

Brent E. Butzin

Brent Butzin's practice focuses on the structuring, financing, and delivery of complex projects involving multiple parties. He has experience advising public agencies and project developers in connection with the procurement, construction, financing, and operations and maintenance of a variety of infrastructure and development projects. His past work has involved transportation, real estate, joint development, and value capture projects. Brent's expertise includes advising on the use of public-private partnerships (P3 / PPP) and related alternative project delivery methods, including design-build contracting.

Brent served as general counsel to the High Performance Transportation Enterprise (HPTE), a government-owned business and division of the Colorado Department of Transportation (CDOT) and the office responsible for pursuing public-private partnerships and other innovative means of project finance and delivery. As general counsel, Brent provided legal advice on a broad array of matters, including project procurement and delivery, public-private partnership structuring, intergovernmental agreements, real property transactions, project financings, and ongoing administration. Previously, he advised commercial and residential developers on the organization and structuring of taxing districts, improvement districts, and other special purpose entities to support public infrastructure development.

From 2008 to 2010, Brent worked as a City Management Advisor for the U.S. State Department based in Iraq, where he served as a senior advisor to mayors and district councils on the delivery of infrastructure projects and the development of local governance capacity. Brent is also a licensed Professional Engineer.

Representative Experience

Current P3 Representations

Central 70, Denver, Colorado

Represented CDOT, HPTE, and the Colorado Bridge Enterprise on the procurement of a \$1.2 billion availability payment DBFOM P3 for the reconstruction of I-70 through Denver, acting as the primary commercial and legal contact for the authorities; currently representing CDOT on construction period P3 contract administration issues and claims negotiations

National Western Center "Triangle", Denver, Colorado

Represent the City of Denver's Performance Based Infrastructure (PBI) P3 Office and the Office of the National Western Center on the structuring and procurement of the 62-acre "Triangle" DBFOM P3 project, which will include the construction of a 10,000-seat arena, an expo hall, renovation of



Partner

Denver Office
303.825.7000
bbutzin@kaplankirsch.com

Areas of Practice

Construction
Election Law
Intergovernmental Agreements
Land Use and Zoning
P3 and Project Delivery
Project Development
Public Financing Structures for Infrastructure
Public Procurement
Rail, Transit, Highways, and Infrastructure
Real Estate Development and Transactions

Education

J.D., University of Denver Sturm College of Law, 2008
M.S., University of Colorado, 2005
B.EnvD., University of Colorado, 2003
B.S., University of Colorado, 2003

Bar and Court Admissions

Colorado
United States District Court for the District of Colorado

Resources

P3 Airport Projects: An Introduction for Airport Lawyers (Second Edition)



KAPLAN KIRSCH ROCKWELL

a historic 1909 building into a public market and community center, and significant structured parking assets. The project is likely to be structured as a hybrid availability payment and market rate real estate development revenue-risk P3. The “Triangle” is part of the City’s larger expansion and redevelopment of the National Western Stock Show into a new, 270-acre, state-of-the art multipurpose campus.

O’Hare Express System, City of Chicago and Chicago Infrastructure Trust

Currently representing the City of Chicago and the Chicago Infrastructure Trust on the O’Hare Express System Project to bring express transportation service between Downtown Chicago and O’Hare International Airport. The P3 project scope contemplates that the private partner, The Boring Company, will design, construct, finance, operate, and maintain the project with no City funding provided.

Northwest Water Treatment Facility, City of Wichita

Currently advising the City of Wichita on the procurement of a new water treatment facility through a design-build-operate-maintain project delivery structure, including the negotiation of an EPA WIFIA loan to finance the project

Campus Hotel and Convention Center at University of Colorado Boulder

Advising the Regents of the University of Colorado on the development of an on-campus hotel and conference center through a public-private partnership, including transaction structuring, negotiations with private partners, and development of transaction documentation

Other Current and Recent Representations

Mount Vernon Viaduct Reconstruction, San Bernardino County Transportation Authority

Currently representing SBCTA on the procurement to replace the aging Mount Vernon Viaduct, which spans the largest intermodal rail yard in California’s Inland Empire. The technically challenging project will incorporate P3 risk allocation provisions and other contracting best practices into California design-build contracting. We are advising on the development of this customized document, as well as the overall approach to procurement to ensure technical and financial competition.

Colorado Department of Transportation Headquarters Facilities, Colorado

Advised CDOT on the financing, acquisition, and entitlement of property from the Metropolitan Football Stadium District for the construction of a new state headquarters building, including negotiation of a shared use parking agreement with the Denver Broncos; advised on the disposition of the existing state and regional headquarters properties to the City and County of Denver for a proposed mixed-use affordable housing



KAPLAN KIRSCH ROCKWELL

development

C-470 Express Lanes, Douglas County, Colorado

Represented CDOT and HPTE on the design-build procurement and financing for the 11.2 mile, \$325 million C-470 Express Lanes project, including the issuance of \$157 million in senior toll revenue bonds and a \$104 million TIFIA loan

U.S. 36 Managed Lanes Concession, Boulder, Colorado

Represented HPTE on matters related to the ongoing administration of the U.S. 36 Managed Lanes P3 toll revenue concession

I-70 Mountain Express Lane, Clear Creek County, Colorado

Represented HPTE on matters related to the development and financing of a peak-period-only, shoulder-running, tolled managed lane on the congested I-70 mountain corridor

I-25 North Express Lanes, Colorado

Represented CDOT and HPTE on matters related to the planning, financing, and construction of new managed lanes on several segments on I-25 along Colorado's Front Range, including from U.S. 36 to the E-470 beltway, and from Johnstown to Fort Collins

Other Real Estate Development Representations

- Represented a private developer on the financing and construction of public infrastructure to support a 166-acre, 900,000-square-foot retail and mixed-use residential project
- Represented a private developer on the financing and development of public infrastructure to facilitate the redevelopment of a 77-acre former oil facility into a mixed-use project, including 250,000 square feet of commercial space and up to 900 residential units
- Represented a private developer on the infill redevelopment of a former mall site, including the organization of a special taxing district to finance public infrastructure

Professional and Civic Activities / Awards

- Founding Member, Denver YIMBY (2017–Present)
- Member, Government Counsel Section, Colorado and Denver Bar Association (2013–Present)
- Community Forester, The Park People, Denver Digs Trees Program (2012–Present)
- Lecturer, UC Denver College of Architecture and Planning (2011)
- Rocky Mountain Land Use Institute Award for Excellence in Land Use Law (2008)

Publications



KAPLAN KIRSCH ROCKWELL

Evaluating P3 Airport Projects: An Introduction for Airport
Lawyers (Second Edition)
July 2018

The Effects of Transportation Regulation on the Transborder
Metropolitan Areas of the U.S.-Mexico Border Region: NAFTA
and the Mexican Truck Plan – Where Do We Go From Here?
2007

News

Kaplan Kirsch & Rockwell Hosts 34th Annual Airport Law
Workshop
10.28.18

Counsel Brent Butzin Interviewed on Colorado Transportation
Project Funding
Inframation News
06.04.18

Federal District Court Denies Injunctions, Dismisses Core Claims
Against Central 70 Project
04.04.18

Presentations

Partners Adam Giuliano, Brent Butzin, and Suzanne
Silverman Speak on P3s and Infrastructure Law
04.17.19

Public-Private Partnerships
10.30.18

Diversifying the P3 Project Team
07.20.18

Public-Private Partnerships
03.29.18

Managing P3 Contracts: Contract Disputes on the Ground
September 2017

The Effects of Failed/Bankrupt Subdivisions and How Special
Districts Can Help
September 2013