

## CONSTRUCTION AND DEVELOPMENT

Our Real Estate practice represents owners and tenants in the development, redevelopment and expansion of retail, commercial and industrial properties.

We have worked on a wide array of projects, including ground-up construction both in free-standing properties as well as within operating shopping centers and industrial parks; demolition, expansion and remodeling of existing shopping centers, office buildings and industrial parks; single tenant build-to-suit transactions; and other leasehold improvement projects.

Our construction, and development expertise includes:

- Drafting, reviewing and negotiation of construction contracts, (fixed fee, cost-plus, design build, etc.)
- Drafting, review and negotiation of agreements with architects, engineers, and consultants
- Preparation, negotiation and reviewing lease work letter exhibits
- Preparing development agreements, covenants, conditions and restrictions, easement agreements, options, and other arrangements among master developers, builders, operators and tenants
- Negotiating and reviewing land and development loans, preparing construction financing documents, and structuring alternative financing arrangements
- Negotiating payment and performance bonds

We also provide advice with respect to the process for paying contractors, subcontractors and materials suppliers, including coordination with lender construction disbursement protocols, lien waivers and releases, joint checks and the like.

Our involvement also includes reviewing vendor contracts, revising terms and conditions that limit vendor liability, dealing with insurance coverages, liquidated damages for late completion, and a myriad of other customary protections on behalf of owners.

### Professionals



GLENN T. SHERMAN  
PARTNER



BRUCE M. SMILEY  
PARTNER