

## PRACTICES

Real Estate

## INDUSTRIES

Energy and Resources
Financial Institutions
Renewable Energy and Storage
Data Centers

## EDUCATION

University of Colorado Law School, J.D., 1998

Columbia College, B.A., 1991

## BAR ADMISSIONS

Colorado
New Mexico
Texas

# Eben Clark

Partner

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**Renewable energy, data center, and telecom developers turn to Eben when land and property rights determine whether a project gets built.**

Eben focuses his practice on the real estate challenges unique to energy and digital infrastructure development. He guides national and international developers of renewable energy, battery storage, data centers, and telecommunications projects through the land acquisition, entitlement, and access issues that determine whether large-scale projects move forward or stall. He structures the leases, licenses, easements, and access agreements that allow clients to place infrastructure where it needs to go.

Clients value Eben’s experience on both sides of the development equation. As former Assistant County Attorney for Routt County, he brings direct, hands-on experience with the permitting and land use processes that can make or break a project timeline. He understands what decision-makers look for, where projects encounter friction, and how to structure and present a project to move it forward efficiently.

His work spans early-stage development for utility-scale solar, wind, battery energy storage systems (BESS), large-scale rooftop solar, and data centers. As demand for data center capacity and the need for co-located renewable energy converge, Eben's combined background in real estate, energy, and technology helps clients move decisively from concept to construction in a market where timing and site control are decisive advantages. His work also extends to the oil and gas sector, where he handles the real estate side of development for major energy companies, including leasing, access rights, and property disputes.

Before joining Holland & Hart, Eben practiced at an AmLaw 100 firm.

## EXPERIENCE

**Real Estate and Construction**

- Negotiating term sheets and purchase and sale agreements
- Covenant drafting
- Infrastructure cost sharing agreements
- Due diligence
- Land use

- Historic renovations/adaptive reuse and in-fill development
- Risk mitigation
- Title insurance
- Project financing
- Building consensus among project stakeholders

**Land Use**

- Conditional use permitting
- Subdivisions and amendments
- Site planning and design reviews
- Rezoning petitions
- Administrative interpretations
- Development agreements
- Community revitalization area plans
- Tax increment incentives
- Representing clients before city councils, county commissions, planning commissions, appeals boards, and community councils

**Energy and Renewable Energy**

- Site control for wind and solar energy generation projects
- Development of hydrogen storage facilities
- Easements and ancillary project agreements
- Conditional use permits and approvals
- Due diligence for acquisitions and sales and back-leveraged, tax equity and construction financing
- Tax increment incentives
- Title insurance policies for utility-scale energy projects

## SPEAKING ENGAGEMENTS

"Land Lease Agreements for Renewable Energy Projects ," *EUCI Utilities Course*, October 4, 2023

## MEMBERSHIPS AND AFFILIATIONS

- American Bar Association, Member
- Colorado Bar Association: Real Estate Section Council, Member, 2012-2015
- Foundation for Natural Resources and Energy Law, Member

## RECOGNITION

- *The Best Lawyers in America*®, Real Estate Law, 2017-2027

## PROFESSIONAL AND CIVIC AFFILIATIONS

- Community College of Aurora Foundation, Board of Directors