

# MARK SMITH

PARTNER • DALLAS/FORT WORTH

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469-421-6844



Mark advises and represents Texas governmental entities in a wide variety of areas including real property sales and acquisitions (both by contract and by eminent domain proceedings), land use issues, leasing of real property both as lessor and lessee, and property and commercial related litigation including disputes over land issues and title disputes. Mark's more than 30 years of experience handling these matters for school districts and other governmental entities has given him exposure to all manner of governmental issues related to real property.

In addition, Mark has extensive experience practicing in all areas of business law. Mark has broad experience representing all types of private companies, including corporations, partnerships, and limited liability companies, with their general business governance and commercial matters. As stated above Mark has extensive experience representing public governmental entities but he also represents private companies that desire to do business with governmental entities. Mark has experience in acquisitions, divestitures, securities transactions and other complex business transactions. Specifically, he has significant experience representing both corporate and private equity buyers and sellers in structuring, negotiating, documenting and closing private mergers, acquisitions and dispositions. Finally, Mark has handled every facet of buying, selling, developing, operating, leasing and financing real estate for his private business clients.

## SELECTED CLIENT REPRESENTATIONS

As part of the Dallas ISD 2002 Bond Program, worked on the acquisition of hundreds of parcels of property both by negotiated contracts and through eminent domain proceedings for the construction of 21 new schools, a sports facility and a food service facility; conducted further acquisitions needed for the expansion of existing school campuses; and filed more than 100 condemnation cases as part of this Bond Program. As a part of the Bond Program, helped create a practice protocol with related forms that enable handling the volume of properties involved professionally, with skill and efficiency.

From 2008 to 2014, handled the acquisition of properties by negotiated contracts and through eminent domain proceedings for the construction of 15 new schools and the expansion of existing school sites designated under the Dallas ISD 2008 Bond Program. Through negotiated contracts or eminent domain proceedings, successfully closed on acquisitions of over 140 parcels, all by eventual agreement with the property owner.

From 2015 to 2018, handled the acquisition of properties for the construction of two (2) new schools designated under the Dallas ISD 2015 Bond Program, both by negotiated contracts and through eminent domain proceedings.

In 2016, represented Dallas ISD in a real estate transaction involving its exercise of an option to acquire the \$46M high rise office building located on North Central Expressway, which would become the primary administration building for the District. Since acquired, worked with District staff to manage the high rise building and the commercial tenants assumed upon acquisition of the building.

In 2016, revised and prepared public bid documents used by Dallas ISD in the sale of twenty- three (23) sites no longer needed for school purposes, including the sale of the Dallas ISD's Ross Avenue administration building.

In 2018, represented the Dallas ISD in matters related to the dissolution of the governmental entity known as Dallas County Schools ("DCS") and assisted the District in acquiring on favorable terms three of the four DCS bus service centers and the DCS administration building for use by the District.

## PRACTICE AREAS

Business Transactions  
Construction Law  
General Counsel / Board Counsel  
Litigation  
Real Estate

## EDUCATION

J.D., Southern Methodist University, 1989  
Bachelor of Business Administration, University of Texas at Austin, 1985

## LICENSING & COURT ADMISSIONS

Licensed in the state of Texas  
U.S. District Court for the Northern, Southern, Western and Eastern Districts of Texas

## MEMBERSHIPS & RECOGNITIONS

State Bar of Texas, Business Law, Real Estate Law, and Litigation Law Section  
Dallas Bar Association  
National School Boards Association/Texas Association of School Boards – Council of School Attorneys  
Texas Association of School Administrators

**Thompson  
& Horton** LLP

ATTORNEYS | COUNSELORS

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## **SELECTED CLIENT REPRESENTATIONS (CONTINUED)**

Beginning in 2017, provided condemnation due diligence support services on TXDOT projects for TXDOT Project Management firms.

Currently representing multiple school districts, including large urban school districts, related to land acquisition and construction matters in furtherance of their current capital improvement and bond programs.