

Marc B. Bergoffen

Shareholder

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Marc B. Bergoffen is committed to getting deals done in the most efficient manner possible. Clients like his direct, keep-your-eye-on-the-ball approach, and opposing parties often thank him for his professionalism in resolving transactions.

Representing clients with local, regional and national real estate interests, Marc focuses on a variety of matters with an emphasis on the acquisition, disposition, management, leasing and financing of various real estate asset types, including retail, office and industrial. He has significant experience structuring, drafting and negotiating complex lease transactions for his clients. Marc's 25+ years of experience representing both landlords and tenants gives him a holistic view of the leasing process and insight into the latest trends and issues in the retail arena.

In addition to urban retail, shopping centers and enclosed mall clients, Marc has built a notable restaurant practice, often representing owners throughout the life-cycle of their business, from initial fundraising to entity creation to operations. Clients appreciate the depth and breadth of Marc's experience and his ability to collaborate with attorneys in other practice groups to respond to the full range of their legal needs.



Bar & Court Admissions

Maryland

Virginia

District of Columbia

Florida

Education

University of Florida
College of Law, J.D., 1997,
with honors

Emory University,
B.A., 1994

Marc serves as Chair of the firm's Renewable Energy Practice and regularly represents clients in the negotiation and preparation of various real estate documents relating to the development of solar energy facilities and battery energy storage systems. His familiarity with the industry and experience with the processes for obtaining approvals from the State Board of Public Works helps cut through the red tape that might otherwise delay a project.

Other notable industries of focus for Marc are Cannabis and Biotech. He helps cannabis clients navigate the unique issues raised in leasing to a cannabis user or operating a cannabis business in leased space. In the biotech arena, he works with clients on transactions ranging from start-up incubator labs to large build-to-suit spaces for state-of-the-art production and quality control facilities.

A recognized leader in his field, Marc was elected as a Fellow to the American College of Real Estate Lawyers in 2023. ACREL is the preeminent association of commercial real estate lawyers, focused on service to clients, colleagues and the profession. Marc also serves on the Advisory Board for the Advanced Commercial Leasing Institute (formerly sponsored by the Georgetown University Law Center, and now ACREL). He is a member of the Maryland State Bar Association, past Chair of the Real Property Section and is active in the Mid-Atlantic Division of the International Council of Shopping Centers and the Bar Association of Montgomery County, MD.

Marc is admitted to practice in Maryland, the District of Columbia, Virginia and Florida.

Results

Real Estate and Business Transactions

Successfully obtained rent relief and lease workouts for several restaurants during the COVID-19 pandemic.

Representation of the Maryland Department of Transportation as outside real estate counsel in joint development projects across Maryland, including the largest Transit-Oriented Development (TOD) in Maryland history, as well as the first Tax Increment Financing bond closing for a TOD in Howard County.

Representation of the Maryland State Retirement and Pension System in connection with its various real estate investment programs involving more than \$250 million in transactions.

Representation of a professional sports league players' union with respect to its real estate assets.

Representation of a national real estate investment trust (REIT) in the acquisition and leasing of a 2.8 million square foot portfolio of office buildings in Rosslyn, Virginia and Washington, DC.

Representation of a national REIT in the acquisition and financing of approximately 500,000 square feet of investment-grade office, multifamily and industrial/warehouse properties throughout the country.

Representation of a regional real estate investment company with respect to statutory tenants' rights issues in the sale of various multifamily properties in suburban Maryland and the District of Columbia.

Representation of a James Beard Award-winning chef and restaurateur in the structuring of a joint venture for a new restaurant concept and negotiation of a lease for a new restaurant space in a mixed-use building.

Representation of a national banking institution as Maryland and Virginia real estate counsel in multi-state sale of branches to financial services REIT.

Representation of a regional petroleum jobber in the acquisition and operation of real estate and distributorship interests in several hundred service stations across the country.

Telecommunications Real Estate Transactions

Representation of a publicly traded REIT as portfolio counsel in the negotiation of antenna leases, MDU marketing and access license agreements for multifamily properties, and telecommunications access license and DAS agreements for retail and office properties.

Representation of a public hotel REIT in the negotiation of various telecommunications leases, access licenses and DAS agreements across the country; and

Representation of property and tower owners in the negotiation of various telecommunications leases and agreements.

Solar Energy Transactions

Representation of a major utility company in the creation and negotiation of ground leases, option and purchase agreements, as well as other real

estate documents in connection with the development of an approximately 1,000-acre 150 megawatt (MW) solar energy project located on the Eastern Shore of Maryland.

Representation of a national renewable energy company in the creation and negotiation of various real estate documents in the development of approximately 300 MW of solar energy generating facilities across approximately 6,000 acres of land in Maryland and Virginia.

Representation of a national renewable energy company in the development of real estate documents for the development of solar energy generating facilities in urban and agricultural areas across Maryland.

Representation of a national renewable energy company in the negotiation of various real estate documents as well as title and survey matters in connection with the development of a solar energy-generating facility on federal government-owned land.

Recognition

- American College of Real Estate Lawyers, Fellow, 2023
- The Best Lawyers in America, 2023-2025