

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2014 Legislative Session**

Resolution No. CR-104-2014

Proposed by The Chairman (by request – Planning Board)

Introduced by Council Member Franklin

Co-Sponsors \_\_\_\_\_

Date of Introduction October 28, 2014

**RESOLUTION**

1 A RESOLUTION concerning

2 PILOT Agreement for Keys Energy Center LLC

3 For the purpose of approving the terms and conditions of a negotiated Payment in Lieu of Taxes  
4 (PILOT) Agreement by and between the Maryland-National Capital Park and Planning  
5 Commission (the “Commission”) and Keys Energy Center LLC (the “Company”).

6 WHEREAS, there is a significant need to expand the County’s commercial tax base; and

7 WHEREAS, the Company plans to develop, build and operate the Keys Energy Center  
8 Generating Facility, located on North Keys Road in Brandywine, Prince George’s County, that  
9 upon completion of the project will include a new, nominally rated 735 megawatt electric  
10 generating plant facility (the “Project”); and

11 WHEREAS, the Company has requested that the Commission permit the Company to  
12 make payments in lieu of real and personal property taxes pursuant to Section 18-309 of the  
13 Land Use Article of the Annotated Code of Maryland, as amended (the “Act”) which provides  
14 that the Commission may exempt or partially exempt an owner of an electricity generation  
15 facility from real property and personal property taxes under certain conditions; and

16 WHEREAS, the County Executive has determined that this Project meets the conditions  
17 of Section 18-309 of the Land Use Article of the Annotated Code of Maryland as amended; and

18 WHEREAS, the Company has demonstrated to Prince George’s County, Maryland (the  
19 “County”) and the Commission that an agreement for payment in lieu of real and personal  
20 property taxes is necessary to make the Project economically feasible, which Project is described  
21 in Attachment “A” attached hereto and made a part hereof; and

22 WHEREAS, in order to encourage the expansion of the commercial tax base, it is in the

1 interest of the Commission to accept payments in lieu of real and personal property taxes, subject  
2 to the terms and conditions of the negotiated Payment in Lieu of Taxes Agreement (the  
3 “Agreement”) attached hereto as Attachment “B” and made a part hereof; and

4 WHEREAS, the Act requires that the obligation of the Company to pay the agreed fee in  
5 lieu of taxes be guaranteed. A copy of the negotiated Guaranty is attached hereto as Attachment  
6 “C” and made a part hereof; and

7 WHEREAS, the County Executive has indicated support for the Keys Energy Center  
8 Generating Facility and the “Agreement” by executing an Executive Order dated October 22,  
9 2014, and attached hereto as Attachment “D”; and

10 WHEREAS, the Act requires that the Prince George’s County Planning Board indicates  
11 its affirmative approval of the Agreement by enacting a resolution setting forth said approval;  
12 and

13 WHEREAS, the Act also requires that the County Council for Prince George’s County,  
14 Maryland indicate its affirmative approval of the Agreement by enacting a resolution setting  
15 forth said approval.

16 NOW, THEREFORE BE IT RESOLVED, that in accordance with the Act, the County  
17 Council shall approve Commission’s entering into the payment in lieu of real and personal  
18 property taxes for the Project subject to the Agreement attached to this Resolution.

19 BE IT FURTHER RESOLVED that the Commission, prior to executive and delivery of  
20 the Agreement, may make such changes or modifications to the Agreement as deemed  
21 appropriate by the Commission in order to accomplish the purpose of the transactions authorized  
22 by this Resolution, provided that such changes or modifications shall be within the scope of the  
23 transactions authorized by this Resolution; and the execution of the Agreement by the  
24 Commission, or designee of the Commission, shall be conclusive evidence of the approval of the  
25 Commission of all changes or modifications to the Agreement; and the Agreement shall  
26 thereupon become binding upon the County and the Commission in accordance with the terms  
27 therein.

28 BE IT FURTHER RESOLVED that this Resolution shall become effective as of the date  
29 of its adoption.  
30

Adopted this 28th day of October, 2014.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive