

# Agreement for Contribution in Lieu of Sidewalk Construction

This agreement is dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Town of Holly Ridge, located at 212 N Dyson St., Holly Ridge NC 28445 and,

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*(Name of Person, Corporation)*

(the "Developer") having a principal business at:

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*(Business Address of Person, Corporation)*

**Whereas**, the Developer has applied for an Improvement Location Permit ("Permit") from the Town for property commonly referred to as:

\_\_\_\_\_ (the "Subject Property")

*(Address of Subject Property)*

more particularly described by the legal description contained in Attachment "A", attached hereto and incorporated by reference, and work performed pursuant to the Permit will result in the development or redevelopment of a building(s); and

**Whereas**, the construction of building(s) increases the impact upon the Town's transportation network, including sidewalks, at, near, and around the immediate site of construction, drawing employees, customers, and other members of the general public from throughout the Town and County; and

**Whereas**, the zoning ordinance of the Town of Holly Ridge, Onslow County, North Carolina, as amended by the General Ordinance *ARTICLE VII Section 7-40 Pedestrian Sidewalks*, requires the installation of sidewalks upon the development of the property; and

**Whereas**, payment in lieu of actual construction of the sidewalks is an option authorized by the zoning ordinance of the Town of Holly Ridge, Onslow County, North Carolina, as amended by the General Ordinance *ARTICLE VII Section 7-40 Pedestrian Sidewalks*, that may be exercised by the Developer; and

**Whereas**, the Developer voluntarily chooses and agrees to a contribution (the "Contribution Amount") to the Town in lieu of sidewalk construction at the Subject Property; and

**Whereas**, the Town has established an exclusive fund for the construction of sidewalks; and

**Whereas**, pursuant to General Ordinance *ARTICLE VII Section 7-40 Pedestrian Sidewalks*, the Developer and the Town hereby enter into this agreement (the “Agreement”) pursuant to the terms and conditions set forth herein;

**Now Therefore**, in consideration of the foregoing mutual promises and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

**1. Formula.** The Developer agrees to contribute to the Town an amount related to the Subject Property and proposed development in lieu of installing the required sidewalks, which amount is requested by the application for the Permit and calculated pursuant to the appropriate formula, as reflected in **Sidewalk Payment Rate Formula, A. B. C.** (choose one)

### **Agreement for Contribution in Lieu of Sidewalk Construction - Continued**

**Formula (A)** For property in a **Commercial Zoning classification of a Special Zoning classification**, the Developer agrees to contribute an amount of money equal to the numerical length in feet of the derived Sidewalk Responsibility multiplied by the Sidewalk Payment Rate. The Sidewalk Responsibility is 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area to be constructed, erected, enlarged, extended, reconstructed, converted to a commercial use, or the gross floor area of the relocated building or addition. The Sidewalk Payment Rate shall be in accordance with the following table:

<b>Year</b>	<b>Sidewalk Payment Rate</b>
2011	\$25.00 per linear foot of Sidewalk Responsibility
2012	\$25.60 per linear foot of Sidewalk Responsibility
2013	\$26.20 per linear foot of Sidewalk Responsibility
2014	\$26.80 per linear foot of Sidewalk Responsibility
2015	\$27.40 per linear foot of Sidewalk Responsibility
2016	\$28.00 per linear foot of Sidewalk Responsibility

**Formula (B)** For property in a **Dwelling District Zoning classification**, the Developer agrees to contribute an amount of money equal to the numerical length in feet of the derived Sidewalk Responsibility multiplied by the Sidewalk Payment Rate. The Sidewalk Responsibility is 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area to be constructed, erected, enlarged, extended, reconstructed, converted to a residential use, or the gross floor area of the relocated building or addition. The Sidewalk Payment Rate shall be in accordance with the following table:

<b>Year</b>	<b>Sidewalk Payment Rate</b>
2011	\$25.00 per linear foot of Sidewalk Responsibility
2012	\$25.60 per linear foot of Sidewalk Responsibility
2013	\$26.20 per linear foot of Sidewalk Responsibility
2014	\$26.80 per linear foot of Sidewalk Responsibility
2015	\$27.40 per linear foot of Sidewalk Responsibility
2016	\$28.00 per linear foot of Sidewalk Responsibility

**Formula (C)** For property in an **Industrial Zoning classification**, the Developer agrees to contribute an amount of money equal to the numerical length in feet of the derived Sidewalk Responsibility multiplied by the Sidewalk Payment Rate. The Sidewalk Responsibility is 3 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area to be constructed, erected, enlarged, extended, reconstructed, converted to an industrial use, or the gross floor area of the relocated building or addition. The Sidewalk Payment Rate shall be in accordance with the following table:

<b>Year</b>	<b>Sidewalk Payment Rate</b>
2015	\$25.00 per linear foot of Sidewalk Responsibility
2016	\$25.60 per linear foot of Sidewalk Responsibility
2017	\$26.20 per linear foot of Sidewalk Responsibility
2018	\$26.80 per linear foot of Sidewalk Responsibility
2019	\$27.40 per linear foot of Sidewalk Responsibility
2020	\$28.00 per linear foot of Sidewalk Responsibility

The Sidewalk Responsibility shall not exceed the cumulative length of the eligible public streets of the freestanding lot or integrated center, excepting interstate, expressway, freeway, as indicated in the current

### **Agreement for Contribution in Lieu of Sidewalk Construction - Continued**

Official Thoroughfare Plan, and other full control of access frontages as determined by the Administrator. Eligible public street is that portion of a public street abutting a lot or project, or that portion of a public street between the lot-lines extended from which a lot or project gain access.

**2. Calculation.** The specific values assigned to the above formula include:

Gross floor area calculated is \_\_\_\_\_ sq. ft.

Sidewalk Responsibility rate is \_\_\_\_\_ linear feet per 100 sq. ft.

Sidewalk Payment Rate including any annual increase is \$ \_\_\_\_\_

Cumulative length of the eligible public streets is \_\_\_\_\_ linear feet

Contribution Amount is \$ \_\_\_\_\_

**3. Payment.** The Developer agrees to pay the Contribution Amount in full at or before the time of permit issuance.



and acknowledge the execution of this instrument this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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*Notary Public*

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*Printed Name of Notary Public*

*My Commission expires:* \_\_\_\_\_

*My County of residence:* \_\_\_\_\_