

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Resolution No. CR-043-2022

Proposed by The Chair (by request – County Executive)

Introduced by Council Members Hawkins, Streeter, Turner, Medlock, Glaros, Franklin, Harrison

Co-Sponsors _____

Date of Introduction May 17, 2022

RESOLUTION

1 A RESOLUTION concerning

2 PILOT Agreement for the Carillon Project

3 For the purpose of rescinding the prior Council Resolution CR-092-2019 and for the purpose of
4 approving the terms and conditions of a negotiated Payment in Lieu of Taxes (PILOT)
5 Agreement between Prince George’s County, Maryland (County) and RPAI Capital Centre II,
6 L.L.C., an affiliate of Kite Realty Group Trust, successor to Retail Properties of America, Inc.
7 (Developer) for the different phases of the Carillon Project.

8 WHEREAS, there is a significant need to continue the expansion of the County’s
9 commercial tax base and support transit-oriented development projects; and

10 WHEREAS, the Developer is proposing to develop approximately 49.4 acres of land
11 located at 801 Capital Centre Blvd in Prince George’s County, Maryland, more particularly
12 identified by the tax parcel account identifiers described in “Attachment A” and as shown on the
13 map in “Attachment B” (the “Property”); and

14 WHEREAS, the County Council of Prince George’s County, Maryland (County Council),
15 authorized the Developer to make payments in lieu of County real property taxes pursuant to
16 Section 7-516 of the Tax-Property Article of the Annotated Code of Maryland, as amended (the
17 Act) as evidenced by Council Resolution CR-092-2019; and

18 WHEREAS, the Act, which provides that the County may exempt or partially exempt an
19 economic development project within the meaning of the Act from County real property taxes
20 under certain conditions has been amended to permit the County to enter into multiple payment
21 in lieu of taxes agreements for different phases of the economic development project; and

22 WHEREAS, the Developer has requested that the County Council authorize the Developer

1 to make payments in lieu of County real property taxes for different phases of the economic
2 development project pursuant to the current version of the Act; and

3 WHEREAS, the Developer continues to propose to develop a mixed-use development that
4 will include office, residences, multifamily, retail, restaurant, and structured parking facilities
5 (the “Project”); and

6 WHEREAS, the County plans to provide other certain economic development incentives
7 to the Project to assist with the costs of design, permitting, and construction of certain
8 infrastructure improvements; and

9 WHEREAS, the Act states an economic development project must have a certificate of
10 occupancy issued on or after October 1, 2012; be located on one or more parcels of land, all of
11 which are situated in a designated focus area; and must contain certain facilities that satisfies the
12 minimum criteria for full-time equivalent job opportunities and private capital investment of
13 equity and debt; and

14 WHEREAS, the Developer has demonstrated to the County that the Project constitutes an
15 economic development project within the meaning of the Act because the Project (i) will have a
16 certificate of occupancy issued after October 1, 2012; (ii) is located on one or more parcels of
17 land, all of which are situated in a designated focus area; and (iii) is a mixed-use facility that
18 contains one or more of the facilities described in the Act, at least one of which satisfies the
19 minimum criteria for job opportunities and private capital investment of equity and debt as set
20 forth in the Act; and

21 WHEREAS, pursuant to the Act, the County has conducted an economic analysis of the
22 Project; and

23 WHEREAS, as required by the Act, the Developer has demonstrated to the satisfaction of
24 the County the public benefit that the Project will provide to the County; and

25 WHEREAS, as required by the Act, the Developer has demonstrated to the satisfaction of
26 the County the financial necessity for the exemption authorized by the Act; and

27 WHEREAS, as required by the Act, the Developer has demonstrated to the satisfaction of
28 the County that the private capital to be invested in the Project includes an equity and debt
29 investment that meets the requirements of the Act; and

30 WHEREAS, in order to facilitate the development of the Property, it is in the best interest
31 of the County to accept payments in lieu of County real property taxes, subject to the terms and

1 conditions of the negotiated Payment in Lieu of Taxes Agreement (the “Agreement”) for the
2 multiple phases of the Project; and

3 WHEREAS, in connection with the Project, the County and the Developer will enter into
4 the Agreement for each Phase of the Project located on the Property upon the approval of this
5 Resolution and satisfaction of certain conditions, the form of which is attached hereto as
6 “Attachment C” and made a part hereof; and

7 NOW, THEREFORE, BE IT RESOLVED that the County Council hereby rescinds Council
8 Resolution CR-092-2019 and replace it with this resolution.

9 BE IT FURTHER RESOLVED that in accordance with the Act, the County shall accept
10 payment in lieu of County real property taxes for the phases of the Project to be located on the
11 Property subject to the agreement attached to this Resolution.

12 BE IT FURTHER RESOLVED that the Project may not involve gambling activities.

13 BE IT FURTHER RESOLVED that each the County Executive, Chief Administrative
14 Officer or designee of the County Executive or Chief Administrative Officer (each, an
15 “Authorized Representative”) is hereby authorized to execute and deliver the attached agreement
16 in the name and on behalf of the County in substantially the form attached hereto in addition to
17 any other agreement deemed necessary and commensurate for transaction (the “Agreements”).

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

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

Adopted this 28th day of June, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

EXHIBIT A
TAX PARCEL ACCOUNT IDENTIFIERS
FOR THE PROPERTY

13-3438892

EXHIBIT B
PROPERTY MAP
(see attached)

EXHIBIT C

FORM OF PAYMENT IN LIEU OF TAXES AGREEMENT

(See attached)