

April 28, 2023

VIA US MAIL and EMAIL to: jmcintyre@msa.law

John D. McIntyre, Esquire
McIntyre, Stein & Ashby, PLLC
101 West Main Street, Suite 920
Norfolk, VA 23510

Re: *City of Virginia Beach v. WC Capital, LLC* (Case No. 2:21-cv-372)

Dear John:

I see no benefit in responding in kind to the aggressive rhetoric contained in your letter dated April 25th. Suffice it to say that I categorically reject the contention that the City has repudiated the Settlement Agreement or engaged in a business conspiracy by advising citizens of the existence of public laws that may have applicability to the concerns they have expressed to representatives of their government.

The City has taken no formal position to date on whether the condition of your client's property constitutes a public nuisance and does not agree that the Settlement Agreement itself creates such a public nuisance. Rather, in the City's communication with the residents of the community, the City simply advised of a provision of law within the Virginia Code that allows private citizens, if they believe a public nuisance exists, to take certain actions to address such condition.

The City considers the Settlement Agreement in this matter to be in full force and effect. Although, the City has not made any determination of whether a public nuisance exists on your client's property, the City reserves its right to take such action as it deems necessary under common law and other relevant provisions of state law and the City Code not included within the scope of the Settlement Agreement.

If you elect to proceed with the threatened court proceedings, we will defend such litigation as necessary. I would request the courtesy of a copy of any correspondence with the court and the opportunity to provide available dates before any hearing is scheduled.

Finally, please be advised that your client's offer to build a fence around the entire perimeter of the property and have the City share in the costs of such a project was communicated to City Council and is hereby rejected. If your client intends to proceed with the construction of this fence, please ensure its compliance with all applicable laws and permitting requirements before commencing construction.

John D. McIntyre, Esquire
RE: City of VB v. WC Capital, LLC
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Very truly yours,



Mark D. Stiles
City Attorney

MDS:ks

cc: Members of City Council
Patrick A. Duhaney, City Manager
Christopher S. Boynton, Deputy City Attorney
Gerald L. Harris, Senior City Attorney