

After more than four decades of representing clients in a wide variety of real estate, financing and commercial transactions, Tom has the experience to assist and counsel companies in complex business projects. He also helps developers, lenders, nonprofits and government entities with financings that include New Markets, Historic and Investment tax credits.



Tom Berggren

Of Counsel | Salt Lake City

Biography

As a result of his extensive real estate and finance practice, Tom is experienced in the purchase and sale, leasing, financing, development and entitlement of office buildings, retail and commercial space, professional buildings and multi-family complexes. Tom has worked with developers and lenders on numerous large and complicated mixed-use projects. He assists purchasers in privately-placed bond deals and specializes in real estate-secured loans including multi-state credits. He has a comprehensive knowledge of CC&R's, easements, development agreements and other real estate project documentation resulting from wide-ranging work for a variety of clients.

Tom has worked with the Redevelopment Agency of two major Utah cities in many development and re-development projects by negotiating and documenting financial assistance in connection with a number of programs benefiting commercial and residential deals involving significant community benefits. He has been outside counsel for the Utah Housing Corporation, the main independent state agency financing affordable housing in the state.

Tom's experience also includes helping Fortune 500 companies negotiate governmental incentive packages for locating in Utah; assisting major out-of-state corporations purchase and entitle property in the state and in the surrounding region; buying and selling companies and assets; negotiating contracts and leases; ensuring regulatory compliance; and completing other complicated commercial transactions.

Contact information

801.860.3203

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Capabilities

Real Estate

Commercial Lending

Due Diligence and Opinions

Licensed/Admitted

Utah

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Experience

Represented University and Related Nonprofits

Represented a university and two related nonprofits in connection with the development and financing of a new theater and related improvements, including structuring issues, formation of entities, review and preparation of financing documents, including those involving the New Markets Tax Credits investment of several banks. Completed exit of NMTC investment.

New Markets Tax Credits Transactions

Represented a county and its affiliated nonprofit corporation in connection with seven New Markets Tax Credits transactions, together with the real estate and structuring issues.

Represented Independent State Agency

Assisted with approximately 50 projects for an independent state agency, including development of programs, purchase and sale of properties, and review and preparation of loan and other financing documentation. Represented client in employment and governmental affairs matters.

Nonprofit Representation

Assisted a nonprofit corporation in connection with 14 transactions, including loans and other financings, property acquisitions and tax credit deals together with representations on numerous general operating issues.

RDA

Represented an RDA and the related City in connection with 13 transactions, including property acquisitions, financing and development of projects. Also assisted with preparation of program documents.

New Markets Tax Credit Projects

Represented the developer/owner of the following New Markets Tax Credits projects:

- \$6.5 million rehabilitation of an historic warehouse in downtown Salt Lake City into a mixed-use facility comprised of 18 townhome-style apartment units and approximately 21,000 square feet of commercial rental space, together with on-site parking and other related improvements.
- \$6.8 million new construction of 26,000 square feet multi-use community facility in Salt Lake City.
- \$8.1 million new construction of multi-feature library in the Town of Magna.
- \$6.7 million installation of solar panels, racking, inverters, wiring, metering, monitoring and associated equipment for photovoltaic-based electrical generating facility on the roof of a 679,000 square feet Convention Center in downtown Salt Lake City.
- \$8.7 million mixed-used development in Salt Lake City with 15 street-level commercial spaces comprising approximately 10,000 square feet, 30 residential units (half of which are rent restricted and set aside for low-income individuals or families), an array of solar photovoltaic power generation, parking structures and a community garden.
- \$28.5 million rehabilitation of 75,000 square feet historic Theater in downtown Salt Lake City and construction of new 51,000 square feet adjoining building with retail, office and practice space.
- \$10.5 million new construction of 50,000 square feet new school in Rose Park area of Salt Lake City serving 280 students.

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- \$10 million new construction of 63,000 square feet building providing temporary living quarters for families of cancer patients in Salt Lake City.
- \$3 million new construction of 13,500 square feet Head Start preschool facility, with a 1,000 square feet community center and a commercial kitchen to service other schools in South Salt Lake City.
- \$4.9 million new construction of homeless youth resource center and shelter located in Salt Lake City.
- \$27 million new construction of a mixed used project including 102 residential apartment units and approximately 52,674 square feet of commercial office space in two buildings in Salt Lake City.
- \$2.2 million rehabilitation for two existing buildings and construction for two additional buildings, to create approximately 5,600 square feet of commercial space, together with a community garden for neighborhood residents and a café that provides job training to homeless youth in the Salt Lake City area.
- \$11.2 million new construction of public health clinic and related medical office space located in downtown Salt Lake City.
- \$14.6M new construction of child and adult daycare facilities in Salt Lake City.
- \$7.2 M new construction of Head Start facilities in Kearns.
- \$8.3 million new construction of recycling facility in Weber County, which serves also as training center for workers with disabilities.
- \$4.5 million new construction of roads, utilities and other infrastructure for new affordable housing project.
- \$14.5 new construction of educational building and related facilities and improvements, to serve as Moab campus for Utah State University.

Accomplishments

Professional

Lawyer of the Year, Real Estate Law, Salt Lake City

Distinguished Real Property Practitioner for 2004

Real Property Section of the Utah State Bar

Best Lawyers in America, Real Estate Law, Utah since 2006

Notable Practitioner, Band 1, Real Estate, Utah, Chambers USA 2004-2019

Legal Elite, Real Estate, *Utah Business* magazine 2007-2020

Super Lawyers, Real Estate, Utah 2007-2019

Pro Bono Publico Award

Salt Lake County Bar Association December 1989

Adjunct Professor of Business Law, Notre Dame Law School (London Law Centre) “Law of Business Associations”

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Academic

Harvard Law School, cum laude, 1978 (Williston Prize for contract negotiating)

Teaching Fellow, Harvard College Government Department:

Constitutional Law (under Prof. Archibald Cox)

The National Government of the United States (under Prof. Arthur Maass)

Harvard College, magna cum laude, 1974

(Sheldon Traveling Fellowship; National Scholar; Thesis: Circumvention of the Appropriations Committees in the Congressional Appropriations Process)

Associations**Professional**

Utah Bar Association

American Bar Association

Professionalism Counseling Board (appointed by Utah Supreme Court)

Committee on Legal Opinions, Business Law Section, American Bar Association

International Council of Shopping Centers

National Association of Industrial and Office Properties

Community

State of Utah Water Strategy Advisory Team

Member, 2013-2016

Governor's Council on Balanced Resources

Member, 2012-2015

Envision Utah

Member, 1997-2015

Member, Board of Trustees, 2000-2015

Member, Executive Committee, 2005-2015

Secretary, 2009-2015

Citizens' Committee to Save Our Canyons

Member of Board of Directors, 1983-98, 2013-2019

Salt Lake City Board of Adjustment

Member, 1999-2012

Chairperson, 2009-2010

Salt Lake City Futures Commission

Member, 1996-1998

Salt Lake City Public Utilities Advisory Committee

Chairperson, 1991-1992

Vice-Chair, 1989-1990

Member, 1987-1998

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Land and Water Fund of the Rockies
Member, Utah Steering Committee, 1990-1995

Utah Museum of Natural History
Member, Board of Trustees, 1990-1993

Lowell Elementary School
Co-chairperson, ELP Parents' Steering Committee, 1991-1992

Salt Lake City Charitable Solicitations Committee
Member, 1984-1987
Chairperson, 1987

Presentations

“Payment Guaranties,” Utah State Bar Mid-Year Meeting, Mar. 1994

“Professional Conduct in Transactions–How to Deal with Difficult Lawyers,” Corporate Counsel Section of the Utah State Bar Fall Forum, Dec. 2011

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