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Development Incentives Quarterly: Fall 2022

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AUTHORED ARTICLE | Fall 2022

In this edition of *Development Incentives Quarterly*, we welcome Matt Samler, senior managing director of Vista Site Selection.

Vista Site Selection, an ancillary business of Vorys, is dedicated to helping companies select the most advantageous and economically viable real estate sites on which to expand existing operations or develop future locations.

In this Q&A, Matt discusses the effect of the U.S. economy, labor market and wage inflation on the site selection process, and how companies can effectively prepare for the future.

Lessons about Incentive Approval Risks from the Recent Rivian Court Decision

On September 29, 2022, Judge Trammell, Chief Judge of the Ocmulgee Superior Courts in Georgia, issued an opinion denying the State of Georgia's request for a judgment validating the bonds and bond documents in support of an economic development incentive for Rivian Horizon, LLC (Rivian) to develop an electric vehicle manufacturing facility (the Project). Reviewing the court's detailed, 33-page decision (the Decision), which we understand the State of Georgia plans to appeal, provides helpful reminders about incentive approval risks from any approval body.

Exploring the Lease Versus Purchase Analysis Model

In this edition of *Development Incentives Quarterly*, we welcome guest author **Jeff Troan**, a managing director of Vista Site Selection.

Stockholders, boards of directors and senior management are showing increasing interest in corporate site selection methodologies and the corporate real estate decisions associated with them. Real estate, or the "physical plant," is often a business entity's third largest cost behind

labor and benefits. Further, labor and benefits are fairly liquid in an economic downturn, while excess real estate can be very illiquid, and it brings with it a significant mothball cost liability, even if it is not being used.

About *Development Incentives Quarterly*: We at Vorys are continually educating ourselves regarding economic development incentives, including tax credit changes and opportunities. We created the *Development Incentives Quarterly* to provide you relevant information that you need in the changing landscape of this area. Our economic development incentives clients include developers, political subdivisions and growing businesses, so you'll see information from a variety of perspectives. That diverse perspective has allowed us to grow to be one of the largest economic development incentives practices in the state of Ohio. As we've grown, we have also expanded our geographic reach and now advise on projects across the country.