



Michael J. Kiely

Partner

Los Angeles
333 South Hope Street
Forty-Third Floor
Los Angeles , CA 90071

Tel: 213.617.5587
Fax: 213.443.2837
mkiely@sheppardmullin.com

PRACTICE AREAS

- Land Use and Natural Resources
- Real Estate

OVERVIEW

Mr. Kiely is a partner in the Real Estate and Land Use and Natural Resources Practice Groups in the firm's Los Angeles office.

Areas of Practice

Mr. Kiely's legal practice has spanned all areas of real estate, including finance, development, and land use. He has extensive experience in representing developers, sellers and buyers, investors and promoters, lenders and real estate joint ventures, with a particular emphasis on projects involving the intersection of private real estate development and government.

Mr. Kiely's lending practice has included the representation of dozens of borrowers in construction loans and permanent financing from private funds, pensions and governmental lenders. Many of these loans had to be integrated with loans and grants from governmental sources. His representation of lenders has included numerous construction loans and revolving credit lines for major banks, and more than 70 mezzanine loans for residential subdivision developments on behalf of a major pension advisor. Mr. Kiely has also guided lender clients through numerous workout, foreclosure and deed in lieu transactions.

Mr. Kiely's practice includes a substantial public/private emphasis, including redevelopment, relocation, mixed-use and transit-oriented development projects, and public finance, including tax increment financing, Section 108 loans, Community Development Block Grants, Economic Development Initiative grants, Brownfield Economic Development Initiative grants, Mello Roos bond financing and parking, lease and other types of revenue bonds. Mr. Kiely has been able to pull together the multiple parties, competing government policies, conflicting sets of regulations and different risk profiles that are inherent in large, complex public/private development projects. Mr. Kiely has also represented Community Development Entities and developers on several New Market Tax Credits-financed projects. His practice also deals with prevailing wage issues arising in connection with such projects.

EDUCATION

- J.D., University of California, Los Angeles, School of Law
- B.S., Georgetown University, *with honors*

ADMISSIONS

- California

EXPERIENCE

Representative Matters

- Represented developer in the acquisition, development, environmental review, entitlement, construction and lease revenue bond financing of a \$110 million Los Angeles County office building in South Los Angeles
- Represented owner/developer in connection with an environmental impact report, statutory development agreement and owner participation agreement for \$129 million "pay as you go" tax increment infrastructure financing program in connection with 125 acre/6 million square foot corporate campus project in Glendale
- Represented developer in an owner participation agreement, statutory development agreement and reciprocal easement agreement for large scale retail project in Monterey Park
- Represented developer in an owner participation agreement and reciprocal easement agreement for a multi-story "big box" retail project in Los Angeles
- Represented developer in an owner participation agreement and entitlements for a "big box" retail project in Inglewood
- Represented developer in \$27 million Mello Roos bonds financing for a parking structure, offsite infrastructure for the redevelopment of a regional mall in Huntington Beach
- Represented a "community development entity" in \$114 million New Market Tax Credits financings for seven development projects in low-income areas of Los Angeles
- Represented borrower's in a \$15 million New Market Tax Credits financings for a development project in a low-income area of Los Angeles
- Represented developer in \$40 million financing of Autumn Terrace Affordable Housing Project in San Marcos, including \$22 million Low-Income Housing Tax Credit syndication, \$14 million construction loan and \$4 million redevelopment agency loan
- Represented developer in \$65 million tax increment, Mello Roos and Recovery Zone bond financing for Guasti Winery Project in Ontario
- Represented developer in an owner participation agreement for a \$39 million tax increment subsidy and a \$12 million Mello Roos bond financing relating to the Los Angeles Air Force Base Redevelopment Project in El Segundo and Hawthorne
- Represented developer in the acquisition, environmental review, entitlement, development, financing, construction, and sale of Hollywood & Highland, a major transit-oriented retail/theater/ hotel development in Hollywood, including \$82 million parking revenue bonds and \$42 million certificates of participation;
- Advised developer on a prevailing wage claim arising out of \$72 million Mello Roos bonds for a \$400 million residential subdivision development
- Represented developer in a \$39 million subsidy package from the City of Los Angeles, the LA Community Redevelopment Agency, Metropolitan Transportation Authority and Federal Department of Transportation for a mixed-use, transit-oriented development project in Chinatown
- Represented developer in the acquisition, entitlement, development, financing, construction and sale of Del Mar Station, a 350-unit transit-oriented, mixed-use development in Pasadena, including a commuter rail station and a build-to-suit transit parking facility

- Represented developer in a \$40 million subsidy package from the City of Los Angeles and the LA Community Redevelopment Agency, including tax increment financing, CDBG grants and Section 108 loans for Marlton Square Project
- Represented developer in the acquisition, entitlement, development, financing, construction, and sale of Sunset & Vine, a mixed-use residential/retail development in Hollywood, including \$4.5 million tax increment financing
- Advised developer on a prevailing wage claim arising out of a \$125 million shopping center renovation
- Represented client with respect to 5 deeds in lieu of foreclosure for a series of cross defaulted and cross collateralized loans to the land developer of the Double Diamond Ranch in Reno, Nevada
- Represent client with respect to 2 deeds in lieu of foreclosure for cross defaulted and cross collateralized loans to the land developer of residential subdivisions in Terry and Joliet, Illinois
- Represented client with respect to 2 deeds in lieu of foreclosure for cross defaulted and cross collateralized loans to the developer of residential subdivisions in Miami and Miramar, Florida

HONORS

- Legal 500, 2010
- Southern California Super Lawyer, 2012

MEMBERSHIPS

- Urban Land Institute
- Los Angeles County Bar Association Real Estate and Land Use Sections
- International Council of Shopping Centers

ARTICLES

- Implications Of Calif.'s Cancellation Of RDAs, *Law360*, January 23, 2012
- Bonds Fail To Deliver Economic Punch, April 15, 2010
- Sheppard Mullin Continues to Grow its Real Estate Practice, *California Real Estate Journal*, November 23, 2009
- "Should I Stay or Should I Go Now? Determining Whether to Modify Your Redevelopment Deal," *Redevelopment Magazine*, September 2009 **Real Estate, Land Use and Environmental Law Blog Articles**
- "State Cancellation of Redevelopment Agencies May Affect You!" January 5, 2012
- "Update On Redevelopment Law: Litigation Proceeds - Uncertainty Continues," October 4, 2011
- "Update On Redevelopment Law: Governor Signs Trailer Bills To End Redevelopment Agencies Unless They Make Payments - Uncertainty Continues," July 1, 2011
- "Update On Redevelopment Law: Legislative Two Step To Cut Redevelopment Agency Funding Goes Down With Governor's Budget Veto," June 16, 2011
- "Update on Redevelopment Law: No News Is...No News," April 26, 2011

EVENTS

- What Does The End of Redevelopment Mean For You?

- LA Redevelopment Roundtable Series