Public/Private Partnerships

Related Areas

Business

Given the firm's historic experience in land use, real estate and business financing transactions, our group is a leader in structuring, negotiating and implementing public/private development projects in urban renewal, town center and central business district areas where the viability of new projects is dependent on the State, a county or a municipality providing infrastructure, parking and other public sector improvements.

Our attorneys have created a wide variety of public/private partnerships ("PPP") with the State and local municipalities and governmental agencies. We represent developers in these deals who are providing mixed use public and private components and common infrastructure projects. Given our strong working relationships with local governments, combined with our land use experience, we have been successful in creating practical solutions that address both the private and the public sector goals for each project.

Examples of the different types of PPP's with which the firm has been involved include:

- Creation of ownership structures through commercial condominiums or ground leases to allow for the separate sale and financing of public and private elements in a project
- Formation of special taxing and tax increment financing districts for financing construction of infrastructure
- Business improvement districts for financing local services, including public safety, transportation, marketing and beautification efforts
- Sale/lease-back of capital projects to governmental entities, including parking garages

In representing our clients in the formation of PPP's, we undertake a variety of roles and responsibilities, including:

- Negotiating and drafting development agreements, mixed-use condominium, ground lease and reciprocal easement documents, municipal bond financing documents, and management agreements for publicly owned infrastructure and facilities

Continued

- Preparing authorizing legislation for adoption by governmental entities
- Developing ownership structures, including land condominiums, easements, land swap agreements, and other creative means for shared usage of real property
- Tax planning to achieve optimal objectives
- Structuring credit enhancement vehicles
- Coordination of land use entitlement approvals
- Negotiation and drafting intercreditor agreements and other financing agreements with lenders and other capital providers
- Negotiation of PILOT (Payment-In-Lieu of Tax) agreements