

Data Center Services

We understand the complex, technical and operational issues surrounding data centers. They are a central part of business infrastructure, and present a range of real estate, IT, power and environmental challenges that are unique as compared to any other industry or property type. Whether you are engaged in the development, leasing/licensing, financing, purchase or sale of a data center or colocation/hosting facility, navigating the myriad of issues requires attorneys attuned to this quickly evolving space.

Seyfarth is distinctly positioned to bring this experience to owners, investors, lenders, and occupants of data centers. With our practice depth in real estate, technology, finance, energy and data security, we provide clients with a holistic approach to data center transactions. We are one of only a handful of firms to offer a dedicated data center practice, and have a team of attorneys who have their hands on the pulse of this ever-evolving industry.

Our Capabilities

We advise clients on:

✓ Data center leases/licenses (build-to-suit, wholesale and retail), colocation agreements, hosting agreements and service level agreements (SLAs)

✓ Initial planning of data center locations (including multi-country regulatory due diligence)

✓ Acquisition, due diligence, and disposition of data centers, including joint venture agreements

✓ Cloud outsourcing agreements as part of a hybrid solution

✓ Data center operator and vendor agreements

✓ Architect design agreements and construction contracts for the development / construction of data centers

✓ Power purchase agreements and renewable energy contracts

✓ Agreements relating to data center operations including telecommunications, rights-of-way and tax incentives

✓ Financing, including construction, term, mezzanine, and revolving credit lines

✓ Environmental issues unique to data centers

Complementary Practices

As a full-service national firm, Seyfarth's Data Center attorneys are able to draw upon experienced lawyers across a number of critical areas that are key to a successful data center project, including privacy and data security, environmental, technology, tax and intellectual property.

Demonstrated Track Record of Results

- Represent Comcast Corporation on its entire data center portfolio. Recent highlights include a build-to-suit Tier III+ single occupant data center lease (12 MW) with purchase options opposite T5 Data Centers in Hillsboro, Oregon and another national build-to-suit wholesale data center lease (7.8 MW). We have also advised on numerous regional colocation and hosting data center leases and licenses ranging from 1.2 MW to 250 KW.
- Representing one of the largest public/private cloud providers in acquiring and leasing buildings (both existing and build-to-suit) and land across the United States for the development and operation of hyperscale data centers.
- Represented a leading data center developer and operator in the US, UK, Brazil, and Netherlands in buying and financing the development of wholesale and colocation data centers, and placing hyperscale users in those data centers.
- Represented a leading financial institution in a 6 MW build-to-suit wholesale lease in Minneapolis, Minnesota. Also represented a healthcare company in its 2 MW wholesale lease in the same park.
- Represented a private investment firm in a \$279 million acquisition of two data centers and office buildings in Seattle, Washington.
- Represented a private equity firm on separate accounts for pension funds on acquisitions, leasebacks, financings and joint ventures for data center and office buildings.
- Represented a private investment firm in a \$139 million financing of two data centers and office buildings in Seattle, Washington.
- Represented a private investment firm in a \$65 million acquisition of a data center building in Pennsylvania.
- Represented numerous REITs, pension funds, insurance companies, developers and other institutional owners on data centers lease transactions.
- Represented a leading sports apparel company in drafting and negotiating its colocation data center lease and licenses.
- Represented a private equity buyer of a US-based data center platform company and its portfolio of 8 data center properties.
- Represented several sellers of data centers in the US.
- Advising various clients on all related and tangential agreements in connection with data center work, including SLAs, tax abatement and exemption agreements, vendor agreements, indefeasible right of use (IRU) agreements, telco and fiber licenses (long haul ad last mile), master service agreements (MSAs), service orders, hosting agreements, and meet-me-room-related agreements (MMR).
- Represented an IT infrastructure company in the sale-leaseback of a 12 MW Tier III+ data center facility in Elk Grove Village, Illinois.
- Represented a major insurance carrier in the sale-leaseback of a 6MW Tier III data center in Aurora, Illinois.
- Represented Digital Capital Partners in its sale of 6 MW data center located in Chicago to 1547 Data Centers.
- Represented a real estate investment company in a \$100 million sale of data center properties.



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