

Construction

Successful construction initiatives involve building partnerships as well as structures. We leverage our civic and business relationships to help our clients avoid risk—and boost their relations within the communities they serve—with the goal of projects progressing on time and on budget.

Our Construction Group provides a range of services in contract formation, contract claims preparation and adjudication, and dispute resolution, including litigation. We work with both private companies and public entities, and consequently are knowledgeable in the full range of development-related public policy issues, transportation matters and public/private land concerns. Brownstein's clients include developers, lenders, commercial construction companies, design firms, engineering firms and federal, state and local agencies.

Our team has worked on some of the biggest public works projects in the Western United States, among them the \$1.67 billion dollar Transportation Expansion highway and light rail project in Denver. Our experience in large-scale projects gives us broad perspective in a range of real estate, engineering and construction issues. In addition, we regularly deal with significant real estate ventures, such as construction of new hotels, casinos and resorts in the hospitality and gaming industries.

We have the capability to provide integrated services for any deal of any size through the joint resources of our Real Estate and Government Relations departments.

Representative Matters

- Negotiated execution of \$39.9 million cost-plus GMP agreement for new construction of hotel.
- Represented lender in originating a mortgage loan secured by a to-be-built Noble Hotel, an 18-hole Nicklaus Signature Golf Course, 52 estate lots and 22 Golf Villas in West Palm Beach, Florida
- Represented the City of Henderson in connection with the sale and development of the Las Vegas Raiders' team headquarters and practice facility.
- Negotiated execution of \$60 million initial cost-plus GMP agreement for construction and renovation of casino.
- Negotiated execution of \$2 million unit price agreement for heavy civil construction company covering its construction of extensive road subgrade at a large mining operation.
- Represented lender in originating a mortgage loan secured by a to-be-built Indigo branded hotel in Coachella, California.
- Negotiated execution of \$16 million EPC agreement for construction of solar array supporting petroleum extraction field.
- Represented Brue Baukol Capital Partners with its partner Brinkman in the acquisition and construction financing of the high profile Foundry development site in Loveland, Colorado. The acquired parcels at Foundry will be developed into two multifamily complexes with mixed-use ground floor components.
- Since 1991, has served as General Counsel to the Central Coast Water Authority, including coordinating legal services for all phases of planning, permitting, environmental compliance, right-of-way acquisition, construction and operation related to a \$600 million drinking water delivery system. The project included 144 miles of buried pipeline, multiple pumping stations and a water treatment plant. Resolved construction disputes by negotiation and successfully defended the Authority in related litigation.
- Represented Vail Resorts in connection with the disposition and subsequent management of the Inn at Keystone, located in Summit County, Colorado.
- The firm is representing ZBlock Holdings LLC in negotiating the financing, the joint venture and the condominium and construction documents, as well as numerous management and property-related agreements, in the redevelopment of an entire city block in lower downtown Denver known as Dairy Block.

The project includes Dairy Block, a 6 story, mixed use project with 260,000 square feet of office space, ground floor retail and 170 hotel rooms. The deal required two separate financing/lending deals.

- Represented a real estate investment company in the acquisition and financing of a multi-use, multi-property project in Nashville, TN. Project included an existing 239 unit apartment building and 27,359 square feet of retail space and a to-be-developed 139 unit apartment building and approximately 8,525 rentable square feet of retail space. Provided real property due diligence; amended commercial leases; negotiated membership purchase agreement, joint venture agreement, loan documents, property management agreements, reciprocal access and parking agreements, shared amenities agreement, and temporary construction agreements; and formed, converted, merged and dissolved entities in multiple states.
- Represented a gaming company in connection with the purchase of a grandfathered casino in Southern Nevada.
- Represented hotel casino operator in connection with the negotiation and drafting of a long term ground lease to a national retail tenant, including access and easement issues related thereto.
- Represented tenant, in a build-to-suit lease in connection with the construction, financing and leasing of a new 270,000 square foot headquarters office building.
- 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.
- Counsel to the Santa Barbara Museum of Natural History in CEQA, land use and real estate issues before the City and County of Santa Barbara regarding their master plan project for updating and expanding the museum property and facilities.
- Developed strategy and program to obtain development entitlements for a new residence in an existing and established high-end, beach neighborhood in Montecito, CA. Following the controversial entitlement process, managed the LEED Platinum certification process for the contemporary, custom-designed, sustainable residence which will also receive a resolution of commendation from the Board of Supervisors, Santa Barbara County's highest decision making body.
- Represented West Valley Lodging Initiatives, LLC in connection with the \$33 million construction and sublease of an Embassy Suites hotel in West Valley City, Utah.
- 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.
- Represented Orange County toll road agency in seeking State and Federal Coastal permits to complete construction of State Route 241.
- On behalf of several different casino and hotel owners for a variety of large projects throughout Las Vegas, performed transactional risk assessment and mitigation recommendations; handled all aspects of permitting; advised regarding environmental issues; made recommendations regarding on-site and off-site renewable and alternative energy facilities and power purchases; handled regulatory and all matters related to LEED Certification.
- Represented the developer in the construction of 30 luxury condominiums in Aspen, Colorado. Brownstein also handled the workout of the hotel/condo construction loan including an increase in the loan to \$25 million, enabling the completion of the hotel and resale of the remaining condos.
- Represented Valle Verde, a 250-unit continuing care retirement community in Santa Barbara, CA, owned by

American Baptist Homes of the West, with respect to a proposed updating of its facilities, including expanding the number of independent living units and scope of resident services.

- Represented Alberta Development Partners, LLC in the development and financing of Cornerstar, a new mixed-use center containing 158 acres of retail and residential space in Aurora, Colorado. Brownstein handled the leasing and selling of portions of the center to national and regional retailers such as Target, Dick's Sporting Goods, Best Buy, Office Depot, 24 Hour Fitness and Sunflower Market.
- Brownstein processed entitlements for green, low-impact, modular home designed by Los Angeles-based Marmol Radziner in a coastal Santa Barbara community.
- Represented a major hotel developer in pursuing permits before the Coastal Commission.
- 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.

News & Events

- SB 375: Breakthrough or Stall?

Meet The Team

Adam K. Bult	Shareholder	T 702.464.7077	abult@bhfs.com
Hubert A. Farbes, Jr.	Shareholder	T 303.223.1186	hfarbes@bhfs.com
Jonathan G. Pray	Shareholder	T 303.223.1211	jpray@bhfs.com
Kevin P. Walsh	Of Counsel	T 303.223.1249	kw Walsh@bhfs.com
Jonathan C. Sandler	Shareholder	T 310.564.8672	jsandler@bhfs.com
Michael C. Zehner	Associate	T 303.223.1260	mzehner@bhfs.com
Frank M. Flansburg III	Shareholder	T 702.802.2205	fflansburg@bhfs.com
Maximilien D. Fetaz	Associate	T 702.464.7083	mfetaz@bhfs.com
Travis F. Chance	Associate	T 702.464.7096	tchance@bhfs.com
Christopher A. Jacobs	Shareholder	T 805.882.1412	cjacobs@bhfs.com
Gary M. Kvistad	Shareholder	T 805.882.1414	gkvistad@bhfs.com