



Building and Real Estate

Taylor Wessing Germany Building & Real Estate Practice Group

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The globalisation of markets reached the real estate market in Germany some time ago and the dynamic development of this has been a real challenge for professional advisers. The work undertaken extends from real estate due diligence reviews in transactions for the acquisition of multi national companies to the creation of structures to enable private and public companies to accomplish their development or investment aims and the provision of assistance and advice in respect of the planning and implementation of new projects together with legal advice in facilities management.

The Group

The demands of the construction and real estate business in modern Germany means that there is great demand for, and great value is placed on, lawyers who are able to meet these demands and to function well in a challenging environment.

The supraregional Practice Group advises on all legal issues arising in today's building and real estate business and acts for institutional and private investors, public contractors, commercial enterprises and private investors, builders and building contractors, insurers and utility companies, receivers in insolvency, project managers, financial institutions including brokers and distribution companies.

Teams of hand-picked specialists are formed to cover the requirements of individual transactions. All members of the Practice Group are lawyers whose specialist areas of activity are building and real estate law and practice and who have years of experience in these fields. If necessary, the Practice Group works closely with professionals and experts of other professions (architects, planning practices, engineers, project directors, financial institutions).

Clients also benefit from the expertise of the Practice Group in all the areas of public planning and building laws, including in particular environmental law.

Main areas of activity

The main area of activity covered by this Practice Group is the carrying out of building and development projects from the original concepts through the planning and regulatory process, site assembly, construction and the letting and use or sale of the asset created. In addition, the Practice Group deals with the structuring, monitoring and winding up of real estate funds and advising financial institutions in real property loans often including additional collateral security.

The Group also frequently carries out due diligence reviews in connection with real property for the acquisition of companies or their sale or in connection with refinancing exercises.

The Group also deals with contracts for professionals in the field including architects, engineers, contract administrators and the like, and has significant expertise in dealing with facilities management contracts. Further, this Practice Group deals extensively in dispute resolution and represents its clients in negotiations and formal litigation before the appropriate courts and in arbitration hearings.

The main areas of activity consist of:

- Plant construction
- Architects' Law
- Builders' and Developers' Law
- Building Procurement Law
- Building Contract Law
- Claim and Supplementary Management
- Facility Management
- Industrial Leases
- Real Estate Financing
- Real Estate Leasing
- Real Estate Transactions
- Structuring and implementation of real estate projects, including financing
- Professional rules and regulations for brokers
- Public Building & Planning Law Statutes (including environmental law)
- Privatisation of public infrastructure facilities
- Project development and management

Experience

- Advising, including the court representation of a Swedish real estate investor in Germany, in the preparation of standard contracts, the planning and closing as well as the implementation of planning, general contractor and individual building contracts, including disputes

- Advising a subsidiary of a US company in connection with the closing of a real estate leasing contract with an investment value of approx. EURO 20 million
- Comprehensive project-related consulting services (incl. claim management and litigation) provided to a Dutch building group in connection with a building project for the Berlin railway station Lehrter Stadtbahnhof-Berlin, overall value of the project being approx. EURO 100 million
- Advising and representing a plant construction company in connection with a dispute with a company which had ordered a waste fuelled power station on counter claims amounting to EURO 36 million
- Advising a public institution in connection with the development and construction of a school centre including a camp, value of the investment approx. EURO 25 million
- Comprehensive advice including litigation provided to a German building group as general contractor for a approx. 80,000 square meters (900,000 sq ft) shopping mall in Saxonia, (project value approx. EURO 50 million)
- Advising and representation in court of Dusseldorf airport in damages claims after an extensive and widely publized fire, the sums in dispute being approx. EURO 75 million
- Advising in connection with municipal privatisation projects (formal privatisations, company management, co-operation and operator agreements, etc) for water supply and waste water disposal as well as waste disposal. Advising bidders in a number of public tenders and negotiating various privatisation projects (value of investments up to EURO 600 million)
- Advising in connection with the privatisation of hospitals in North Germany including dealing with the placing of contracts and dealing with the various local regulations involved
- Advising and representing in court several credit institutions in connection with the winding up of real estate companies and partnerships
- Advising an international group in connection with the construction of the shell and core building of a steel rolling mill in Eisenhüttenstadt (value approx. EURO 70 million)
- Advising a large technology group in disputes with a substantial architect's practice arising from the redevelopment of a Dusseldorf urban district
- Many years of advising and representing several very well known demolition companies located in the Dusseldorf region in connection with the closing of

contracts and with legal issues within ARGEN (group of companies working on one project), disputes with contractors and subcontractors, e.g. claims for outstanding payments for work and services of a plant constructor, in the amount of approx. EURO 3,5 million as well as in connection with issues relating to public law and private law on the building, alterations and the management of industrial properties;

- Project-related advice and representation in disputes of a German group of building companies in arbitration and in court proceedings in connection with railway construction projects for Deutsche Bahn
- Advising and representing investors and real property owners in contesting the refusal of building permits for retail markets and shopping centres entailing claims for damages of approx. EURO 4 to 8 million
- Advising a general contractor in a contract for the modernisation of a large property listed for preservation located in Leipzig, and subsequent claim management
- Advising in connection with real property and building laws including issues pertinent to planning and architect's laws in connection with investment projects between EURO 10 million and EURO 20 million for several medium-size pharmaceutical/biotechnology companies
- Advising and representing in court a plant construction company in relation to disputes with partners of an overall syndicate in connection with reciprocal claims of approx. EURO 12,5 million arising from the building of a gas and steam power plant
- Representing in court an Italian based international construction company in connection with large-scale building projects in Leipzig with a value of approx. EURO 10 million
- Comprehensive legal advice on a regular basis to different companies in connection with the restoration and preservation of buildings and monuments
- Representing in court a fire insurance company in connection with a claim against the insurer because of damage caused by fire in industrial warehouses with a value of approx. EURO 2,5 million
- Long term advising and representing a major German water supply and sewage treatment undertaker in numerous privatisation projects, also in connection with the construction of several sewage treatment plants (investment of between EURO 17,5 million and EURO 80 million) as well as the renewal of sewage systems (investments of up to EURO 425 million)

- Advising a Swedish investor in connection with the building and letting of an office building in Munich-Unterschleissheim, value of the investment approx. EURO 12,5 million
- Advising a Swedish investor in connection with the acquisition of a site and the building and letting of an office building in Dortmund, value of the investment approx. EURO 50 million
- Advising a big German energy supplier in connection with the building of a headquarters office in Dusseldorf, value of the investment approx. EURO 75 million
- Advising a Dutch developer in the development and building of shopping malls in Solingen and Bocholt, investment volume approx. EURO 60 million
- Comprehensive consulting including claim management and litigation for the industrial property department of a major Berlin property management undertaking
- Comprehensive consulting of a US multiplex movie theatre operator in negotiations and at the closing of an operator's contract including obligations for production in North Rhine Westphalia
- Advising and representing a property developer in the planning permission process (partly project-related) as well as in relation to the closing of urban development, projects, general contractor's and property developer's contracts for several big projects in the surrounding areas of Trier (amongst others a multi-storey car park in the city and several new housing areas)
- Organisation of real estate funds and negotiation of sales and development contracts for complex building projects for commercial use including multiplex movie theatres and retirement homes for a major real estate developer.

Real Estate Taylor Wessing UK

On an international basis, we closely cooperate with our British partners of Taylor Wessing UK in London. Taylor Wessing is a large, varied and very successful commercial firm which has strong international links and affiliations. Real Estate is an integral part of the firm. The Real Estate department of Taylor Wessing UK currently comprises more than 40 attorneys, who are supported by a team of paralegals and other employees. In the UK, the firm is located in a single modern office and the members of the department therefore have instant access to the highest quality advice from specialist practitioners in other fields as and when required.

These areas include:

- Taxation
- Construction and engineering law and practice
- Planning
- Environmental
- Property litigation
- Banking
- Company and commercial
- Intellectual property rights
- European Community and competition
- Employment
- Insolvency

Experience:

Development

- Land acquisition and site assembly including compulsory purchase
- Planning applications including call-ins and appeals
- Development agreements
- Joint ventures
- Forward sales, purchases and lettings
- Forward funding
- Environmental liability

Business space

- Lettings for both landlords and tenants
- Purchase for owner occupiers
- Sales and leasebacks
- Serviced offices

Investment

- Sales, purchases and leasebacks of investments
- Investment enhancement
- Management

Financing

- Secured lending
- Structured lending
- Receiverships
- Block purchases
- Securitisation

Residential

- Large scale development
- Sales and purchases for individuals

Sectors

- Hotels
- Public houses
- Cinemas
- Leisure parks
- Business and shopping centres
- Institutional UK based and overseas investors

- Industrial
- Energy projects
- Waste disposal
- Nursing homes
- Transport
- Advertising
- Franchises
- Local Government
- Charities
- Railways
- Telecoms

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Certificate No. EMS 532521

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