

Adam Burke <burke142@gmail.com>

Woodville Mall

Adam Burke <burke142@gmail.com>
To: ballengerlawbjb@sbcglobal.net

Wed, Oct 23, 2013 at 6:53 PM

Dear Brian:

The following steps are necessary to complete the demolition: (1) acceptable demolition plans prepared by an engineer, (2) posting a bond, and (3) completing the internal gut as part of the larger demolition. Unfortunately, this process has been delayed because the City and contractor have not agreed on the order in which these steps should occur..

Therefore, I propose the following:

First, the owner is paying \$2,000 for a revised engineering estimate on the demolition costs. This will allow for a reduced bond amount.

Second, the owner will post the reduced bond.

Third, the owner will pay the engineer for the rest of the demolition plans. This is contingent on the City's assurance that: (a) he is permitted to continue the internal gut (while the engineer prepares the revised plans), and (b) the plans will not be denied, if they meet the City's specifications.

Please see my last correspondence for details on the internal gut. The owner recognizes that the internal gut requires a bond and the City's approval. However, the internal gut is not subject to the Court order nor to the City's planning requirements, and therefore should be permitted while the plans await preparation and final approval.

All the owner is requesting is that the City permit the demolition to go forward expeditiously on terms that are transparent and protective of his interest in its completion.

Moreover, I do not represent the contractor, but he has expressed an eagerness to litigate this dispute in federal court. I do not share his enthusiasm, because both the City and the parties will lose if this matter is prolonged by months or years of further litigation.

Nevertheless, my client must take all necessary steps to protect his interest in the property. To that end, the plain language of the Court order requires only the submission of a plan on or before September 30, 2013. The order does not require its approval by that time.

Despite the alleged deficiencies in the submitted plan, the owner has complied with the expressed terms of the Court order. Further, he has worked diligently to address the City's specifications in good faith.

I look forward to your favorable response to this proposal.

Should you have any questions or concerns regarding this correspondence, please do not hesitate to contact me.

Sincerely yours,

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