

## PRACTICE AREAS

Acquisitions & Dispositions  
 Business Litigation  
 Commercial Finance  
 Development, Land Use and Permitting  
 Employment  
 Environmental  
 Leasing  
 Litigation  
 Real Estate  
 Real Estate Litigation

## ATTORNEYS

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## PUBLIC AGENCIES & MUNICIPALITIES

### OVERVIEW

Sherin and Lodgen attorneys understand the unique challenges facing public and quasi-public agencies and municipalities and assist these clients in real estate acquisition, disposition, development and litigation matters. In particular, our attorneys are versed in navigating:

- Enabling Act or Charter limitations
- Massachusetts Public Records Law, Freedom of Information Act and other mandated transparencies
- The relationships between public agencies and other governmental offices
- The need to generate consensus within the public client in order for a project to keep moving forward

In addition to our experience representing public agencies, Sherin and Lodgen has represented private developers in connection with real estate projects located on public agency land, often within air rights. As a result, we have learned how different agencies address similar issues. We can advise our private developer clients as to which negotiating strategies and tactics are most successful when dealing with public agencies.

### CAPABILITIES

- Acquisitions and dispositions
- Development
- Environmental
- Leasing, including air rights, ground leasing and telecommunications
- Litigation, including business and real estate
- Permitting and land use
- Solar and renewable energy projects

### EXPERIENCE

- Massachusetts Department of Transportation (MassDOT) and the Massachusetts Bay Transportation Authority (MBTA) in the negotiation of a 99-year Ground Lease to Boston Properties relating to the existing Clarendon Street Parking Garage and the concourse level of the Back Bay Station, as well as providing for the future leasing of air rights over both properties for as much the site of future mixed-use development. The transaction requires Boston Properties to provide substantial funds for the renovation and upgrading of the retail and concourse areas of the Station.
- MassDOT in the negotiation of a 99-year Ground Lease to a national developer for the construction of a 14-story, 484,000 s.f. building which will include 239 rental apartments, a 220-room hotel, 9,500 s.f. of retail space, and up to 220 parking spaces. All of the residential units will be restricted to maximum rental rates set at differing percentages of area median income in order to assure their

affordability. The site is situated on parcels which were created as part of the Central Artery/Tunnel project, is above the I-93 tunnel.

- MassDOT in the negotiation of an amended and restated Ground Lease, together with an Easement Agreement with the developer and the MBTA, for the construction of a \$140 million mixed-use project, including 286 luxury apartments, restaurants, retail space and a parking garage.
- Massachusetts Port Authority (MassPort) in connection with the negotiation of a Ground Lease of several acres of land on the Boston waterfront to the Commonwealth Energy Technology Center, a state agency promoting the growth of clean technology and renewable energy development in Massachusetts, for the construction of a \$40 million wind turbine testing center, the first such facility in Massachusetts. This project required multi-modal transportation for the delivery of wind turbine blades (up to 70 meters long) for testing. Massachusetts received \$25 million in federal stimulus money for the construction of this project.