

Webinar: Structuring and Amending REAs for Retail and Mixed-Use Projects

March 1, 2017

1:00 - 2:15 p.m. (EST)

Event Sponsor: Clear Law Institute

The ever-changing retail real estate market continues to present unique issues. Reciprocal Easement Agreements (REAs) and other governing documents can impede the real estate owner's response to the evolving retail environment. A poorly drafted REA can lead to practical difficulties, unwanted conflicts and potential litigation. Crafting a forward-looking REA that will govern a retail or mixed-use development for many years will avoid the arduous process of amending an existing REA. Upon completion of this course, you'll be able to:

- Structure retail and mixed-use developments through fee simple pad or parking field ownership, outlots, shared common areas and vertical air rights parcels
- Describe general easement terms and specific provisions for retail and mixed-use projects
- Recognize maintenance and repair issues and solutions
- Develop the development's governance structures
- Create construction, alterations, architectural control and building areas restrictions
- Address exclusive uses, use covenants and restrictions, and tenant use exclusives and restrictions within the REA
- Recognize how to allow for future expansion, contraction or redevelopment to avoid amending the REA
- Develop strategies for amending an existing REA, both legal and practical
- Structure the developer's ability to maintain control of the project under the REA
- Address retail-specific issues including signage, shared parking, valets, restaurant/entertainment uses, and big box/anchor owner concessions