

OUR PRACTICE

Retail and Mixed Use

Stand-alone retail development is largely a thing of the past. Today, mixed-use development – retail combined with residential, office or hotel development – is the norm. In this highly complex deal and financing environment, you need lawyers who understand the big picture as well as each of the pieces that compose it.

Baker Donelson's Retail and Mixed Use Group advises clients on mixed-use development projects throughout the United States. We have advised clients in the development of lifestyle centers, power centers, main street developments and mixed-use projects in multiple phases and locations throughout the United States.

Our team is composed of nearly 20 lawyers who focus on retail and mixed-use development. We collaborate closely with lawyers in Baker Donelson's real estate, corporate, tax, hospitality, environmental, construction, public policy and public finance teams.

Our experience encompasses all aspects of the mixed-use development lifecycle, including:

Acquisition. Lawyers on our team advise on negotiation and documentation of acquisition, assemblage of properties, due diligence, zoning and land use planning, title, survey and geotechnical issues, environmental and wetlands issues, subdivision/resubdivision and platting, water rights, economic development incentives and financial assistance agreements.

Development/Leasing. We counsel clients regarding consultant agreements, site development agreements, master declaration of covenants and restrictions (OEA, ECCR, COREA, REA), condominium formation, big box developments, department store and anchor tenant transactions, negotiation of construction contracts, in-line store and restaurant leasing, and outlot and pad sales and leases.

Operations. From management agreements, lease enforcement and tenant bankruptcy to eminent domain, and property management/first amendment issues, we advise on a full array of operational issues.

Financing/Equity/Structured Financing. We provide counsel regarding all types of financing including acquisition, ground lease, mezzanine, permanent, joint venture/capital markets and public private partnerships. We have deep experience assembling the complex, multi-party arrangements which mixed use developments require – including capital stacks with equity promotes, institutional investors, local incentives, tax-increment financing and tax credits.

Disposition/Redevelopment/Expansion. Attorneys in our group advise on a variety of strategies for expansion, redevelopment or disposition of mixed-use developments.

Representative Matters

- Represented a national real estate developer and managed all aspects of more than 50 acquisitions annually throughout the United States for development as commercial retail stores, including handling all due diligence, negotiating and drafting documents, resolving title and survey issues, and negotiating tax and infrastructure incentives.
- Represented developers in the development of several condominium projects and mixed use projects.

- Represented a property management group in the development of a mixed-use condominium in Birmingham.
- Assisted a regional real estate developer with developing and selling 24-unit, 35-unit and 48-unit mixed-use condominium developments.
- Represented a real estate development company in the acquisition, construction and leasing of five Class A office buildings and two shopping centers in Knoxville, Tennessee.
- Successfully represented regional real estate developer in all phases of development, financing and leasing of 120-acre multi-use property with large retail shopping component.
- Represented a developer in establishing a \$63 million mixed-use condominium on the Beltline in Midtown Atlanta, prepared and filed the declaration and plat, obtained construction financing of \$47.5 million, wrote the title insurance, sold off an adjoining tract, and began construction of a five-story apartment, three-story parking garage and retail project.
- Represented foreign investors in purchase of Atlanta regional shopping mall, including discounting payoff agreement with lender under threat of foreclosure and joint venture agreement with local operator.
- Acquisition of two distribution centers, an ocean freight terminal and multiple retail development sites for a national agriculture supply company.
- Represented client in purchase and redevelopment of 37 acre Atlanta industrial site for retail power center.
- Represented a client in acquiring a \$50 million securitized loan for shopping center.
- Assisted a client in the development and financing of a hotel/office/retail mixed use project in Nashville, Tennessee.
- Represented client, assisting in development of a 1.1 million square foot super-regional mall in Nashville, Tennessee.
- Represented a client in the acquisition of a retail outlet mall in Dalton, Georgia.
- Assisted developer client in acquiring over 80 residential parcels of real estate from various sellers in order to develop a big box retail development.
- Helped developer clients develop retail pharmacies and related stores across the country.
- Represented a special servicer in the leasing and disposition of office park properties, medical office buildings, shopping malls and retail centers.
- Represented national, regional and local landlords in negotiating retail leases with tenants.
- Represented a real estate development company in the acquisition, development and leasing of real estate across the United States for a variety of commercial uses, including shopping centers, department stores, grocery stores and restaurants.
- Represented a regional developer in the acquisition and redevelopment of formerly distressed shopping centers and retail spaces.