

**THINK YOU ARE READY TO  
SIGN THAT LEASE?**

**Think Again.**

**JANUARY 16, 2018**

**Citrin Cooperman | Cole Schotz PC**

# PRESENTERS

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**JORDAN A. FISCH**  
Co-chairman  
Cole Schotz P.C.



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Co-chairman  
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**NICHOLAS FLORIO**  
Partner, Practice Co-leader  
**CITRIN COOPERMAN**



**STACY L. GILBERT**  
Partner, Practice Co-leader  
**CITRIN COOPERMAN**

# AGENDA

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▶ The Basics



▶ The Letter of Intent (LOI)



▶ Due Diligence



▶ Traps



▶ Construction

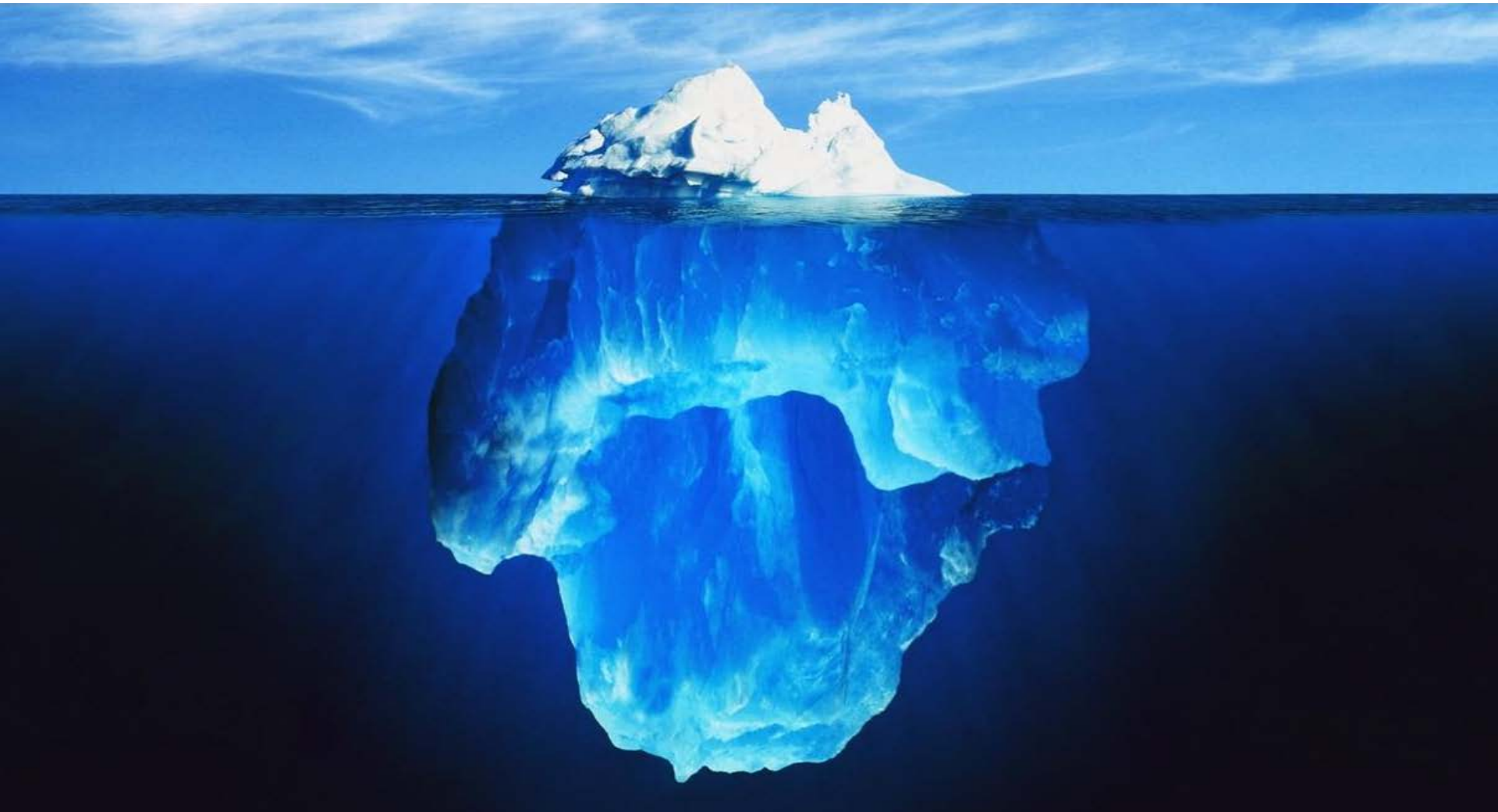


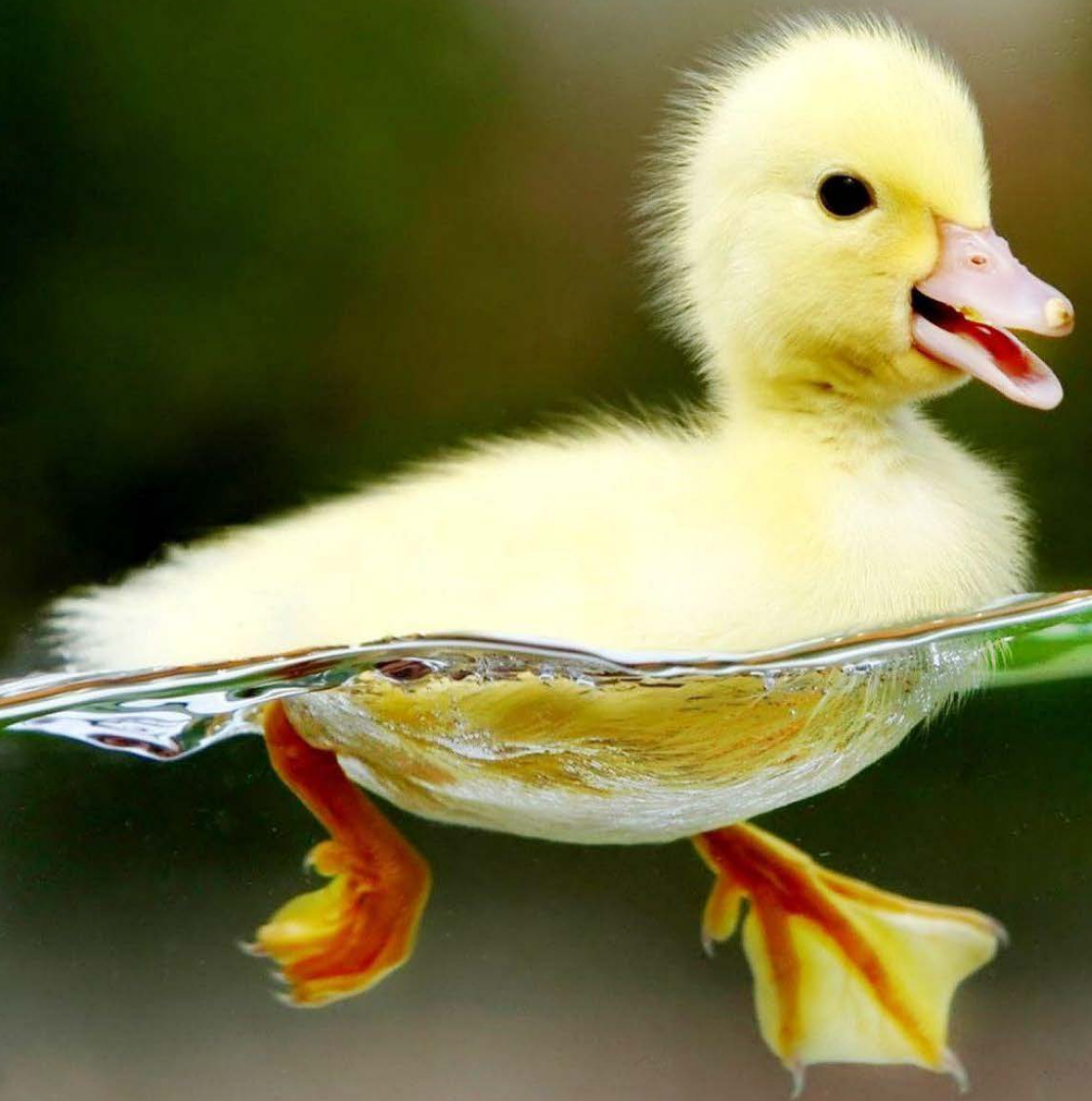
▶ Lease Provisions



▶ Other Considerations

# THE LETTER OF INTENT





**“Like a duck on the pond. On the surface everything looks calm, but beneath the water those little feet are churning a mile a minute.”**

**- Jimmy McGinty**

# THE BASICS

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- ✓ Non-Binding
- ✓ Typically 2 – 3 pages in length
- ✓ Simple business terms agreed to by the parties



# SO WHAT'S IN THE LOI?

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- ✓ The Parties
- ✓ The Premises
- ✓ Permitted Use
- ✓ Rent Commencement
- ✓ Base and Additional Rent
- ✓ Length of Term
- ✓ Security / Guaranty
- ✓ Construction
- ✓ Tenant Allowance



# DO YOUR DUE

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- ✓ Title Review
  - Use
  - Alcohol
  - Architectural
  - Drive-thru
  - Hours of Operation





# DO YOUR DUE

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- ✓ Permits & Approvals
  - Special or Conditional Use Permit
  - Liquor License
  - Community Board
  - Landmarks
  - Sidewalk Use



# KNOW YOUR NEIGHBORS AND YOUR NEIGHBORHOOD

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# THE TRAPS

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# CONSTRUCTION

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- ✓ What Type of Space
- ✓ Impact Fees
- ✓ As-Is
- ✓ Landlord Work
  - Delays
- ✓ Staging Area
- ✓ Construction Deposits



# LEASE PROVISIONS

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- ✓ Landlord's Right to Make Changes
- ✓ Parking
- ✓ Noise / Vibration
- ✓ Pest Control
- ✓ Operating Expenses
- ✓ Maintenance Repairs



# LEASE PROVISIONS

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- ✓ Exclusives
- ✓ Insurance
- ✓ Pouring Rights
- ✓ Condition of Premises
- ✓ Prevailing Party
- ✓ Remedies



# OTHER CONSIDERATIONS

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- ✓ Co-tenancy
- ✓ Percentage Rent Exclusions
- ✓ Seasonal Business
- ✓ Franchise Rights
- ✓ Guaranty Vs. Security Deposits



# THANK YOU!

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## Think Again.

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