

Carl H. Bivens

Partner

Richmond

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Carl focuses on the commercial acquisition, disposition, leasing and development of land and buildings for energy, data center, office, retail, industrial, and mixed-use developments throughout the U.S.

OVERVIEW

Carl advises energy clients in connection with a multitude of energy projects throughout the U.S. He assists clients with all aspects of the acquisition, sale and development of large-scale solar and wind projects. Additionally, Carl represents various clients with data center interests, including REITs, large technology, health care, finance, telecommunications, and energy organizations, on their most complicated data center projects. In this connection, he has negotiated build-to-suit leases of multiple properties for data center projects throughout the U.S., including negotiation and analysis of all agreements related to the due diligence, construction, financing, permits and development of the projects. In addition to handling energy and data center matters, Carl handles office, retail, and industrial acquisitions and leases.

His leasing projects typically involve the negotiation and completion of leases and ancillary documents including LOIs, amendments, assignments, SNDAs, guaranties, and estoppels. His acquisition transactions involve handling the property purchase from the LOI stage through the acquisition and financing, which includes the negotiation and completion of purchase agreements, easement agreements, leases, development agreements, and loan documents. With both leasing and acquisition transactions, Carl is involved with the due diligence of the properties involved, including title and survey reviews, environmental property inspections, and permit and zoning analyses.

Carl prides himself on providing excellent service to his clients by listening to and understanding each client's position on matters, providing a wealth of experience from prior complex projects, and resolving differences through a problem-solving approach.

REPRESENTATIVE MATTERS

- Represents a major technology company in the acquisition and development of multiple data center locations in Loudoun County, VA's "data center alley."
- Represents a national solar developer on multiple projects throughout the U.S. and in the sale of certain large-scale projects to a regional utility.
- Advised a large utility with respect to its \$1.54 billion acquisition of more than 20 solar projects throughout the U.S.

- Represented a regional solar developer throughout New England and the mid-Atlantic states on the acquisition and development of property for more than 50 solar projects.
- Represented the development arm of a major utility in the acquisition of multiple wind projects throughout the midwest.
- Represented a renewable energy client in the acquisition and ground-up development of solar and wind projects in Pennsylvania, Maryland, Virginia, and North Carolina.
- Counseled a real estate fund on the acquisition and lease of properties in California and the Washington, D.C. area, including the purchase of a large hotel in downtown San Francisco and an 18-story office building.
- Represents Lumber Liquidators in lease negotiations for more than 150 retail locations throughout the U.S., as well as distribution centers to serve such locations.
- Serve as regional counsel for the world's largest retailer in securing new store and distribution centers through purchase and lease transactions for more than 200 store locations in Alabama, Virginia, West Virginia, Maryland, and Pennsylvania.
- Represented a major health care provider in the acquisition, development, and leasing of multiple data center projects.
- Represented a large banking institution in the sale of its data center to another banking institution.
- Represented numerous retail landlords negotiating leases with major retailers, including Target, Toys "R" Us, Kroger, and Bassett Furniture, for retail outlets across the U.S.
- Served as real estate counsel on a joint venture with two major western utility companies involving a multistate transmission line project in the southwest.

AWARDS

- *Legal 500 United States*: Real Estate: Real Estate (2024)
- *Best Lawyers in America®*: Real Estate Law (2020-2026)
- *Chambers USA*: Real Estate, Southern Virginia (2024-2025)
- *Virginia Business*: "Legal Elite" in Real Estate/Land Use (2020, 2022-2023)

TOP AREAS OF FOCUS

- Data Centers
- Energy Real Estate Transactions
- Real Estate
- Renewable Energy

ALL AREAS OF FOCUS

- Data Centers
- Energy Real Estate Transactions
- Investment, Acquisition + Disposition
- Real Estate
- Real Estate Joint Ventures + Investments
- Real Estate Leasing
- Renewable Energy

PROFESSIONAL/COMMUNITY INVOLVEMENT

- American Bar Association
- Virginia Bar Association
- Richmond Bar Association
- Greater Richmond Association of Commercial Real Estate (GRACRE)
- Greater Richmond Technology Council

PROFESSIONAL EXPERIENCE

- SunTrust Mortgage, Inc., 1993-1996

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Richmond School of Law, J.D., *cum laude*; *CALI Award for Negotiations*; *CALI Award for Labor Law*; *Bureau of National Affairs Award for Labor Law and Employment Law*, 1999
- Hampden-Sydney College, B.S., *Dean's List*, 1992, biology , Biology

BAR ADMISSIONS

- Virginia
- Pennsylvania

SPEAKING ENGAGEMENTS

- Speaker, "[Navigating Complexities in Tax Equity Transactions](#)," *Energy Law Insights*, October 30, 2024.

PUBLICATIONS

- Co-author, "[The Rise of Liquid Cooling Technology and Its Impact on Data Center Leases](#)," *Troutman Pepper Locke*, January 7, 2025.

MEDIA COMMENTARY

- Quoted, "[AI Efficiency A Risk for Data Centers? Attys Don't Think So](#)," *Law360*, February 26, 2025.