

**ADVISING CLIENTS CONTEMPLATING ACQUISITION OF
PROPERTIES WITHIN MIXED-USE DEVELOPMENT
TOPIC OUTLINE**

A. Covenants, Conditions and Restrictions.

1. Architectural Design and Construction Approval.
2. Construction Schedule.
3. Remedies for Construction Defaults or Delays.
4. Indemnity for Mechanics' Liens.
5. Permitted and Prohibited Uses.
6. Maintenance Obligations, Cost Allocation and Assessments.
7. Insurance and Casualty.
8. Transfer Restrictions, Mergers and Consolidations.
9. Developer Rights and Future Expansion.
10. Mortgagee Protections.
11. Claims and Remedies.
12. General Indemnity.

B. Evaluation of Necessary Easements.

1. Access Easements.
2. Construction, Placement and Maintenance Easements.
3. Support and Encroachment Easements.
4. Utilities and Equipment Easements.
5. Developer Reserved Easements.

C. Governance Structure of a Mixed-Use Development.

1. Owners' Associations – Governing Documents.
2. Owners' Associations - Management Responsibilities.