days etc. of the use and the nature of the shared use, limits on time vehicles may be parked, etc., using the approved City of Lakeland shared parking analysis.]

2. This Agreement shall be effective upon execution by both parties and shall be considered by the City when determining whether or not Lessee has fulfilled its obligation to provide ample parking spaces in conjunction with the use and enjoyment of its property as required by City regulations.

3. The parties agree to cooperate and work together in good faith to effectuate the purpose of this Agreement.

4. The Parties understand and agree that if for any reason the off-site parking spaces are no longer available for use by Lessee, Lessee will be in violation of City requirements. If the off-site parking spaces are no longer available, Lessee may be required to reduce or cease operation and/or use of its property to an intensity approved by the City in order to bring the property into conformance with the Land Development Regulations parking requirements, and/or to increase available parking. Lessee agrees to waive any and all right to contest enforcement of the parking requirements contained in the City Land Development Regulations by the City should this circumstance arise.

Although the Lessee may have recourse against the Lessor supplying off-site parking spaces for breach of this Agreement, in no circumstance shall the City be obligated by this agreement to remedy such breach. The Parties acknowledge that the sole recourse and remedy for Lessee if this Agreement is breached is against the Lessor in a manner as specified in this paragraph, and the City may invoke any remedy provided for in the City regulations to enforce such violation against the Lessee.

City of Lakeland, TN
Sample Shared Parking Agreement

Page | 3

5. The provisions and conditions of this Agreement shall run with the land for those properties referenced and attached to this document and be enforceable against successors in interest and assigns of the signing parties.
6. The parties hereto specifically acknowledge and agree that the City of Lakeland be, and hereby is, deemed a third-party beneficiary to this agreement. As such, the parties hereto specifically agree and acknowledge that the City of Lakeland may take any and all legal actions it deems necessary to enforce the terms, conditions, and intent of this agreement.
7. Title to and the right to use the lots upon which the parking is to be provided will be subservient to the title to the property where the primary use it serves is situated.
8. The property or portion thereof on which the parking spaces are located will not be made subject to any other covenant or contract for use which interferes with the parking use, without prior written consent of the City.
9. This Agreement is in perpetuity and can only be terminated if adequate replacement parking has been provided, approved by the City, and written notice of termination of this agreement has been provided to the other party at least sixty (60) days prior to the termination date.
10. This Agreement shall be kept on file at the City of Lakeland and shall be recorded with the Shelby County Register of Deeds, referencing those aforesaid parcels .
11. No private agreement shall be entered into that overrides this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date Set forth at the outset hereof.

IV. Appendix

**City of Lakeland, TN
Sample Shared Parking Agreement**

(Lessor) (Date)

(Lessee) (Date)

(City) (Date)

COUNTY, SHELBY, TENNESSEE

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20__

(Official Seal)

Signature of Notary Public _____

My Commission Expires _____

COUNTY, SHELBY, TENNESSEE

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20__

(Official Seal)

Signature of Notary Public _____

My Commission Expires _____

This section is considered both Subdivision Regulations and Zoning Ordinance.

Tree Preservation Landscaping Credit for Existing Trees Along Scenic Corridors

The following indicates credit allowed for permanently protecting large or medium overstory trees existing along and immediately adjacent to the scenic corridor, whether in the right-of-way, or within the 50' adjacent buffer. Refer to Zoning Ordinance III.5.N, Landscape Requirements for Scenic Corridor Buffer, for minimum planting levels to be achieved.

For credit to be achieved, the full critical root zone of the tree must be protected. Trees that should be indicated for removal, including hazard trees, damaged or dying trees, and invasive species shall not achieve credit. Also, for trees under 10" dbh, no credit shall be achieved.

For trees from 10 – 13.9" dbh occurring within a 100' linear segment along the scenic corridor, 10% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.

For trees from 14 – 19.9" dbh occurring within a 100' linear segment along the scenic corridor, 20% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.

For trees from 20 – 25.9" dbh occurring within a 100' linear segment along the scenic corridor, 30% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.

For trees from 26 – 33.9" dbh occurring within a 100' linear segment along the scenic corridor, 40% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.

For trees from 34 – 39.9" dbh occurring within a 100' linear segment along the scenic corridor, 50% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.

For trees from 40 – 47.9" dbh occurring within a 100' linear segment along the scenic corridor, 60% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.

For trees that are 48" dbh or greater occurring within a 100' linear segment along the scenic corridor, 70% of the minimum planting level required for large or medium overstory trees in that segment is achieved for each tree of this size.