

Proposed Binding Elements (#20-ZONE-0060):

- 1.** Developer shall contribute up to \$100,000 towards sidewalk design, right of way acquisition and construction of sidewalks from the development to Bardstown Road. Developer shall contribute up to \$50,000 of the \$100,000 toward sidewalk design and right of way acquisition within 60 days of written request from the applicable government agency provided such request occurs not earlier than the issuance of its first building permit and not later than 3 years following the issuance of its first building permit. Developer shall contribute up to the remaining \$50,000 of the \$100,000 within 60 days of written request from the applicable government agency and proof that the applicable government agency has entered into a construction contract which commencement shall be within 60 days of execution, provided such request occurs not earlier than one year following the issuance of its first building permit and not later than 5 years following the issuance of its first building permit.
- 2.** Developer shall reserve the area shown on the approved detailed district development plan for future stub road connections to the north and south at the locations shown on the site plan and will dedicate (and Metro Public Works shall accept) this area as public right-of-way within 60 days of written request of the dedication by Metro Public Works. In addition, Developer shall contribute \$218,610.00 to Metro Public Works (within 45 days of the earlier to occur of the issuance of the final certificate of occupancy or commencement of construction of the road by Metro Public Works) for the eventual construction by Metro Public Works of the stub road, which construction shall complete the connection to the north or south as shown on the approved detailed district development plan. If the stub road construction has not commenced within 5 years of the date of the contribution under a contract requiring the completion of the stub road within 6 months after commencement of construction, Metro Public Works shall refund the contribution to Hagan Properties or its designees, successors or assigns.
- 3.** Prior to the applicable government agency issuing the final certificate of occupancy, the developer or its successors and assigns shall design, pursuant to Metro Public Works standards, and complete the construction of a right turn lane on eastbound Cedar Creek Road at Bardstown Road. The required improvements shall be based on the TIS analysis dated February 16, 2021 prepared by Diane B. Zimmerman and submitted to Metro Public Works February 17, 2021. The improvements shall be limited to an eastbound right turn lane 200' in length of which 50' is a taper lane.