

Wednesday, November 3, 2021
3:30 PM – 4:45 PM

Seminar 3

**Getting Along in the Sandbox in a Shifting Landscape:
Exclusives, Prohibited Uses and Restrictive Covenants – Then and Now**

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A. Introduction

B. Exclusive Uses

1. Overview
 - a. Tenant's Goals.
 - b. Landlord's Concerns.
 - c. Compromise.
2. Types of Exclusives.
 - a. Blanket Prohibition.
 - b. Limits on Primary Use.
 - c. Incidental Sales.
 - d. Narrow Exclusives.
 - e. Broad Exclusives.
3. Conditions and Exceptions.
 - a. Open, Operating and No Default.
 - b. Major Tenants.
 - c. Existing Leases.
 - d. Incidental Sales.
 - e. Specific Exception.
 - f. Geographic Exclusions.
 - g. Sunsets.

4. Remedies.
 - a. Rent Abatement.
 - b. Termination.
 - c. Rogue Tenant.
5. Some Drafting Tips.
6. The Future.

C. Prohibited Uses

1. Overview.
2. Categories of Prohibited Uses.
 - a. Noxious Uses.
 - b. Uses that overburden the center.
 - c. Interfering uses.
 - d. Objectionable Uses.
 - e. Incompatible uses.
3. Who is Bound?
4. Geographic Limitations.
5. Existing Tenants.
6. Remedies.
7. Rogue Tenants.
8. Evolutions, Exceptions and the Future of Prohibited Uses.
 - a. Evolutions and Exceptions
 - b. The Future

D. Restrictive Covenants.

1. Overview.
2. Height/Building Restrictions.
3. No Change Areas.
4. Square Footage Limitations.
5. Exclusives in Separate Documents.
6. Preparing for the Future.