



Michael A. Smith

Partner

msmith@herrick.com

New York

(212) 592-1605 PHONE

(212) 545-5067 FAX

SERVICES

- Real Estate, Acquisitions & Sales, Development & Construction, Land Use & Zoning, Real Estate Finance, Real Estate Joint Ventures

EDUCATION

- Washington University School of Law (J.D., 2006)
- Binghamton University (B.A., 2003)

ADMISSIONS

- New York
- New Jersey

Michael Smith is a partner in Herrick's Real Estate Department, one of the largest in New York City.

Mike's practice currently has an emphasis on development projects in New York City. This includes representing developers throughout the entire life cycle, such as land acquisition and assemblage, development rights transfers, joint ventures, preferred equity investments, construction, mortgage and mezzanine financing; access agreements, easements, restrictive declarations, development agreements and zoning lot development agreements.

Mike also regularly represents lenders and investors on real estate financing transactions, including construction and capital improvement loans. In 2014, Mike was featured in Real Estate Forum's "Tomorrow's Leaders," a list of two dozen professionals age 35 and under that have made a noticeable impact on New York City's real estate market. Since 2013, Mike has also served as a board member of the Young Mortgage Bankers Association.

Mike is admitted to practice law in New York and New Jersey. He is also a LEED Accredited Professional, a credential awarded by the U.S. Green Building Council to professionals who have an advanced understanding of green building practices and the LEED Green Building Rating System.

Prior to joining Herrick, Mike was an associate at Drinker Biddle & Reath LLP.

Memberships & Associations

- Board Member, Young Mortgage Bankers Association
- Real Estate Board of New York (REBNY)

Matters

U.S. Banking Institution - Sale of 77-Property, 15-State Real Estate Portfolio

Represented one of the largest U.S. banking institutions in the sale of a 77-property, 15-state real estate portfolio to a global investment management firm. The transaction also involved the leaseback of 22 properties.

U-Haul International - \$200 Million West Chelsea Sale

Represented U-Haul International affiliate AMERCO Real Estate Company, in the \$200 million sale of four contiguous industrial properties in Manhattan's West Chelsea neighborhood to Related Companies, along with unused development rights from a fifth parcel that U-Haul retained.

U-Haul International - Real Estate Financings

Representing U-Haul International in a wide range of real estate financings, secured by properties in New York and New Jersey.

RXR Realty - \$800 Million Acquisition of 237 Park Avenue

Represented RXR Realty in its joint venture acquisition of 237 Park Avenue, a 1.2 million-square-foot office building located in the heart of the Grand Central District, between 45th and 46th Streets.

Schron Family - \$252 Million Manhattan Multifamily Acquisition

Represented the Schron family in connection with the \$252 million acquisition of the Monterey, a 521-unit multifamily property located at 175 East 96th Street.

Ascend Charter Schools - Brooklyn Construction Loan

Represented Ascend Charter Schools on a construction loan for the renovation of its facilities at 1501 Pitkin Avenue in Brooklyn.

Commercial Bank - Financing

Represented a commercial bank in a \$24.5 million acquisition and capital improvement loan to finance the acquisition and improvement of an office building in Nashville, Tennessee.

Commercial Bank - \$65 Million Houston, TX Acquisition Financing

Represented a commercial bank in a \$65 million acquisition and capital improvement loan to finance the acquisition and improvement of 14 multi-family properties in Houston, Texas.

Real Estate Management and Investment Firm - Loan Acquisition

Represented a boutique real estate management and investment company on the acquisition of certain loans secured by vacant land located in Upper Manhattan (on which construction is contemplated of an affordable housing apartment building). The loans had an aggregate original principal balance of nearly \$5.5 million.

Real Estate Investment Manager - \$57.5 Million New Jersey Hotel Financings

Represented a prominent real estate investment management firm on two senior mortgage loan financings aggregating \$57.5 million, and secured by full service hotels in East Rutherford and Edison, New Jersey, including issues attendant to the implementation of a multi-million dollar property improvement plan.

Real Estate Developer - \$53 Million Refinance

Represented a real estate developer in connection with the refinancing of two existing residential apartment buildings in Englewood, New Jersey. The loan was provided by State Farm Life Insurance Company. The transaction involved addressing the complex zoning approval history for the project.

Real Estate Owner - \$27 Million Ground Lease Sale

Represented a privately-held real estate holding and property management company on the \$27 million sale of the ground lease of a high-rise Manhattan residential building.

Veteran NYC Developer - Partnership Dispute

Successfully represented veteran New York City developer as plaintiff in litigation filed in New York state court arising out of a dispute with former business partners over interests in a certain major New York City real estate development project. Herrick was able to resolve the dispute quickly, negotiating a settlement agreement on favorable terms for our client, which avoided protracted litigation.

CIM Group - Retail Condominium Sale

Represented CIM Group in the sale of a retail condominium in lower Manhattan.

Publications

August 2018

Won't You Be My Neighbor? Reminder that Court-Ordered Construction Access License Fees Under RPAPL § 881 Are Not Guaranteed

July 10, 2018

New York City's Voluntary Inclusionary Housing Program: A Hidden Gem for Affordable Housing Owners and Air Rights Purchasers

Law360

March 6, 2018

Buying Air Rights in New York City: What You Need to Know about the NYC Development Rights Endorsement

New York Real Estate Journal

September 10, 2017

Transferring Development Rights by Zoning Lot Merger: The Marriage Can't Go on Without the Lenders

Commercial Observer

February 9, 2017

Transferring a Landmark's Development Rights Across the Street

Law360

May 29, 2015

Transferring Development Rights in New York City: Previously-Granted Variances

August 6, 2013

New York City's Street Signs: How and Why They Vary

January 2, 2013

A Primer for Acquiring Inclusionary Air Rights in NYC

Law360