

Adam Burke <[burke142@gmail.com](mailto:burke142@gmail.com)>

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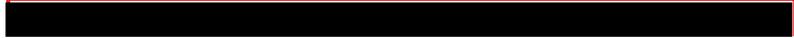
**Woodville Mall -- Revised Abatement Plan**

1 message

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**Adam Burke** <[burke142@gmail.com](mailto:burke142@gmail.com)>

Thu, Nov 14, 2013 at 7:08 PM

To: [ballengerlawbjb@sbcglobal.net](mailto:ballengerlawbjb@sbcglobal.net)Cc: [admin@ci.northwood.oh.us](mailto:admin@ci.northwood.oh.us)  


Dear Mr. Ballenger:

On September 27, 2013, Ohio Plaza Shopping Center, LLC ("the Owner") retained my firm to facilitate the Woodville Mall demolition pursuant to the Wood County, Ohio Court of Common Pleas Judgment Entry of August 8, 2013.

Since that time, in a sincere effort to resolve this matter, I initiated countless communications with the various concerned parties. City Administrator, Bob Anderson, being the foremost among them.

The primary goal of this communication was to resolve the City's concerns with the adequacy of the Owner-contractor abatement plan filed September 26, 2013. I also sought to resolve several additional impediments to the demolition.

October 4, 2013, I placed one of many calls to Bob Anderson suggesting yet another path forward. Mr. Anderson requested additional information regarding an internal gut, and promised to arrange a phone conference to include himself, you and the undersigned the following Monday, October 7, 2013.

Later on October 4, 2013, I emailed Bob Anderson the information he requested.

On the morning of Monday, October 7, 2013, Mr. Anderson left me a voice mail stating that you were unavailable. He said he would call to reschedule the phone conference. He never did. Neither did he ever respond to my emailed correspondence.

On October 23, 2013, I again called Mr. Anderson requesting his response to these matters. His response was that the City now had "a property interest" in the Mall and that the City would complete the demolition.

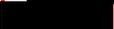
Also On October 23, 2013, I called your office and spoke with you regarding the City's position.

I again offered a number of common sense suggestions for expediting the completion of the project. You stated that you had a meeting with City Counsel the following day (October 24). You requested that I submit my proposal to you in writing.

Later on October 23, 2013, I sent you an email with the proposal you requested. To date, I have not received any response to this emailed correspondence.

Neither have you responded to several subsequent phone calls I have placed with your office in an effort to resolve this matter.

However, several media outlets have reported that the City indeed intends to solicit bids to complete the demolition independently.

You may recall referring a contractor named  to speak with me about either purchasing the mall or alternatively completing the demolition.  purchase offer was contingent on the passage of an

issue that failed on the November 5, 2013 ballot. [REDACTED] contingent offer was therefore withdrawn.

More importantly, [REDACTED] is not able to complete the demolition at this time because the City's bond requirement is not obtainable. The bond is not only wrong from a custom and usage standpoint, but there is no legal basis for it. This is particularly true in light of the \$1.7 million judgement against the Owner if the demolition is not completed.

As you know, the City's bond requirement has been one of the several impediments to completing the demolition which I have tried diligently, though unsuccessfully to resolve with your office and with the City.

As I am sure you are aware, my client has previously contacted an engineer in an effort to resolve the City's objections to the original abatement plans.

However, the Owner was reluctant to pay the engineer's \$20,000 drafting fee given the aforementioned lack of communication and the City's stated intention to disallow the Owner to complete the demolition under any circumstances.

In speaking with Mr. Anderson he has, on various occasions, stated that the plans do not necessarily have to be completed by an engineer.

In a final effort to meet the City's requirements and bring my client in full compliance with the Court's August 8, 2013 Judgment Entry, I am sending you a revised abate plan which amends the Owner-filed plan submitted on September 23, 2013.

I have also carbon copied Mr. Anderson on this correspondence.

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

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## 2 attachments



**Diagram for Woodville Mall Abatement.jpg**  
384K

 **Revised Abatement Plan.rtf**  
8K