

From: [Zachary Krochtengel](#)
To: [Cody Campbell](#)
Subject: Force Majeure Request-Cypress Creek at Forest Lane
Date: Friday, June 28, 2024 10:58:06 AM
Attachments: [231219 CC Forest Lane - Pls Orig Petition-1.pdf](#)

Mr. Campbell,

We are requesting Force Majeure treatment for Cypress Creek at Forest Lane. We believe Force Majeure is appropriate in this situation as a lawsuit has been brought by the neighboring land owner in an effort to stop this development from moving forward. The lawsuit relies on 1970s deed restrictions that we no longer believe to be valid nor did we believe them to be valid at the time of application. This lawsuit was not foreseen at the time of application and we believe that this is

The Deed restrictions limit the use of the land under the deed restrictions to office, hotel/motel or restaurant. However, there is currently property under the deed restriction acting as retail. Further, the original deed restriction covered approximately 30 acres, however many parcels were removed to allow for non-compliant uses over the years. There is no longer a common bond of the properties and the restrictions serve no purpose. Other uses in the surrounding area that were once covered by the deed restrictions include; self-storage, Home Depot, used car lots, car wash, quick lube, collision center, jewelry retailer and animal hospital. As you can see from the variety of uses this deed restriction is no longer enforceable or effective.

The lawsuit filed has been attached and we are willing to answer any questions or concerns.

Thank you

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