

# Mark A. Gershon

SHAREHOLDER

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Mark Gershon is a real estate attorney with extensive experience in commercial, energy, industrial, retail and residential development, governmental approvals, conveyance and financing. For more than 30 years, he has successfully obtained land use, zoning and other local, state, and federal government and regulatory approvals, and has negotiated and documented a wide range of projects including:

- Business and industrial parks
- Wind and solar farms and other renewable energy projects and facilities
- Shopping centers
- Municipal downtown redevelopments
- REITs and Joint Ventures
- Peak and base load energy plants
- Transmission and utility projects
- Residential and mixed use developments
- Remediation and Brownfields
- Multistory above and below ground parking garages and parking lots
- Specialty projects such as corporate relocations, outdoor amphitheatres, and radio towers

Mark's clients range from Fortune 50 and international companies to mid-size corporations, as well as from national and regional real estate and energy companies to small family held businesses and municipalities. His projects for those clients range from individual site developments to leading the teams on multi-billion dollar REIT's and other projects including 100's of properties across the United States.

He has facilitated the establishment of public-private partnerships, obtained governmental incentives including tax increment financing and sales tax rebate agreements, and brought together governmental, business, and community organizations to enable development of blighted, environmentally, and financially challenged, and previously undevelopable, projects ranging from former refinery and other brownfield sites to deteriorating downtown areas, foreclosed office complexes, and commercial projects.

Additionally, Mark has been directly involved in many of the largest regional industrial, office parks, and energy projects in the Chicago metropolitan area, as well as numerous

## Capabilities

- Energy
- Energy Transactions
- Renewable Energy Project Development
- Government Incentives
- Infrastructure & Public-Private Partnerships
- Real Estate Development
- Real Estate
- Real Estate Transactions
- Real Estate Investment Trusts (REITs)
- Zoning & Land Use

retail, hotel, entertainment, and residential venues. He has obtained governmental approvals and incentives, negotiated financing, operating agreements and shared parking agreements, and established vertical subdivisions and condominiums for mixed use projects and parking facilities for developers, owners, users and governmental bodies. In difficult economic times, he has worked with governmental entities, lenders, developers, and property owners to restructure transactional and governmental approvals to establish and implement strategy enabling the successful development of challenged projects.

Mark has extensive experience in property analysis and coordination of all aspects of public and private project development including site investigation, code analysis and project strategy, negotiation of conveyance, acquisition, leasing, joint venture, finance documentation, and coordination of project teams including developers, architects, contractors, land planners, environmental, sound, and other land use consultants. In projects ranging from infill development in established metropolitan areas to regional wind farms covering tens of thousands of acres, Mark has successfully brought together the project teams and strategy necessary to address community and governmental concerns while satisfying the demands of governmental regulatory agencies and lenders.

## Education

- Northwestern University (J.D., 1986)
- Northwestern University (B.S., 1983)

## Bar Admissions

- Illinois, 1986

## Memberships

- American Bar Association
- Chicago Bar Association
- American Wind Energy Association
- International Conference of Shopping Centers
- National Association of Industrial and Office Properties
  - Public Affairs, Former Chair
  - Green Task Force
- Olin-Sang-Ruby Union Institute
  - Board of Governors, Past Chair
- Production Organization for Cultural Events and Theater, Vice Chair

## Recognition

- AV rated in *Martindale Hubbell*
- Lambda Alpha International Land Economics Society (LAI)
- Selected for inclusion in *Best Lawyers in America*<sup>®</sup> for Real Estate Law, 2012-2026
- Selected for inclusion in *Illinois Super Lawyers*, Land Use/Zoning, 2008-2013, 2015-2019
- Selected for inclusion in *Illinois Super Lawyer* over multiple years, including 2009, as the result of research projects conducted jointly by the Law & Politics and Chicago magazines
- Recipient of the Making a Difference - Philanthropy Award from the Respiratory Health Association of Metropolitan Chicago, 2010

# Matters

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- Representing a Fortune 50 international energy company in clean-up, redevelopment, multi-governmental approvals and eventual sales of portions of a former refinery site.
- Representing the developer of a wind farm (770 MW maximum) on 30,000 acres in four counties in Illinois regarding all local and county land use and zoning approvals and regulatory requirements.
- Represented a local family in obtaining annexation, development land use and zoning approvals, including granting of governmental incentives, such as sales tax revenue sharing agreements, for a 900,000-square-foot retail center and town home development and the successful development and operation of the retail center.
- Represented International Retail Anchor Retail Company in conveyance of approximately 230 Stores to a Real Estate Investment Trust including property strategy, analysis, due diligence, title, survey, finance and conveyance issues.
- Represented the Village of Barrington in its downtown redevelopment including negotiating, drafting, and implementing redevelopment agreements, tax increment financing documentation, acquisitions, easements, vertical subdivisions, leases, final planning and permitting approvals, environmental, and related matters.
- Represented the developer of a wind farm development in Michigan on all aspects of land use, zoning and governmental approvals.
- Represented the Village of Algonquin in establishing tax increment financing for redevelopment of their downtown.
- Representing a Fortune 50 international retail corporation in all aspects of the relocation and development of its two million-square-foot headquarters and the development of an almost 800-acre business park.
- Representing subsidiaries of a publicly traded multinational corporation in several peaker plant projects totaling approximately 1800 MW of new and potential capacity in the Village of Manhattan; Kendall County, and Livingston County, Ill.
- Represented one of the nation's largest industrial park developers in development of multiple premier office, industrial and warehouse business parks including infrastructure and project development, governmental approvals, leasing, and governmental incentives for millions of square feet of new facilities.
- Primary development counsel for multiple regional shopping centers. Secured development approvals and addressed tenant issues for multiple anchors, big box retailers, restaurants, movie theaters, and other retail tenants. Oversaw financial incentives, development approvals, and construction issues related to development and redevelopment of shopping centers.
- Representing a developer in redevelopment of a block and a half of space in downtown Arlington Heights. The transaction included the negotiation of a Tax Increment Financing redevelopment agreement with the Village. Successful representation of our client occurred in the face of significant organized opposition, including petitions by thousands of residents and litigation.
- Representation included preparation of reciprocal easement and operating agreement, Final P.U.D. and Plat approval, street vacation, establishment of joint ventures, the lease of space, and numerous other issues.
- Representing a developer in obtaining approval of an outdoor music venue, including obtaining municipal approvals and addressing regulatory requirements in the face of significant public opposition.
- Representing a leading regional family banking company in obtaining the rezoning

and development approvals for its new bank headquarters in Barrington, Ill. The eventual bank site was initially zoned residential and had residential properties on three sides.

- Representing a financial corporation and federal savings bank in obtaining development approvals, tax credits, and governmental financing for development and governmental approval of multiple residential projects, including conversion and rehabilitation of a hotel in Indiana to a mixed-use seniors center.
- Representing a national energy company as local counsel on an 1100 MW combined cycle facility in Minooka, Ill., on multiple environmental, land use, and related developer approvals, including the first non-riparian water use permit issued in Illinois in 50 years, as well as extensive complex acquisition, easement, construction, and project finance issues.
- Representing a publicly traded energy company as local counsel in connection with the acquisition of a power plant facility and two power plant development sites including land use, environmental, real estate, and finance matters.
- Representing a Fortune 500 publicly traded energy company in peaker plant projects representing approximately 1200 MW of new and potential capacity.
- Representing the developer of a 240 MW wind farm in Illinois, including obtaining all county land use and zoning approvals and addressing real estate easements, title review, and other transactional and construction issues.
- Representing the developer of a 150 MW wind farm in Illinois, including obtaining or addressing county, state and federal requirements and approvals (zoning, developmental, environmental and regulatory), project finance, real estate and construction documentation, title review, and issuance of regulatory legal opinions.