

Real Estate

For decades, Brownstein Hyatt Farber Schreck has been a nationally recognized leader in real estate law. We are known throughout the U.S. for the scale and prestige of our work, and our industry relationships are second to none. Through a multi-disciplinary real estate practice, we take a business-oriented approach to providing practical solutions to today's real estate market challenges. This isn't an academic practice of law; this is real-world representation that prioritizes your complete business success.

We represent sellers, purchasers, landlords, tenants and governments with respect to all facets and in all sub-specialties of real estate law. With one of the largest practices in our region, we can provide the team depth to handle today's sizable real estate transactions on a national scale. With us you get full-featured, comprehensive real estate representation.

Subpractices

- Acquisition Disposition
- Condominium & Planned Community
- Construction
- Development
- Distressed Asset Advisory Services
- EB-5
- Federal & State Energy Funding
- Finance & Lending
- Green Building
- Hospitality, Resort & Recreation
- Infrastructure Development
- Land Use
- Leasing
- REITs
- Senior Living
- Stadiums & Arenas
- Tax

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Recognition

Chambers USA, 2019

Colorado: Real Estate

What the team is known for: A standout firm that remains a top choice for clients on a range of property-related matters. Draws on a bench of highly experienced attorneys that excel in all areas of real estate issues, including finance, zoning and construction. Works with a diverse client base that includes developers, contractors and REITs and demonstrates formidable strength across a range of sectors, including hospitality, leisure and healthcare.

Strengths: Market observers describe the team as "great business advisers" with a "strong understanding of the Colorado market."

One commentator opined: "They have depth, experience and history; they are perceived as the go-to firm for

real estate work in Denver.”

Nevada: Real Estate

What the team is known for: Established practice noted for its expert handling of real estate matters across the gaming and hospitality industries. Fields a solid group of practitioners with a wealth of experience in financing, acquisition and development transactions. Shows particular skill in REIT structuring and transactions.

Strengths: Clients praise the team as "truly exceptional in terms of the levels of client service, legal expertise and responsiveness."

A client says: "The team is able to collaborate seamlessly."

Sources say: "Brownstein Hyatt is a very good firm with a well-respected real estate practice."

Representative Matters

- Serves as general outside counsel to opportunistic developer and capital partner located in Denver, Colorado. Representative matters have included joint venture negotiations, acquisitions and dispositions, financings, and leasing.
- Advises various property owners at Hollister Ranch, a private coastal community that includes 135 parcels of 100 acres each, with respect to public access issues.
- Has represented the Hollister Ranch Owners Association on issues relating to the Coastal Act. In recent years, Brownstein has represented the Association in litigation against the California Coastal Commission and State Coastal Conservancy related to public access.
- Assisted client in preparing remediated property for sale to park foundation in the middle of heavily industrialized area of Los Angeles County with no nearby park serving local residents. Services included negotiating and documenting sale, drafting appropriate deed restrictions to prevent change of use that could expose seller to risk of liability, resolving/clearing title issues, drafting lease agreement, coordinating with buyer in negotiations with regulatory agencies for bona fide purchaser status under California Land Reuse and Revitalization Act of 2004 (CLRRA), Prospective Purchaser agreement, agreement and covenant not to sue (from DTSC), land use covenant and agreement for environmental restrictions, and related documents. Transaction was completed timely.
- Serves as land use counsel to Cate School, a prestigious private high school on California's Central Coast. The campus includes 178 acres, 320,000 sf of existing structures (dorms, classrooms, administrative buildings, faculty housing and the like), 640,000 sf of impervious surfaces (including parking for 187 cars), and 585,000 sf of recreational open space (playing fields and the like). The school has existed on the site since 1913. It has secured approval for an update to its Master Plan under which it would construct 180,000 sf of new buildings, 101,000 sf of additional impervious surfaces, and six new faculty homes. An EIR was prepared for the project, and the Master Plan has been approved by the Santa Barbara County Planning Commission. Brownstein has been closely involved in the permitting and environmental review process, including reviewing EIR comment letters and responses to comments, and represented the school before the Planning Commission.
- Represented the owner in connection with the creation of a mixed-use condominium in Denver, Colorado.
- Represented CoBank, FCB, as tenant, under a build-to-suit lease in connection with the construction, financing and leasing of a new 270,000 square foot office building for CoBank's new headquarters.
- Represented real estate development, investment and management company with respect to redevelopment of large indoor regional mall into large mixed-use center, including outdoor, retail, residential and office space. The firm managed the joint venture structuring, eminent domain process, public and private financing, construction matters, creation of governing documents, national anchors tenant negotiations and leasing of

more than one-million-rentable square feet of retail, office and residential space to national, regional and local retailers.

- Handled joint venture structuring, financing (private, Fannie Mae and Freddie Mac), acquisitions and dispositions plus general corporate and securities work for a private equity client focused on multifamily projects.
- Provided real estate diligence in support of litigation to open the Torcido Creek road as means of access to Taylor Ranch property for beneficiaries of Colorado Supreme Court decree in the landmark case of *Lobato v. Taylor*, 70 P.3d 1152 (Colo. 2003), which confirmed rights of descendants of Mexican settlers to access to land under Spanish land grant of 1884 and confirmed in the Treaty of Guadalupe Hidalgo ending the Mexican/American war.
- Represented Public Service Company of Colorado, an Xcel Energy company, in connection with the design, construction and leasing of a new 400,000 square foot office building for its new regional headquarters. Designed with a LEED-CS Platinum-certified shell, it is the first LEED Platinum high-rise office building in the country.
- Served as counsel to Vail Resorts Development Company and RCR Vail with New York state registration to permissibly market its Vail, Colorado-based Ritz-Carlton Residences project to prospective New York purchasers.
- Represented a housing developer in securing a Local Coastal Plan amendment and Coastal Development Permit for a 25-unit single family housing project, and then handled the subsequent litigation and appeal.
- Represented city in challenge to coastal zone land use authority by oil and gas facility.
- Represented a Southern California neighborhood association objecting to a Local Coastal Program Amendment and a Public Works Plan proposed by a regional open space agency, including extensive proceedings before the Coastal Commission and subsequent litigation and appeal.
- Represented a group of coastal property owners who successfully objected to proposed amendments to Santa Barbara County's coastal zoning ordinance (a portion of the Local Coastal Program) which threatened to significantly and adversely affect private property rights.
- Represented CBS Outdoor Inc. on Denver compliance and land use issues involving outdoor advertising devices, including matters involving ordinance changes to the Denver sign code.
- Represented the developer of a mixed-use commercial and residential development in Denver in the negotiation and development of a suite of construction contracts for the project.
- Represent DLJ Real Estate Capital Partners in connection with the management of a portfolio of hotels in New Jersey, North Carolina and Virginia.
- Served as local gaming, corporate and real estate counsel to Harrah's Entertainment, Inc. in connection with a \$750 million second lien notes tack-on and issued Nevada counsel opinions.
- Represented Lehman Brothers Holdings, Inc. in drafting and negotiating a deed in an aid of foreclosure agreement and ancillary documents for a \$11.4 million loan on a resort in Breckenridge, Colorado. Brownstein finalized the deed in aid transaction and Public Trustee foreclosure.
- Represented ABN Ambro Bank, N.V. in the sale of a distressed loan secured by real property in Henderson, Nevada.
- Ongoing provision of a wide range of services as City Attorney for city, including drafting ordinances, prosecuting and defending against litigation on a broad range of public agency matters, attending and representing public agency at City Commission and City Council meetings, and advising city regarding Open Meetings, Public Records Act, code enforcement, land use, CEQA, public contracting, property transaction, and related matters.
- Land use entitlement, CEQA compliance and environmental permitting, for complex 300 high-end single family residential unit project in canyons of Orange County.

- Represented DLJ Real Estate Capital Partners in regards to a portfolio of nine hotel management agreements.
- Negotiations with the EPA regarding hexavalent chromium issues and potential responsible parties involving the contribution for remediation.
- Represented Writer Square 08 A, LLC in the acquisition of Writer Square, a mixed-use retail and office property located in downtown Denver.
- Represented the purchase/redeveloper of an environmentally contaminated 3.5 acre site in downtown San Francisco to be developed into a \$200 million mixed-use project compound on 400 residential units and 50,000 square feet of communal space.
- Represented owner of mixed-use condominium and retail development project in Chapter 11 reorganization and mechanics liens proceedings.
- Represented a major hotel developer in enforcement action and vested rights determination, before the Coastal Commission for property in Laguna Beach.

Publications

- The Sweet 16 Round of Opportunity Zone Proposed Regs
- Surety Bonds: An Alternative Security for Leases
- Record-Breaking Colorado Real Estate Deals
- Repeal on Statewide Ban on Rent Control Introduced in Colorado Senate
- The Promise (and Peril) of Digital Signage
- Unique Issues and Pitfalls in Medical Office Leasing
- Taking a Look at Reno Hotel Development and Opportunity Zones
- Will Opportunity Zones Succeed in Stimulating Investments?
- The Upside of Opportunity Zones for Hotel Developers and Hotel Owners
- How Can Developers Avoid Problems Before They Arise?
- Arbitration of California Real Estate Disputes
- Colorado Bills that Could Affect Development in 2019

News & Events

- Insurance in the Real Estate Arena
- Commercial Real Estate Veteran Don Kortz Joins Brownstein Hyatt Farber Schreck
- Brownstein Hyatt Farber Schreck Welcomes Bob Weiss to its Real Estate Department in Los Angeles
- Title and Survey Review Processes
- Aaron Hyatt Named Co-Chair of Brownstein's Real Estate Department
- 32nd Annual Real Estate Symposium

Meet The Team

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