



4900 Seminary Road
Suite 900
Alexandria, VA 22311

Mr. Bruce Johnson
Acting City Manager
City of Alexandria
301 King Street, Suite 3500
Alexandria, Virginia 22314-3211

Dear Mr. Johnson:

On behalf of the US Army Corps of Engineers under Contract No. DACA 31-7-09-0067 for the BRAC 133 project, we are writing to confirm that we will process a payment in the amount of \$1,500,000.00 payable to the City of Alexandria for the purpose of acquiring additional open space in the City's West End. We understand that the payment is to be made subject to the following conditions:

- (1) The money will be used exclusively for the acquisition of land to create additional open space within West End of the City of Alexandria;
- (2) On or before September 30, 2013, the City will provide a written status update as to its acquisition process.
- (3) The City will acquire the land within 48 months from the date of the City's acknowledgement of the acceptance of these conditions;
- (4) On or before the expiration of the referenced 48 month period, the City will evidence that it has used the Army's payment for the express purpose specified herein by providing a copy of an executed purchase agreement or a deed of conveyance which contains appropriate language restricting the use of the property for open space in perpetuity. This documentation shall be sent to (Duke, if on or before 9/30/2013; USACE, if on or after 10/1/13)

Payment will be processed upon receipt of a City invoice, and will be made upon receipt of the funds for this purpose from the US Corps of Engineers. Please indicate your acceptance of these terms indicated below.

Sincerely,

Peter S. Scholz
Senior Vice President

Accepted by:
Name:
Title:

Date: 10-11-11

cc: James Turkel, Contracting Officer, USACE
Mark Jinks, Deputy City Manager, City of Alexandria

APPROVED AS TO FORM

ASSISTANT CITY ATTORNEY