

## 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. and internationally.

### OVERVIEW

Carl advises owners, developers, investors, REITs, and users on complex commercial real estate transactions, with a particular emphasis on strategic, business-critical facilities. He has deep experience with hyperscale and enterprise data centers and large-scale energy infrastructure, counseling clients through the entire project lifecycle — from site control and assemblage through development, long-term occupancy, monetization, and exit strategies.

Carl represents REITs and technology, health care, finance, telecommunications, retail, and energy companies in their most complex data center projects in the U.S. and abroad. His work spans the full lifecycle of data center assets — from initial site control, power and utility arrangements, and connectivity through development, long-term leasing, and disposition. He has negotiated build-to-suit leases and related documentation for multiple data centers, including in Loudoun County, Virginia’s “data center alley” and other key domestic and international markets. In this role, he analyzes and negotiates real estate agreements related to due diligence, construction, financing, entitlements, and development, as well as easements and covenants for power, cooling, fiber, and access.

Carl also handles matters for energy clients on the real estate aspects of utility-scale solar and wind projects nationwide, including site acquisition and disposition, ground leases and easements, and development and financing documentation. In addition to his work in the energy and data center sectors, he also represents clients in office, retail, and industrial acquisitions and leasing transactions across the United States.

His leasing projects involve the negotiation and completion of leases and ancillary documents, including LOIs, amendments, assignments, SNDAs, guaranties, and estoppels. His acquisition and disposition work runs from the LOI stage through closing and financing and includes purchase and sale agreements, easements, ground leases, development agreements, and loan documents. In both leasing and acquisition matters, Carl manages property due diligence, including title and survey review, environmental assessments, and permitting and zoning analyses.

### REPRESENTATIVE MATTERS

#### Data Center

- Represents a major technology company in the acquisition and development of multiple data center locations in Loudoun County, VA's "data center alley."
- 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.

### **Solar and Wind / Renewable Energy**

- 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.
- Served as real estate counsel on a joint venture with two major western utility companies involving a multistate transmission line project in the Southwest.

### **Office, Industrial, and Retail Transactions**

- 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.
- Serves 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 numerous retail landlords negotiating leases with major retailers, including Target, Toys "R" Us, Kroger, and Bassett Furniture, for retail outlets across the U.S.

### **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, 2025)*

### **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

- Moderator, "[Mission Critical Regional Insights Panel + Site Consultant Networking](#)," Greater Richmond Partnership Investor Forum, May 21, 2026.
- Speaker, "[Rewriting the Rules: 2026 Data Center Contracting & Risk Allocation for AI-Driven Facilities](#)," Troutman Pepper Locke Webinar Series: Navigating the Data Center Boom: Rethinking Contracts, Risk, and Regulatory Strategy for 2026 and Beyond, March 31, 2026.
- Speaker, "[AI Boom and What the Future Holds](#)," *Troutman Pepper Locke Data Centers Series*, December 10, 2025.
- Speaker, "[Strategies for Mitigating Data Center Development Delays](#)," *Troutman Pepper Locke Data Centers Series*, December 3, 2025.

- Speaker, “Power Struggles: Innovating Around Energy Challenges in U.S./International Data Center Development,” *Troutman Pepper Locke Data Centers Series*, November 19, 2025.
- Speaker, “Navigating Complexities in Tax Equity Transactions,” *Energy Law Insights*, October 30, 2024.

## **PUBLICATIONS**

- Contributor, “Off-Grid Data Centers: A Potential Power Solution For AI,” *Troutman Pepper Locke*, March 17, 2026.
- Co-author, “The Rise of Liquid Cooling Technology and Its Impact on Data Center Leases,” *Troutman Pepper Locke*, January 7, 2025.

## **MEDIA COMMENTARY**

- Quoted, “How Energy Scarcity Is Changing Data Center Deals,” *Law360*, December 3, 2025.
- Quoted, “AI Efficiency A Risk for Data Centers? Attys Don’t Think So,” *Law360*, February 26, 2025.