

REAL ESTATE



PRACTICE CONTACTS

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Our real estate team is well regarded for assisting a wide range of clients including colleges and universities, public housing authorities, public and private developers, property owners, transit authorities, publicly traded corporations, utilities, and municipalities, with a full range of real estate counsel. The team has been involved in some of the largest real property transactions on record (sale price) including closing the nation's largest land purchase, as well as leading the largest acquisition in an urban core.

Representation spans ground leasing, purchase and sale transactions, public/private partnerships, commercial leasing transactions, development agreements, condemnation proceedings, management agreements, covenants and declarations, and other business and construction arrangements involving such varied holdings as college and university campuses; utility and transportation corridors; mixed use projects; office buildings and complexes; industrial properties and warehouses; ports and marinas; vacant land; multi-family housing; and data centers.

PROJECT ACQUISITION & DEVELOPMENT

Van Ness Feldman assists clients with the planning, construction, and operation of commercial, residential, mixed-use and utility projects. Well beyond mere site purchase, project development often entails negotiation and preparation of development agreements; ground leases; covenants, restrictions and easements; financing documents; and construction and operational contracts. The firm has deep knowledge and broad experience in all phases of a development's life.

Van Ness Feldman provides clients with a complete picture of the risks and benefits associated with any deal. The firm has significant experience in the management and oversight of the due diligence process for large, complex real estate transactions. It uncovers property restrictions and encumbrances; researches and analyzes zoning regulations, subdivision requirements and shoreline designations; and reviews water rights issues to determine if the site is adequately served. Lawyers supervise consultants across a spectrum of disciplines, including environmental, wildlife, historical/cultural resources, and structural engineering, to assess project feasibility.

- Site identification and evaluation
- Acquisition of necessary regulatory, zoning and subdivision approvals
- Financing
- Negotiation of contracts with construction, engineering and architectural service providers
- Project management and coordination
- Reciprocal easement agreements
- Large-scale document review
- Title and survey review
- Land use regulation analysis
- Water rights review

- Multiple consultants supervision and contract negotiation

FINANCING

We understand the critical role of financing in almost every project, and excel at coordinating project funding sources for acquisition, construction, leasing and other steps in the development and ownership process. Attorneys assist with construction loans during the development phase of a project, permanent loans upon project completion, and refinancing of existing loans.

- Construction and permanent real estate loans, including conduit loans
- Combining multiple funding sources for complex projects, including loans from private lenders, financial contributions from governmental participants, and subordinate debt, including public and publicly subsidized loans
- Line of credit and other business loan negotiation and structure
- Ground lease finance

LEASING

Van Ness Feldman's highly respected leasing practice extends well beyond negotiation and drafting of critical lease documents, offering strategic perspective and outstanding value. Our breadth of experience - from the simplest lease extension to the most intricate, multi-year lease - helps clients manage current and future risk. And our approach - realistic, practical, yet innovative - consistently earns the trust and respect of Fortune 100® companies, major cities, developers, universities and other organizations.

- Office, Retail, Restaurants, Warehouse and Distribution centers
- Industrial, Biotechnology, Data centers and other high technology facilities
- Ground leases
- Green leases

ENVIRONMENTAL ASPECTS OF TRANSACTIONS

Our real estate team has considerable experience in assisting clients with understanding and addressing potential environmental liabilities associated with property transactions. From pre-transaction due diligence through post-transaction claims, we have an excellent track record of success on behalf of developers, lenders, banks, retailers, and many others in matters from straightforward real estate conveyances to the complex purchase, sale, and financing of major manufacturing facilities.

The firm knows how to structure deals to minimize, shift, or eliminate potential environmental liability arising from historical on-site operations, neighboring properties, current site conditions, or other concerns. We provide clients a full understanding of how to maximize their assets and minimize the risks involved in each deal by use of contractual provisions, carve-outs, indemnification, escrow, and/or historical or environmental insurance coverage. Beyond the transaction, our team has developed auditing and compliance programs, handled insurance claims on behalf of policyholders, supervised litigation between adjacent property owners, addressed escrow issues, and negotiated indemnification claims.