



### Theodore J. Novak

Partner

CHAIR, LAND USE, DEVELOPMENT AND GOVERNMENT RELATIONS PRACTICE

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Ted Novak is one of the country's most highly regarded real estate and land use attorneys.

Ted has been instrumental in the acquisition, disposition, condemnation, rezoning and development of all types of property. He has extensive experience with administrative, legislative and judicial processes. His vast litigation experience in trial courts includes arguing before the Illinois Supreme and appellate courts on numerous occasions. He has handled some of the most significant and controversial real estate and land use projects in the Midwest.

Ted's client list is extensive and includes the largest stock exchange listed companies as well as individual property owners and developers.

Ted has been involved in DLA Piper's Management and Policy Committees for nearly three decades.

#### RELATED SERVICES

- Real Estate
- Real Estate Development and Planning
- Public Finance
- International Trade, Regulatory and Government Affairs

#### RELATED SECTORS

- Real Estate

## EXPERIENCE

### REPRESENTATIVE DEVELOPMENT PROJECTS

- Representing GRIT Chicago, a joint venture including Fairpoint Development, Chicago Neighborhood Initiatives and Draper and Kramer, in the redevelopment of the 49-acre site of the former Michael Reese Hospital in Chicago's Bronzeville, close to downtown on the lakefront. The project involves a multitude of stakeholders, property acquisition from the City of Chicago and the Metropolitan Pier and Exposition Authority, approval of a master plan and ongoing approvals in subsequent phases, as well as significant infrastructure development. Development costs are anticipated to exceed US\$300 million
- Representation of Draper and Kramer, owner of the last undeveloped properties on the Chicago lakefront, prominently located on Lake Shore Drive overlooking Lake Michigan. Our work included obtaining land use approvals to develop an ultra-luxury rental apartment building, involving extensive negotiations with hundreds of objectors, among them a multitude of condominium associations and community and civic groups. Negotiations ultimately arrived at approval of all government

## entitlements

- Engaged by Crescent Heights, a national real estate firm based in Miami that has acquired vacant development parcels in Chicago's Central Station redevelopment project area. We are involved in ongoing zoning and land use matters with the City of Chicago. The project includes a pair of residential towers designed by Rafael Vinoly, approximately 829' and 900' tall, along the southern border of Grant Park. Construction of the first tower has commenced
- Involved in approval of entitlements for development of a full city block adjacent to Chicago's Holy Name Cathedral as a mixed-use development of more than 1.5 million square feet, featuring 869 residential units as well as retail, office, spa, parking and Cathedral-related assembly uses, set in a base building with two towers of 1,011 and 654 feet. The former will be Chicago's sixth-largest building. The project, adjacent to a major transit stop, takes advantage of transit-oriented development rules to increase floor areas and reduce onsite parking
- Representation of 601W Companies in its ongoing efforts to redevelop the blighted 2.5 million square foot Old Main Post Office in Chicago. Among the unique features of the site is that both an eight-lane federal expressway and a regional passenger rail line, including passenger platforms, run through the building. After circumventing an eminent domain action, we are involved in ongoing zoning, building code, property tax incentive, historic tax credit and historic rehabilitation matters involving the City of Chicago, Amtrak, the National Park Service, the Illinois Historic Preservation Agency and other regulatory authorities as the project moves through a three-phase renovation. Most recently, we obtained the largest Class L tax incentive in the history of the State of Illinois in connection with the redevelopment
- Representation of Morton Salt, owner of an industrial facility in Chicago's North Branch Industrial Corridor, in repositioning the property for disposition and redevelopment, including creative solutions for preserving brand recognition rights and drafting and negotiating a sale agreement, leases and related documents for redevelopment and partial leaseback of the property
- Representation of the owner of the Willis Tower (formerly the Sears Tower) in obtaining land use approvals and redevelopment of the multi-level retail and entertainment base, with demolition and building additions both above and below grade. We negotiated a creative strategy that allowed the client to avoid the significant costs it would have incurred under a change in Chicago's zoning ordinance which was announced during the project design phase
- Advised the University of Chicago on zoning and land use matters relating to the Obama Presidential Library bid
- Involved in ongoing zoning and land use matters aiming to implement the Centennial Plan strategic framework to redevelop Chicago's Navy Pier, the most popular tourist destination in the Midwestern US
- Obtained land use approvals and entitlements to proceed with construction of a new British School on land adjacent to the Roosevelt Collection mixed-use lifestyle center in Chicago's South Loop. Our work included drafting a complex amendment to the planned development scheme and overcoming significant community opposition
- Representation of Sandz Development in the adaptive re-use and redevelopment of the former Lincoln Park Hospital in Chicago. Ted led the development team in obtaining zoning approvals from the City of Chicago. The project met with significant, highly organized opposition, including opposition from a newly elected alderman who, upon taking office, introduced ordinances to revoke zoning approvals and impose a liquor moratorium on the property. We successfully obtained deferral of these adverse actions, guided the client's building permit strategy to vest zoning rights, resolved issues with the new alderman and negotiated a settlement of the lawsuit challenging the project's zoning approvals
- Representation of a prominent developer in obtaining all zoning and land use approvals for a major condominium-hotel on the Chicago River that is among the tallest high-rises in Chicago. The 2.4 million square foot development includes office, condominium, retail and significant open space and public plaza components. In addition, DLA Piper represented the developer in all attendant real estate matters

## CREDENTIALS

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### Admissions

- Illinois

### Recognitions

The respected English research firm Chambers & Partners has repeatedly recognized Ted in *Chambers USA*. The directory has described Ted as "the zoning dean" and "the guru of land use." Clients have praised him for his "diplomatic approach" and "his

ability to 'anticipate issues and problems and then strategize the appropriate course of action.'" He has been described as a "creative, bright and peerless attorney" who is a "zoning expert" and "very talented." In 2011, 2012 and again in 2013, Chambers & Partners ranked Ted in Band 1 for both his Real Estate and his Real Estate - Zoning and Land Use practices. **In every year since 2014, Ted has been the only Illinois Real Estate lawyer Chambers recognized as a "Star Individual" – the elite ranking given to those who received exceptional recommendations in their field.** Commentators stated he is "the most prominent land use attorney in Chicago."

*The Legal 500 United States* has repeatedly recognized Ted for his practice in Real Estate & Construction - Land Use/Zoning. In 2015, the publication named his team the US Land Use/Zoning Team of the Year, commenting, "[i]n a practice area that only a few firms cover on a nationwide basis, DLA Piper's expertise on land use matters is recognized across the United States. The breadth of its advice as well as its nationwide footprint resulted in another successful and busy year for the highly regarded practice." In 2017, when the Land Use group was again named to its Tier 1, *Legal 500* said "the firm's expertise in this area spans the country." In every year since 2016, recognizing his work in the area of Land Use & Zoning, Ted was named a Leading Lawyer – *Legal 500s* topmost ranking.

## Education

- J.D., Chicago-Kent College of Law, Illinois Institute of Technology 1967
- B.S., University of Illinois at Chicago 1962

## Courts

- United States District Court for the Northern District of Illinois

## Memberships

- American Bar Association
- Illinois State Bar Association
- Lambda Alpha International, Ely Chapter (an honorary land economics society)
- Urban Land Institute, multidisciplinary real estate forum
- American College of Real Estate Lawyers
- The Economic Club of Chicago

Ted is the only member of the American College of Real Estate Lawyers in the Midwest who concentrates on land use, development, public incentive and condemnation matters.

## Teaching Experience

- Lecturer, University of Chicago Law School, "Land Use, Zoning and Condemnation" (2000 – present)
- Adjunct Professor, Northwestern University School of Law, "Land Use, Zoning and Condemnation" (1998 – 2010)