

Marc B. Bergoffen

Shareholder

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Marc B. Bergoffen is a commercial real estate attorney with more than 25 years of experience advising developers, owners, investors, landlords and tenants on complex real estate transactions. He represents clients across the full lifecycle of commercial real estate assets — acquisitions, dispositions, leasing, management and financing — with a focus on structuring and negotiating deals that align with business objectives, allocate risk appropriately and are practical to implement.

Marc's practice includes retail, office and industrial properties, with a substantial concentration on commercial leasing. Having represented both landlords and tenants for more than two decades, he brings a balanced understanding of market terms, negotiation dynamics and operational considerations. His experience allows him to anticipate issues, streamline documentation and resolve matters efficiently in transactions ranging from single-asset leases to large portfolio arrangements.



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

In addition to traditional commercial real estate work, Marc has significant experience in renewable energy, data center and biotech projects. He serves as Chair of the firm's Renewable Energy Practice and represents developers, investors and host-site owners in connection with solar energy facilities and battery energy storage systems, including site control, easements, access, title and financing matters. His data center work includes advising campus developers on ownership structures, utility access, operational covenants and security and compliance requirements. In the biotech sector, he counsels clients on transactions involving incubator labs, build-to-suit facilities with specialized infrastructure and regulatory requirements.

Marc has been elected as a Fellow of the American College of Real Estate Lawyers (ACREL) and serves on the Advisory Board of the Advanced Commercial Leasing Institute. He is admitted to practice in Maryland, the District of Columbia, Virginia and Florida, enabling him to support clients with regional and national real estate portfolios.

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 multi-family 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

- The Best Lawyers in America®, 2023–2026
 - The Best Lawyers in America®, Lawyer of the Year – Leisure and Hospitality Law, 2026
 - American College of Real Estate Lawyers, Fellow, 2023
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