

CC&Rs and Easements for Mixed-Use Projects: Best Practices for Developers

Drafting, Analyzing, Interpreting, and Amending CC&R Declarations and Easements

Webinar

11.10.2022

A live 90-minute premium CLE video webinar with interactive Q&A.

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Thursday, November 10, 2022

1:00pm-2:30pm EST, 10:00am-11:30am PST

This CLE course will guide real estate practitioners in drafting valid covenants, conditions, and restrictions (CC&Rs) for mixed-use projects, avoiding common pitfalls in drafting CC&Rs, and amending existing CC&Rs.

Description

The importance of drafting CC&Rs in mixed-use projects cannot be overstated. CC&Rs create complex contractual rights and obligations and property rights and obligations that impact the owners' ability to use, sell, and finance the property. In addition, establishing the right assessment structure and revenue streams in the governing documents are critical to creating a financially viable community.

A significant component of CC&Rs is creating **easements that impact daily business operations** and other property users subject to the document. Properly drafted easements will address critical business issues such as access, construction, shared parking, signage, and maintenance.

Further, in the branded mixed-use context, inclusion of the hotel brand as a key participant in project operations creates additional complexity and requires addressing specific operational elements and inclusion of provisions, rights, and benefits unique to branded communities.

Counsel must avoid pitfalls and conflicts to **minimize owner disputes and operational problems** when drafting or amending CC&Rs. Using boilerplate language is ineffective at best and, at worst, is a risky means of dealing with the specific needs and demands of a developer or business owner.

Listen as our authoritative panel provides practitioners with a clear understanding of how to draft effective CC&Rs for mixed-use projects, avoid common pitfalls, and amend existing documents.

Outline

1. Overview of CC&R declarations
2. Drafting effective CC&R declarations
3. Common pitfalls with CC&R declarations
4. Amending existing CC&R declarations

Benefits

This panel will review these and other key issues:

- The fundamental components of mixed-use CC&Rs
- Unique elements in drafting CC&Rs for branded mixed-use communities
- Creating financially viable mixed-use communities
- Costly drafting errors that attorneys most commonly make when drafting CC&Rs
- Best practices for preparing, analyzing, interpreting, and amending CC&Rs

Faculty

- **Lynn K. Cadwalader**, *Partner*, Manatt Phelps & Phillips
- **Shannon M. Mandich**, *Special Counsel*, Sheppard Mullin
- **Gretta C. Spendlove**, *Shareholder*, Board of Directors, Dentons Durham Jones Pinegar

Attorneys

Shannon M. Mandich

Practice Areas

Real Estate, Energy, Land Use & Environmental