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3 Cups' dispute may end in moving

Owner could throw in towel in conflict with landlord

Author: DANIEL GOLDBERG dgoldberg@heraldsun.com; 918-1046

Article Text: Feuds With Everyone

CHAPEL HILL -- Lex Alexander didn't wait for the ink to dry on the eviction papers.

The owner of 3 Cups coffee shop said he doesn't plan to fight eviction papers filed by an attorney for Courtyard owner Spencer Young, with whom Alexander has been locked in a dispute over parking availability and rent payments.

"I've had it," Alexander said Wednesday. "I've signed a lease on a new space on Elliot Road. I gave my best shot in downtown Chapel Hill, but it didn't work."

He said the new space is near the ABC store in the same stretch of shopping centers as Whole Foods, the company that bought Alexander's previous enterprise, Wellspring Grocery. Alexander is hoping for a fall opening in the new location. There's no closing date set for the existing 3 Cups, and Alexander said he will take "one more shot at a resolution" of the disagreement with Young.

The eviction documents were filed Wednesday morning, a day after Superior Court Judge Allen Baddour awarded Alexander an injunction against Young, essentially agreeing with the business owner's argument that the landlord has a responsibility to provide parking for his tenant businesses.

A Special Use Permit granted to The Courtyard by the Town of Chapel Hill in 1979 created a complex arrangement among multiple property owners that guaranteed use of 79 parking spaces to tenants, employees and customers of the shopping center. Alexander argues that Young's unwillingness to come to an agreement with adjacent owner P.H. Craig has hurt businesses there by limiting parking to 23

These statements are contradictory, as one would not enter into a lease if attempting a resolution

Lousy Landlord

spaces.

Lousy Landlord

In recent weeks the conflict escalated when Young had the doors of 3 Cups and adjoining business SandwHich locked, an action reversed by the legal maneuvers of Alexander's attorney. Meanwhile, Young launched a valet parking service that was offered free to all customers except those of SandwHich and 3 Cups, who were charged \$10.

Other options

Reef Ivey II, representing Young for the Shanahan Law Group, promised further action and said that Baddour's ruling gives his client broad legal options.

"We're lawfully entitled to lock them out," Ivey said. "We're lawfully entitled to evict them. They're going to be evicted -- they're out of there."

Ivey said he was pleased with the injunction ruling, calling it a "backhand win" for Alexander. The injunction requires that Alexander pay a \$35,000 bond to be held by the court. That figure is roughly 10 times his base rent. Ivey and Joseph Marion, the attorney for Alexander, were left to continue negotiating a settlement of rent charges.

Feuds With Everyone

"They made a big mistake by doing this," Ivey said. "I would have done it completely different."

Alexander and the owners of SandwHich, Jan and Hich Elbetri, have put several months worth of rent payments into an escrow account pending the re-establishment of what they believe to be required parking at The Courtyard. They claim to owe Young approximately \$37,000. Ivey set their tab at more than \$100,000, a figure that includes late fees, interest and legal fees.

The lawyer said he anticipates more claims and counter claims are on the way, although it's unclear how 3 Cups' departure from The Courtyard would affect the legal battle. As for SandwHich, one owner said it's too early make a decision regarding the future of the business.

"You now, I have no idea what's going to happen," Hich Elbetri said.

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