

MEMORANDUM

JULY 16, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: LINDA KOWALCKY, DEPUTY DIRECTOR FOR INSTITUTIONAL
SECTOR MANAGEMENT
SONAL GANDHI, SENIOR PROJECT MANAGER

SUBJECT: BIOSQUARE I, PLANNED DEVELOPMENT AREA NO. 41

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA" or "Authority") authorize the Director to: (1) amend the Cooperation Agreement for Planned Development Area No. 41, South End Technology Square dated September 26, 1991 entered into by and between University Associates Limited Partnership ("University Associates") and the Authority ("1991 Cooperation Agreement"); (2) enter into a fourth amendment of the Land Disposition Agreement dated December 12, 1991 by and between University Associates and the Authority, as amended ("Land Disposition Agreement"); and (3) issue a Partial Certificate of Completion for Planned Development Area No. 41 regarding the Cooperation Agreement and Land Disposition Agreement.

BACKGROUND

On September 26, 1991 the Authority approved a Planned Development Area Master Plan ("PDA Master Plan") submitted by University Associates Limited Partnership ("University Associates") for Planned Development Area No. 41, covering an 8.5 acre site on Albany Street, formerly known as South End Technology Square Project ("SETSA"). The PDA Master Plan and the Development Plans were subsequently approved by the Boston Zoning Commission on November 6, 1991. The former SETSA Project is now known as BioSquare I. The Master Plan for BioSquare I contemplated the phased construction of 1.1 million square feet on six (6) development sites.

In December 1991, the Authority conveyed Parcel 46B (the BioSquare I Area) to University Associates which undertook the development and construction of the first major medical research office building in the South End district in over 20 years. The completion of the 180,000 square foot Center for Advanced Medical Research Building became a catalyst for the development, expansion and strengthening of the medical institutional area in the South End. In April 1998, the Authority approved the second

research building, Evans Biomedical Research Center as part of the BioSquare I Project. The 160,000 square foot building was completed in January 2000. Additionally, BioSquare I Project included the successful completion of an eight (8) story, 1,000 space parking garage located 710 Albany street, and a 160,000 square foot research building identified as Research Building D on Parcel D, which is subject to a seventy-five (75) year lease to 670 Albany Street 2004 LLC. In addition to the three research building projects and the BioSquare I garage project, a fourth research building project was approved for Parcel E of the BioSquare I site. As of this date, Parcel E remains available for development in accordance with the BioSquare I PDA Development Plan.

In view of the fact that the majority of the buildings of BioSquare I PDA have been completed to the satisfaction of the Authority and that the obligations set forth in the 1991 Cooperation Agreement and the 1991 Land Disposition Agreement relating to certain obligations of University Associates, predecessor to The BioSquare Realty Trust, have been completed to the satisfaction of the Authority, it is appropriate that a Certificate of Completion and Fourth Amendment to the Land Disposition Agreement be entered into by the Authority for the BioSquare I Project. To this end, University Associates and the Authority have agreed to a community benefits package that will satisfy these obligations.

As successor to University Associates, The BioSquare Realty Trust, under Declaration Trust dated June 26, 2007 and recorded with Suffolk County Registry Deeds in Book 42051, Page 141 has acquired all of the property of University Associates. Furthermore, as successor to University Associates, The BioSquare Realty Trust has complied with all of the provisions of the 1991 Cooperation Agreement including the required payments thereunder.

PROPOSED ACTIONS

The development of BioSquare I, with the exception of Component E on sub-parcel E, is now complete. Therefore, it is appropriate that the Authority enter into an amendment to the Cooperation Agreement to acknowledge the successful development of BioSquare I by University Associates and its successor, The BioSquare Realty Trust and to confirm that obligations of University Associates and The BioSquare Realty Trust have been completed to the full satisfaction to the Authority and that there are no further continuing obligations with respect to Parcels A, A-1, B, C and D, with the exception that such obligations shall continue, to the extent relevant and appropriate, with respect to Development Component E on Parcel E of the BioSquare I PDA Site. Based on the foregoing, it is therefore appropriate for the Authority to take the necessary actions to amend the 1991 Cooperation Agreement and enter into a fourth amendment to the Land Disposition Agreement.

On January 11, 2013, Authority staff inspected the development on BioSquare I. Pursuant to the Cooperation Agreement by and between The BioSquare Realty Trust and the Authority dated September 26, 1991 and the Land Disposition Agreement dated December 12, 1991, it is recommended that the Authority issue a Partial Certificate of Completion to evidencing the successful completion of BioSquare I except for Component E on sub-parcel E.

RECOMMENDATION

Based on the above, BRA staff recommends that the Boston Redevelopment Authority ("BRA" or "Authority") authorize the Director to: (1) amend the 1991 Cooperation Agreement; (2) enter into a fourth amendment to the Land Disposition Agreement; and (3) issue a Partial Certificate of Completion for Planned Development Area No. 41 regarding the 1991 Cooperation Agreement and Land Disposition Agreement except for Component E on sub-parcel E.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to amend the Cooperation Agreement for Planned Development Area No. 41, South End Technology Square dated September 26, 1991 entered into by and between University Associates Limited Partnership and the Boston Redevelopment Authority ("Authority") upon terms and conditions determined by the Director to be in the best interest of the Authority; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to enter into a fourth amendment to the Land Disposition Agreement dated December 12, 1991 by and between University Associates Limited Partnership and the Authority, upon terms and conditions determined by the Director to be in the best interest of the Authority; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Partial Certificate of Completion for Planned Development Area No. 41 regarding the Cooperation Agreement and Land Disposition Agreement, except for Component E on sub-parcel E; and

FURTHER

VOTED: That, the Director be, and hereby is, authorized to execute and deliver any and all documents deemed necessary and appropriate by the Director in connection with the foregoing votes.