

Real Estate & Development

The Real Estate & Development attorneys at Husch Blackwell Sanders pursue an interdisciplinary approach to sophisticated real estate transactions, combining the firm's wealth of experience and knowledge in areas such as finance, environmental law, construction and design, corporate entities, partnership and real estate taxation, public finance, municipal law and real estate dispute resolution to offer our clients creative and flexible solutions to the variety of problems that arise in sophisticated real estate transactions.

We have one of the largest real estate & development practices in the Midwest and Midsouth. In the past few years, our attorneys have completed real estate transactions in 45 states and the District of Columbia in transactions ranging from traditional purchase and sale agreements to commercial and residential leases, and development incentive agreements to complex mortgage securitization transactions.

Our areas of expertise include:

- Acquisitions and dispositions
- Corporate real estate
- Real estate finance and workouts
- Real estate development and public incentives
- Construction and design
- Zoning, land use and municipal law
- Environmental law
- Real estate taxation
- Real estate remedies, litigation and dispute resolution

Our attorneys have a regional and national reputation for excellence that has been recognized by several leading publications:

- Nine of our attorneys have been listed by *Chambers USA* as "Leading Individuals" in the areas of Real Estate in 2008
- Eleven of our attorneys have been recognized in the 2009 edition of *The Best Lawyers in America*[®] for Real Estate, Land Use and Zoning, Eminent Domain and Condemnation, Construction Law and Project Finance Law
- Fifteen of our attorneys have been elected 2008 "Super Lawyers"[®] in Missouri and Kansas
- Four of our attorneys have been elected to the American College of Real Estate Lawyers

Acquisitions and Dispositions

Our attorneys have represented corporations, partnerships, limited liability companies, real estate investment trusts and individuals in the acquisition and disposition of a variety of real estate and have substantial experience in Section 1031 tax-free exchanges. For example, on behalf of Aquila, Inc. we recently handled the acquisition of a \$100 million underground gas storage facility in Katy, Texas.

Corporate Real Estate

Skilled in all aspects of representing national and international corporations in their real estate transactions, we have a robust commercial leasing practice involving retail, office, industrial and commercial leases on behalf of both landlords and tenants. Our attorneys have over 30 years of combined experience in developing and implementing innovative, cost-efficient practices and procedures for the negotiation, documentation and maintenance of large lease portfolios for corporate clients with multi-state and multi-national development and rental businesses. Examples of our representative corporate leasing clients include

CBL & Associates Properties, Inc.; Tyco International; Stifel, Nicolaus and Company; Panera, LLC; Culligan International Corporation and Applebee's International. Possessing unique expertise in planning, financing and negotiating corporate relocations and expansions, our attorneys routinely secure crucial economic development incentives from federal, state and local governments, which serve as the cornerstone for competitive project development for our clients.

Representative transactions include:

- Supervision of over 700 office and retail leases for Highwoods Properties (formerly J.C. Nichols Company) in the last 18 months
- Negotiation of a 250,000-square-foot lease for Universal Underwriters Group in Johnson County, Kansas
- Corporate relocation of Aquila, Inc. from Omaha, Nebraska, to Kansas City, Missouri, including securing state and local tax incentives totaling \$15 million and negotiation of leases aggregating 200,000 square feet in a downtown Kansas City office tower
- Representation of A.G. Edwards & Sons (n/k/a Wells Fargo & Co.) in the acquisition and development of the \$165 million expansion of its St. Louis headquarters
- Representation of MasterCard International in a \$170 million project involving all aspects of its development, construction and financing of a 500,000-square-foot Global Operations and Technology Center in O'Fallon, Missouri
- Representation of Express Scripts, Inc., in the planning, acquisition and development of its \$50 million corporate headquarters relocation and subsequent expansion in St. Louis, Missouri

Real Estate Financing and Workouts

Our attorneys represent a wide range of lenders including community banks, regional banks, money center institutions, asset-based lenders and life insurance companies, in all types of financing transactions. The experience of our attorneys includes bank acquisitions, structuring and documentation of commercial loans and municipal finance transactions, workouts and bankruptcies and consumer regulatory matters. Several attorneys in our group have developed national reputations in the fields of acquisition finance and lender liability.

Regarding traditional lending, national mortgage loan programs, mortgage securitization programs and CMBS conduit pool administration, we also advise insurance companies, banks and mortgage lenders. Our attorneys have guided corporations in the design and use of synthetic leases and sale-leasebacks, and have counseled foreign investors and lending institutions in making investments and loans in the United States.

Representative transactions include:

- Representation of AXA Financial, AXA Equitable Life and MONY Life in origination and servicing of \$5 billion of agricultural loans in over 30 states
- Representation for \$68 million loan from Allianz Life Insurance Company of North America to AMB Institutional Alliance Fund/AMB Property Corporation on a portfolio of six commercial properties in Miami-Dade County, Florida
- Representation of First Nationwide Bank in commercial loan workouts, foreclosures and bankruptcies as to over \$2 billion of assets in over 25 states

Real Estate Development and Public Incentives

Having handled many of the signature real estate developments in the Midwest, we manage all aspects of development work, from the acquisition of land through the acquisition, construction and leasing of commercial, industrial and residential properties, including eminent domain, zoning and land use matters and court challenges. Our firm represents national,

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regional and local enterprises and developers in redevelopments, Tax Increment Financing (TIF), tax-abated investment projects, Transportation Development Districts (TDD), Community Improvement Districts (CID), federal and state historic tax credit programs, brownfields remediation and demolition tax credits, New Markets Tax Credits and other private/public partnerships undertaking incentivized real estate development. The combination of our thorough understanding of the laws and regulations that affect land development matters, our broad experience in the public sector and our enduring client-attorney relationships affords us the unique ability to successfully manage complex land use matters across the country.

Representative transactions include:

- Counsel for Mutual of Omaha's \$300 million Midtown Crossing at Turner Park mixed-use development project in Omaha, Nebraska
- Representation of Harrah's Entertainment, Inc., in the \$350 million development of the Riverport Casino Center in St. Louis, Missouri, the largest riverboat gaming facility in the United States
- Representation of the Metropolitan Kansas City Performing Arts Center in a \$300 million+ development project
- Representation of the City of St. Louis in connection with the structure and public financing associated with the new \$420 million ballpark for the St. Louis Cardinals and the planned \$650 million Ballpark Village project
- Representation of Verizon Wireless and its predecessor entities in the development of hundreds of wireless communication transmission sites, switches, microwave hubs, retail stores, warehouses and office locations in Missouri and Illinois, beginning prior to the birth of the wireless communication industry in 1983 through the present, including all real estate, zoning and construction matters
- Representation of First National Bank of Omaha's development consultants and agents, Grubb & Ellis/Pacific Realty and Jayhawk LLC, in connection with the development of its \$208 million, 40-story office tower and \$10 million technology center
- Representation of Sverdrup Technology, Inc., in the design, building, development and operation of several test facilities for automotive industry corporations, such as Ford Motor Company and Delphi Automotive. The value of the projects totaled in excess of \$400 million
- Representation of Highwoods Properties in the \$250 million TIF redevelopment for its world-renowned Country Club Plaza in Kansas City, Missouri
- Representation of Westfield Corporation in its redevelopment of West County Mall, a \$260 million project including the complete demolition and reconstruction of West County Mall and the addition of three new anchor structures, along with approximately one million square feet of retail shop area in Des Peres, Missouri
- Representation of CBL & Associates Properties in a "lifestyle" center in Fairview Heights, Illinois, involving \$5 million in TIF and related municipal assistance from the City
- Representation of a national industrial developer in an 180-acre, \$100 million commercial development project adjacent to Kansas City International Airport, which included a complex tax structuring related to the economic impact of private developments on municipal property
- Representation of JSC Development, Inc., in the development and public financing associated with the 107-acre Tuscany Village in St. Joseph, Missouri, a \$140 million mixed-use development project
- Representation of the City of St. Louis Land Clearance for Redevelopment Authority in creating the financing structure for the 1,081-room convention center headquarters hotel adjacent to the America's Center in St. Louis, Missouri
- Representation of Panattoni Development Co. in securing \$5 million in state brownfield tax credits to remediate soil and ground water contamination and asbestos-containing materials as part of the redevelopment of a 155-acre site in Hazelwood, Missouri.