URBAN REDEVELOPMENT

As land in urban areas becomes increasingly scarce, property owners seek to capitalize upon substantial opportunities to create value from redeveloping well-located assets.

In some markets, expanses of asphalt parking lots may offer some of the single largest infill and redevelopment opportunities in the community. In other instances, the recent economic dislocation and attendant vacancies at previously stabilized and well-performing assets have caused owners to take a fresh look for value creation opportunities. Additionally, new opportunities may exist to assemble adjacent properties strategically for future development that were previously unavailable or overlooked by owners and operators naturally focused more on current operations than future development potential.

Regardless of the factors driving the need or opportunity for redevelopment, one thing is certain: redevelopment presents a complex undertaking requiring a multidisciplinary approach and an experienced team.

Berger Singerman attorneys represent institutional and private industry participants in connection with all aspects of urban redevelopment and repositioning, from due diligence, acquisition and entitlement, through construction, finance and re-tenanting or resale. Our multidisciplinary team deploys an integrated and efficient approach to comprehensive representation through all stages of redevelopment activity, including:

Project Feasibility and Entitlement

Our experienced team of attorneys can assist owners, investors and lenders with the design and implementation of their redevelopment and repositioning initiatives from conceptualization to completion, from adding a single new tenant or use to undertaking a comprehensive redevelopment plan. Our attorneys have assisted industry leaders and single asset owners alike to help them design and deploy creative redevelopment and repositioning initiatives. We have particular experience with mixed use developments, and we understand the intricacies of introducing new uses into an operating asset, including delivering the regulatory reform and entitlements necessary for the project.

Acquisitions and Dispositions

A redevelopment plan may include acquiring new assets or assembling adjacent properties with an existing property. Our team regularly assists clients with all facets of land acquisition, finance, and disposition—purchase, financing, leasing, or transfer of a single outparcel, an operating property or portfolio of properties. Our team's attorneys include land use and environmental professionals as well as real estate, corporate and business reorganization attorneys who can provide the full range of due diligence and counsel necessary to structure the deal, evaluate the asset(s), and document and close the transaction.

Construction

In projects ranging in scope from the design and construction of a master planned project or new building, or a turnkey fit out for a small retail tenant, our construction attorneys will provide effective, problem-solving and forward thinking representation to achieve our clients' objectives. Our team also handles disputes with contractors, permitting issues and code compliance matters effectively and efficiently to minimize costs and

disruptions.

Easements, Restrictions and Project Governance

Existing developed real estate assets are often encumbered or governed by a variety of easements, restrictive covenants and other project governance documents. Our real estate and land use attorneys are adept at modifying existing easements and restrictions, securing new easements and rights, and adapting the applicable legal requirements as needed to implement the redevelopment program.

Environmental Permitting and Enforcement

Redeveloping an existing property can raise various environmental permitting and enforcement issues, including those pertaining to stormwater management, dewatering, asbestos abatement and hazardous materials. Our attorneys have been statewide leaders in the area of environmental permitting and enforcement matters and several have worked for government agencies. We regularly advise and assist clients with the broad range of environmental issues impacting urban redevelopment and operations.

Landlord-Tenant

The team designs and implements processes for tenant relocation or termination when required by redevelopment plans. When tenant issues require a heavier hand, Berger Singerman's attorneys are effective at fostering tenant compliance both in and outside the courtroom. From short-term leases and licenses to accommodate the new breed of pop-up and short-term tenants, to dealing with traditional long-term anchor and small shop leases, our team's attorneys deliver prompt turnaround and creative counsel.

Financing Redevelopment

Financing Redevelopment triggers various financing issues. In matters ranging from facilitating lender consent or a partial release from existing financing, to assisting with construction financing or a new permanent loan, our team's attorneys are well-equipped to assist industry participants with all manners of financing, whether asset based or corporate. We also have extensive experience with financing issues arising from special districts issues, including community development (CDD) and other districts.

Regulatory Compliance and Licensing

Locating or relocating hotels, restaurants and certain other uses often has regulatory compliance implications. We regularly assist clients with the licensure and permitting requirements of state or local agencies that apply to projects and industry participants, including contesting tax valuations and other compliance matters. Several of our attorneys have worked as counsel for government agencies and bring a broad range of experience and favorable professional relationships in federal, state, and local regulatory and compliance matters. We are poised to assist with state agency, local, and regional issues.