Real Estate

Our attorneys are trusted by clients across industries such as energy, retail and shopping center, health care, student housing, and low-income housing as well as by commercial real estate owners and developers. We assist our clients in the development, financing, leasing, and acquisition and sale of real property interests.

We also have extensive experience with real estate matters specific to the energy industry that include the acquisition and development of generation and transmission facilities, renewable-energy development, oil and gas leasing in the Marcellus Shale, riparian-rights issues, and environmental easements. Additional key industry focuses include health care and student housing.

Our experienced real estate professionals are highly proficient in title examination and title insurance claims matters, and our attorneys regularly prosecute and defend title disputes.

Some of our most notable recent representative matters include:

- Currently representing a commercial solar developer in the acquisition and development of multiple utility-scale solar projects in Central and Western Massachusetts.
- Represented an energy company in the acquisition of real estate rights and the resolution of title issues with a combined seven-mile natural-gas pipeline in Southern Illinois in connection with the conversion of a power plant from coal to natural-gas-fueled.
- Represented an energy company in the $70 million acquisition of three hydroelectric facilities in Maine and related financing.
- Acted as lead real estate and finance attorney in connection with dozens of multi-million shopping center acquisitions and/or refinances, many of which contained a 1031 like-kind exchange component and the assignment of an existing mortgage. The collective matters totaled over $350 million in Florida, Georgia, Louisiana, Maryland, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.
- Represented a utility company in establishing deed restrictions and environmental easements on dozens of former manufactured gas plant sites, as required by the NYS Department of Environmental Conservation.
- Represented a telecommunications company in all aspects of the first phase build-out of cell tower sites in Western New York, including zoning approvals, leasing, and title matters.
- Represented a real estate developer in the purchase of Rochester Tech Park with over 5 million square feet of light industrial, manufacturing, and warehouse space. The transaction included Public Service Commission approval, Empire Zone certification, and environmental-remediation issues.
- Represented a residential housing developer in local, state, and federal approvals for a 244-unit multi-family housing development, including variances and site plan approval and stormwater, state, and federal wetland permits.

Representative Experience

- Represented a fast food franchise operator in the asset sale of four Taco Bueno restaurants and subsequent leaseback negotiations.
- Represented a real property company in its conversion from a limited liability company to a limited partnership in order to facilitate foreign investment and conform with Canadian corporate law.
- Represented a NYC ice cream shop owner in the formation of a corporate entity and subsequent commercial lease negotiation.

- Represented a purchaser in its acquisition of the business assets of a local sodas, ice cream, and confections shop and in the related commercial lease negotiation.
- Represented a dentist in the sale of his dental practice, associated assets, and office real property.
- Represented a WNY-based private equity company in its acquisition of the business assets and real property of a popular, historic Buffalo commercial bakery (operating since 1888) that markets and sells premium frozen dough products and fresh baked goods.
- Drafted a petition to the Onondaga County Supreme Court to gain approval for a religious corporation to convey multiple parking easements.
- Amended a condominium offering plan to extend the terms of the offering.
- Prepared a declaration of restrictions to preserve protected wetlands and an adjacent area incident to a NYS Department of Environmental Conservation (DEC) and US Army Corps of Engineers wetland permit.
- Prepared an easement to authorize the installation of fiber optic cables over a homeowners association common area and advised the HOA regarding procedures to authorize the installation.
- Handled the sale of a homeowners association common area to construct a single-family home.
- Defended an Article 78 Proceeding commenced by neighbors challenging the formation of a planned development district, subdivision, and site plan approval for reusing five existing buildings and constructing a four-story, 52-unit multi-family building and a four-story, 52-unit multi-family building with underground parking.
- Prepared an application for treatment pursuant to Cooperative Policy Statement 7 (CPS-7).
- Prosecuted approvals for the redevelopment of historic landmark property, including rezoning to the planned development district, subdivision and site plan approval for the reuse of five existing buildings, and the construction of a four-story, 52-unit multi-family building and a four-story, 52-unit multi-family building with underground parking.
- Represented a hospital group in the sale of its large urology and radiation oncology medical practice and related real estate.
- Served as outside general counsel in the $75 million redevelopment of a facility on the National Register of Historic Places into a 90-room boutique hotel and conference facility, including acquiring the project from New York State, negotiating and preparing development documents and leases, preparing and processing tax incentives, and coordinating historic tax credit financing with Empire State Development grants.
- Represented a seller in a $20.5 million sale of a retail shopping center in Myrtle Beach, South Carolina, that was a relinquished property in a 1031 exchange.
- Served as general counsel to a NY-based not-for-profit assisted living provider, including licensing all four of its client residences and helping obtain ALR, enhanced, and special-needs licensure and certification. This included drafting a winning HEAL grant application, resulting in the client receiving $3.8 million from the NYS Department of Health (DOH) to build a new assisted-living facility with enhanced capabilities.
- Represents an energy storage projects developer in handling all aspects of the projects, including counseling on all siting and permitting issues to ensure the most efficient and successful project development while preserving the in-service dates as well as interfacing with key regulators.
- Providing strategic advice for the replacement of more efficient and cleaner turbines at an existing generating facility, including securing the necessary permit modifications to enable the project to go forward and interfacing with NYSDEC and other state and local agencies to secure the necessary permits and approvals in a timely manner.
- Represents a local developer in financing and structuring a $10 million real estate development.
- Represents a local entrepreneur in financing and structuring a $10 million downtown business development.

- Represented an individual in his sale of interest in a car dealership franchise that involved sensitive environmental issues and took over three years to complete, including negotiating all transaction documents.
- Represented an owner, operator, and developer of hydroelectric power projects in its $8.1 million purchase of a Virginia hydroelectric facility, including handling the status and necessary assignment of a US Federal Energy Regulatory Commission (FERC) license as well as the pre-closing investigatory process with regard to potential environmental issues and necessary post-closing connections to the electrical grid.
- Performed all legal responsibilities related to the $225 million development, construction, and financing of a children's hospital, including negotiating and preparing all development, design, and construction contracts and preparing all loan and real property documentation related to HUD-insured mortgage financing and EB-5 financing.
- Assisted with the restructuring of all secured and unsecured debt related to the $25 million merger of two hospitals, including redeeming and reissuing civic facility bonds, coordinating consents from the PA and NY Departments of Health, and handling all real estate and title insurance work related to financing.
- Served as general outside counsel to a NY-based owner-operator of post-acute health care facilities regarding the $10 million acquisition of a nursing facility in Brockport, New York, and the acquisition financing, including title matters and restrictions and required NYS Department of Health and Attorney General approvals.
- Represented a super-regional lender in a $12 million+ loan involving the acquisition of an out-of-state assisted living facility. The closing was under an extremely compressed timeframe with multiple parties, and, given the fact that the collateral was out of state, various regulatory issues needed to be resolved. The transaction was successfully closed within the required time parameters.
- Represented a bank in a construction loan involving mixed-use property in Rochester, New York. The $11 million transaction involved a SWAP component, negotiating borrower and guarantor recourse issues, and resolving title issues.
- Represented a principal and a long-standing local business in the sale of the principal's 100 percent membership interest, negotiating the sales contract and consummating the entire transaction, including financial assumptions, vendor consents, and negotiating a new lease and employment contract. The result of the transaction assured the orderly transition of the company to another entity and the continuation of the company for the benefit of the community and the employees.
- Served as local NY counsel to a Canadian client in a $9.4 million cross-border acquisition of a food manufacturer and related real estate.
- Served as outside general counsel to a purchaser in the acquisition of Oklahoma taco restaurant franchises and related business assets collectively valued at $2.8 million.
- Served as outside general counsel to sellers in a $15 million sale of 25 hamburger fast food restaurant franchises and related business assets to an Oklahoma purchaser.
- Completed environmental and real property due diligence in connection with a series of equity investment transactions in several solar energy facilities in Massachusetts and New York, and as local counsel, advised our client, the investor, of the legal and business risks and prepared permit schedules for closing.