

# CASE STUDY:

## ***PLDW Attorneys' Work Fuels Economic Development and Pride for New York's Town of Ramapo with Construction of \$35 Million Minor League Ballpark and Community Recreational Facility. Provident Bank Park is the Home of the Rockland Boulders***

### **BACKGROUND & CHALLENGE**

The Town of Ramapo, New York is part of Rockland County and is located in the southwest corner of the County, 28 miles northwest of New York City. Approximately 127,000 people live and work in Ramapo. The Town has a rich history and is a thriving community with public leaders that work to advance their community, educational and recreational services, and preserve historical and cultural landmarks and buildings.



In a similar fashion to municipalities across the nation and to accelerate economic development opportunities, the Town established the quasi-public Ramapo Local Development Corporation (RLDC) to provide oversight and expediency to consider, finance and build public facility projects that would respond to the community's strategic planning for the purposes of new business endeavors and sources of revenue, and other tasks within the RLDC's scope and mission.

When the RLDC and Town officials began investigating economic development opportunities at a 61-acre site owned by the Town, deliberations included the construction of a seasonal minor league baseball park and a year-round recreational facility. The concept was vetted to include such considerations for new economic engines for

the Town, to establish a footing in the multi-billion dollar sporting industry, to gain a heightened presence in the State of New York as a locale that supports economic development initiatives, and for encouraging new and/or more tourism dollars.

Town officials understood that in tough economic times, new and large development projects are challenging in many ways, including their financing and construction costs. However, their priority goal was to use the vast land mass to benefit their Town residents. The scope of work they faced to accomplish their goal was substantial, and included considering the emerging and cost-efficient methodology of alternate procurement delivery systems for the project. Once Town officials decided to move ahead with examining their options and opportunities, they turned to the highly experienced team of Municipal Infrastructure attorneys at Pannone Lopes Devereaux & West LLC (PLDW) to assist them in their deliberations on the legal, financial and structural options that would best serve their purposes.

### **SOLUTION**

PLDW attorneys went to work in early 2010 to scope the entire project on behalf of the RLDC and the residents of Ramapo. PLDW attorneys, who are nationally recognized for their work on public-private partnerships and alternative delivery procedures and regulations for public projects, worked with RLDC officials on a daily basis to tackle the nuances associated with a project of this size and scope. Among the work produced by the PLDW attorneys for the \$35 million ballpark and recreational facility included taking charge of the responsibility for the drafting of all requests for proposals and agreements, the coordination of all financing, and the management and resolution of all associated legal issues, as well as developing the overall schedule and timing of the various aspects of the project (adoption of laws, financing, etc.).

In addition, the PLDW team of skilled lawyers prepared all documents in connection with the creation of the Urban Renewal Plan for the ballpark property.

Moreover, the firm's public financing legal services team worked successfully at securing financing of the project for the Town, as well as the RLDC, and for all bonds issued by the Town and the RLDC, which included communicating with Moody's and coordinating with the investment bankers and underwriters. To ensure stability and satisfaction of a long-term partnership and financial security for the Town, PLDW attorneys delivered the project full circle by drafting and successfully negotiating the 20-year Lease and Development Agreement between the minor league team and the RLDC. PLDW's attorneys spent a considerable amount of time developing the revenue-sharing structure set forth in the Agreement which has been characterized as one of the most lucrative deals for a ballpark owner in the independent minor leagues today.

Furthermore, when producers from Columbia Pictures were engaged in their site selection process in the summer of 2011 for the production of a scene in the movie "Men in Black III," they found the quality of the field to be the equivalent of a major league ballpark for purposes of the film. PLDW attorneys negotiated the location agreement directly with the studio's attorneys which addressed such issues as compensation, liability and parameters of the filming and the restoration of the ballpark (signage, condition of the field, etc.) to its condition prior to the filming.

## RESULT

The RLDC, with the astute legal counsel and business acumen of the PLDW Municipal Infrastructure attorneys, completed construction of the minor league ballpark and recreational facility on June 16, 2010. Their vision to create a facility that would be an economic development driver and bring pride to the residents of the Town of Ramapo by attracting people far and wide to enjoy a state-of-the-art ballpark and recreational stadium with 3,500 seats and 900 hundred parking spaces, known as Provident Bank Park, was fulfilled. The Town has gained international attention as the Rockland Boulders, an independent minor league baseball team in the Canadian American Association of Professional Baseball, calls the Rockland County facility their home field. During the league's 2011 inaugural season, nearly 125,000 people

attended 'the great American pastime' at the stadium. This year at the Boulders' first home game of the season, it was nearly a sell-out crowd. Over the past year, the facility expanded beyond the Boulders' minor league franchise games, and today hosts concerts, along with college baseball games, flea markets, carnivals and other community gatherings.

## AMONG THE PLDW LEGAL SERVICES PROVIDED:

Prepared and successfully negotiated the Architect and Construction Manager Agreement and subsequent amendments.

Participated in all additional aspects of the ballpark project development including the following:

- Construction Manage RFP and Agreement
- Permits
- Ballpark Budget
- Ballpark Construction Schedule
- Escrow Agreements
- Contractor Disputes
- RLDC Financial Plan
- Public Hearings
- Reviewed and negotiated the location agreement between Columbia Pictures and the RLDC for the use of the ballpark for the filming of Men in Black III
- Negotiated appropriate insurance coverage for the construction and operation phases of the project.

Recently, the RLDC announced that the facility has been selected as the recipient of the "Ward House Award" from the American Society of Civil Engineers (ASCE) Metropolitan Section-Lower Hudson Valley Branch. The award designation of "Small Project of the Year" by the New York ASCE is prestigious as it represents acknowledgement of excellence in achieving the goals of the public-private partnership on behalf of the Town and over 4,000 members in nine New York state counties, including the five boroughs of New York City, Nassau and Suffolk counties on Long Island, and Rockland and Westchester counties in the Lower Hudson Valley. "We are extremely proud to be recognized by the prestigious American Society of Civil Engineers," said RLDC President and Town Supervisor Christopher P. St. Lawrence. "Provident Bank Park is a landmark project that helps facilitate local economic growth and provides affordable and fun entertainment for families. The stadium is a special venue that has engendered a great sense of pride and excitement in Rockland County and across the Hudson Valley."

## POST-CONSTRUCTION PLDW LEGAL SERVICES INCLUDE:

Drafting and negotiation of all agreements between third party users of the facility, i.e. college teams, car shows, concerts, etc.

Address liability issues for the RLDC relating to the ownership and operation of the ballpark, including during baseball games and other events.

Address all financing matters of the RLDC and the Town in connection with the ballpark property.

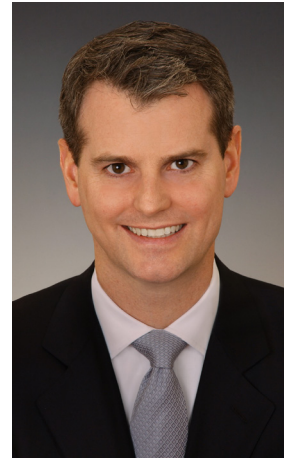
Address payment of contractors and other entities associated with the construction and operation of the ballpark.

Address ongoing issues with the minor league team.

PLDW is likewise proud to have been of service to the Town to see the vision unfold successfully from concept to completion. In an article about Provident Bank Park in the May 21, 2012 edition of the Hudson Valley Business Journal, the writer highlighted the PLDW Municipal Infrastructure Team as “a key player in coordinating the innovative public-private partnership” and stated that the “endeavor is proving to be a grand slam not just for the Town’s economy, but also for the community.” The author writes, “As specialists in multi-faceted projects, Pannone Lopes Devereaux & West LLC has been able to cross traditional hurdles in the legal field and streamline services for clients.”



**TENO A. WEST**  
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