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cc: <bhard@lcor.com>, "Rak, Jonathan P." <jrak@mcguirewoods.com>,
<Jo-Anne.Barnard@USPTO.GOV>, <LRCLINGE@nscorp.com>
Subject: Duke Street Pedestrian Concourse

Attached please find a letter from Bill Hard regarding the Duke Street Pedestrian Concourse.

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City Council Letter 11.11.03

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November 11, 2003

City Council
301 King Street
Alexandria, VA 22314

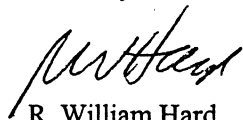
We have received a copy of the November 3, 2003 memorandum to Phil Sunderland from Vice Mayor Pepper and Councilmembers Krupicka and Smedberg. The essence of the memorandum is to request Council action that would prohibit the issuance of Certificates of Occupancy for all but the first two USPTO buildings until the Duke Street pedestrian concourse is completed.

We strenuously object to such a motion by City Council on the following basis:

1. It is wrong to punish LCOR and USPTO for the completion of a project over which we have absolutely no control and for which we bear absolutely no responsibility. LCOR has many obligations for which it is responsible, all of which have been performed to the satisfaction of City Council and City staff. Council made very clear at its last hearing on the subject of the concourse that the delay was not LCOR's fault.
2. The motion pre-supposes that the extensive mitigation measures, upon which Council has rightly insisted, will not work. How can Council arrive at that conclusion before the first USPTO employee has moved in and the first mitigation measure been put in place? In fact, the mitigation study requested by City staff concluded that the various measures that will be implemented will be successful.
3. The City rightfully expects LCOR and USPTO to be good corporate citizens of Alexandria. We have made a concerted and successful effort to work with the Carlyle community on a variety of issues that concern the community. It is only fair that the City make an equal effort to welcome the largest tenant in the City's history. Arbitrarily withholding future Certificates of Occupancy does not send the right message.

We urge you to withhold judgment as to the effectiveness of the mitigation measures until there exists an impact to be measured. We further request that any penalty be applied to the appropriate party, which is not LCOR or USPTO.

Sincerely,



R. William Hard
Executive Vice President

RWH/tt

cc: Phil Sunderland, City Manager
Jo-Anne Barnard, CFO, USPTO