



NORFOLK

Office of the City Attorney

February 21, 2020

Charles F. Jacobs, Esq.
Cordish and Cordish
601 East Pratt St., 6th Floor
Baltimore, MD 21202

Re: Waterside District

Dear Mr. Jacobs:

This is to acknowledge your letter dated February 10, 2020, wherein Cordish and Cordish repeats that Norfolk District Associates ("NDA"), the lessee of Waterside, will pursue all remedies at law and equity available to it due to the City agreeing to sell land to a casino developer and to again ask you what NDA proposes.

In the letter you argue that the City is in breach of "a legal obligation to assist NDA to help shape this legislation to locate a casino at Waterside." On January 12, 2020 you made a similar argument. Attached is my January 22, 2020 response asking what you propose to develop at Waterside and what you ask of the City and General Assembly. Rather than responding, you wrote again to say you are going to sue the City. While the City is not legally obligated "to assist NDA to help shape this legislation to locate a casino at Waterside", the City cannot even begin to consider voluntarily assisting NDA without knowing NDA's proposals and asks. If you would like the City to consider your request, I again ask that you let me know what lobbying NDA has done and plans to do at the General Assembly, and how you ask the City to consider assisting you with your lobbying efforts.

Secondly, you argue "nor is the City meeting its legal obligation to negotiate an amendment to the Agreement to permit gaming at Waterside." While you have not informed the City of what legislation you might seek, you acknowledge that gaming is illegal. While the City is not currently legally obligated to negotiate an amendment to the Agreement to permit gaming at Waterside, it does not seem feasible to attempt to agree to an amendment without such gaming being legal.

Notwithstanding, under the proposed casino gaming legislation, NDA would be obligated to make a minimum capital investment of \$250,000,000. While amendment of the Lease is not legally required at this time and appears not feasible, please advise as to whether NDS would agree to a capital investment of at least \$250,000,000 and to

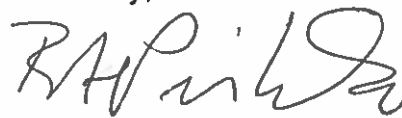
BERNARD A. PISHKO
City Attorney
ADAM D. MELITA
HEATHER A. MULLEN
JACK E. CLOUD
DEREK A MUNGO
TAMELE Y. HOBSON
NADA N. KAWWASS
ANDREW R. FOX
MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
ALEX H. PINCUS
MICHAEL A. BEVERLY
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KATHERINE A. TAYLOR
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provide a separate parking garage to accommodate the casino patrons (as you know, we are opposed to parking on the waterfront) if gaming at the site is legalized and an agreement is reached?

A response to these questions would be appreciated.

Sincerely,



Bernard A. Pishko
City Attorney

BAP:lm

cc: Dr. Larry Filer, City Manager
Michelle G. Foy, Deputy City Attorney
Delphine Carnes, Esq.
The Honorable City Council



NORFOLK

Office of the City Attorney

January 22, 2020

Kevin P. DiGrazia, Esq.
Cordish and Cordish
601 East Pratt St., 6th Floor
Baltimore, MD 21202

Re: Waterside District

Dear Mr. DiGrazia:

This is in response to your January 14, 2020 letter wherein you allege that the City has breached a Deed of Lease and Development Agreement between NRHA and Norfolk District Associates, LLC dated October 31, 2013.

I do not agree with your allegation that the City's "relationship with the Pamunkey Indian Tribe...[is] in violation of the Development Agreement."

Sincerely,

Bernard A. Pishko
City Attorney

BAP:lm

cc: Dr. Larry Filer, City Manager
Michelle G. Foy, Deputy City Attorney
John Kownack, Executive Director, NRHA
Delphine Carnes, Esq.

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