



Gonzalez Saggio & Harlan LLP

Land Development Practice Group

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LAND DEVELOPMENT PRACTICE GROUP

Gonzalez Saggio & Harlan LLP (GSH) provides sound, practical and strategic advice along with essential services for optioning, leasing, acquiring, selling and developing real property. Our Land Development Practice benefits from thorough grounding as in-house and outside counsel to real estate developers and companies that frequently buy, sell, lease, operate and develop real estate of all types and sizes. We have represented clients on all sides of real estate transactions and disputes, including developers, lenders, municipalities, buyers, sellers, landlords, tenants, architects, contractors and owners, in both the private and public sectors. Our depth of substantive and procedural experience in closely related fields allows us to guide our clients with practical advice to achieve optimal outcomes. For example, our attorneys are fully versed in the full range of environmental regulation, regulatory permits and zoning approvals, Brownfield redevelopment, grants and other government programs, project financing and construction contracting. Our clients gain advantage from our sophisticated legal knowledge that is applied with a practical business perspective. We work hard to exceed the expectations of our clients.

The distinguishing features that set GSH apart are experience, responsiveness, and cost. Our Land Development Practice is nationwide - we have worked with our clients on real estate projects in most areas of the country, and currently maintain offices in fourteen states and the District of Columbia. Our clients benefit from our cost effective, practical solutions, which we develop by applying sophisticated legal analysis to a thorough understanding of the business issues. As a further distinction, GSH is the largest minority-owned law firm in the country, certified by the National Minority Supplier Development Council to serve clients on a nationwide basis.

Brownfield Agreements and Grants

Brownfields present special challenges and opportunities. We have experience with a wide range of Brownfield issues from the perspective of current owner, future owner, developer and lender, both public and private. We aggressively assert our client's best interests and negotiate a series of agreements, permits, exemptions and grants, and then shepherd the project to successful completion.

Construction Contracting (AIA)

Our attorneys are experienced in the preparation, negotiation and practical application of construction documentation necessary for successful commercial development, including projects such as airports, sports arenas, hotels, senior residential housing developments, multi-use, small and large scale retail, heavy industrial and municipal facilities, schools and office buildings. Members of our Land Development Practice Group have represented owners, developers, lenders, architects, engineers, contractors and sub-contractors in the preparation, review and analysis of AIA construction contracts, including owner-architect agreements, owner-contractor and construction manager agreements, revising and adapting company forms, and working with AIA forms and Consensus Documents. We also assist our clients with satisfying or resolving construction-related issues such as payment and performance bonding, risk management counseling, prompt pay laws, retention, the filing and removal of liens, insurance and indemnity, as well as assisting clients with public contracts. We are also experienced in establishing the documentation for the bond guarantee program for MBE contractors and can assist in claims and protests related to public works.

Construction Litigation

Our litigators have proven their worth in the courtroom as well as in settlements and informal resolution of disputes. We vigorously assert and defend our clients' rights, but also counsel clients on how to achieve their best interests in reasonable settlement where appropriate. Our construction litigation experience includes a variety of cases involving transportation, infrastructure, and building construction.

Construction, Demolition and Abatement Planning

Our experienced lawyers anticipate construction methods and use the proposed improvements to accomplish environmental remediation objectives. Demolition presents specific risks from hazardous materials, including asbestos containing materials, and benefits from salvage and sustainable reuse – we are skilled in how to recognize, assess and take precaution or advantage of the situation presented, both in contracts and practical operations on the job site. If issues arise suddenly during the course of a project, we can swiftly advise on appropriate isolation and mitigation tactics and procedures to minimize safety threats and regulatory non-compliance, and try to move the project forward on two tracks.

Development Agreements

Whether we represent a local municipality or a project owner or developer in commercial property development or subdivision platting or permitting, our attorneys are experienced in recognizing and assessing risks and capable of ably negotiating a package of options and alternatives that meet the client's objectives.

Eminent Domain

Our team of strategists advises on obtaining the best possible appraisals while meeting regulatory timelines and advancing client objectives through negotiation and litigation, as appropriate.

Environmental Investigation and Cleanup

We use our collective body of experience and training to know when and how much investigation is beneficial should a reportable event occur. Then, we negotiate cleanup requirements based on sound legal arguments combined with practical knowledge gained from years of experience. If third parties are responsible, we know when to involve them and take necessary actions against them in accordance with the facts and our clients' situations.

Environmental Planning and Contracting

Our lawyers have worked through dozens of projects that involved assessing the discovery of contaminants in existing building components, soil, surface water, groundwater and air. We know how to approach the issues, negotiate the best alternative, obtain regulatory permits and exemptions and oversee the responsible contractors to assure the work gets done properly.

Financing, Grants, and Tax Credits

Members of our Land Development Practice Group have counseled our clients in all phases of project loan documentation, including construction loan agreements, notes, construction mortgages and disbursing agreements, as well as draw and requisition procedures for advances of funds, change orders, satisfaction of requirements for lender's payment of final advance, coordination of title insurance company endorsement procedures for maintenance of loan policy, and conversion of a construction loan to a term loan.

We have represented lenders and developers in the financing of projects that include:

- Commercial and retail
- Office
- Multi-Use
- Retail/Commercial/Residential
- Convention Center
- Stadium
- Single family residential, and
- Multi-family housing, with an emphasis on senior residential market rate and affordable housing developments and assisted living.

In addition to traditional lender and bank financing, our attorneys are experienced in the areas of:

- Tax incremental financing
- Housing and industrial development revenue bonds
- Taxable revenue bonds
- Low Income Housing Tax Credits
- Midwestern Disaster Area Bond designations
- New Market Tax Credits
- Senior housing developments – financing options made available through state housing and economic development agencies, HOME funding program administered through state departments of commerce, and U.S. Department of Housing and Urban Development
- Grants awarded for Brownfield, energy, job creation and other criteria.

Historic Preservation

We understand the law and the goals of historic preservation and we work to accommodate our clients' wishes through careful study, report drafting, presentation of alternatives and sophisticated negotiation of outcomes.

Land Use

Our team of land use attorneys works directly with our clients to solve their most complex land use problems. Our land use group is composed of experienced practitioners from the firm's Real Estate, Environmental, Government, and Litigation teams. We advise clients in the full range of land use, planning, zoning, environmental and regulatory matters affecting real property development. We typically work with developers, property owners, builders, investors, contractors, government agencies, developers of renewable and traditional energy sources, and NGOs to assess options, develop a strategy and then guide projects through the complex web of regulations and public input. We also help clients and lenders evaluate asset portfolios and divest or acquire challenged property.

Project Siting, Zoning Permits and Regulatory Approvals

We perform or structure due diligence reviews and forecast the liabilities, permits and approvals required to cost-effectively and time-effectively advance a project through the complex web of regulations and municipal approvals. If the project receives the green light, we apply for and obtain required permits, exemption, variances and approvals, in order according to a matrix established to assist the client and general contractor in following and sequencing the project. Our experience in these areas includes securing entitlements and necessary permits and approvals for alternate energy installations (wind farms and solar installations), transmission lines, power plants and hydroelectric facilities, as well as Brownfield and Greenfield manufacturing operations.

Water, Wetlands and Sensitive Resources Permits and Approvals

Water, waterway, shorelands and wetlands present a myriad of overlapping agency jurisdictions and regulatory challenges. We have successfully overturned adverse determinations and obtained permits and approvals to allow our clients' projects to move forward essentially as planned. We have evaluated and negotiated water withdrawal agreements and approvals, and have been involved in condemnation of land for obtaining water rights, condemnation of land for maintaining dams, drafting and adoption of municipal ordinances to protect water rights and litigation over water withdrawals. We recognize and share the special appreciation for water and sensitive resources and work with our clients to adopt a strategic approach to asserting their interests, such that maximum benefit may derive with minimum disruption to the natural environment. We have also been retained by government entities to direct their own advance project planning and strategy development to ensure successful project completion at sensitive sites by obtaining a finding of no significant environmental impact.

Experience the Land Development Practice Group of Gonzalez Saggio & Harlan LLP

Our team's technical knowledge and deep familiarity of the law, rules and local procedures, combined with our understanding of the business needs and desired outcomes of our clients, makes the GSH LDPG Team uniquely qualified to allow your real estate development project to succeed. For more information or to discuss how we can be of service to you, please contact our Practice Group Coordinator, Ned Witte at (414) 277 – 8500 or ned_witte@gshllp.com.

GSH Land Development Practice Group:

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