



City of Dallas

October 13, 2008

Colby Properties, Inc.
Attn: Cary Rossel, Registered Agent
14911 Quorum Drive
Suite 400
Dallas, Texas 75254
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1298 5141

Colby Properties, Inc.
Attn: Bennett J. Glazer, President
14911 Quorum Drive
Suite 400
Dallas, Texas 75254
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1298 5325

Re: **Block 118, Tracks 2, 4, 5, 6, and 7, Canton to Park and Young (Also known as 508 Park Avenue, Dallas County, City of Dallas, Texas)**

Dear Sirs and/or Madams:

I am writing to express our concern with the condition of the property located at 508 Park Avenue, Dallas, Texas ("Property"). As a person with an ownership interest in the Property, you are responsible for maintaining the Property in a safe and sanitary condition. The Property is in violation of numerous city ordinances, many of which may create health and safety problems to the neighbors and the general public. Ordinance violations existing on the Property are listed below. This letter does not purport to contain a complete list of all of the violations.

If you no longer own the Property, you must execute an affidavit stating that you no longer own the Property and stating the name and last known address of the person who acquired the Property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the Property described in this notice.

Violations of Dallas City Code:

1. There are holes, excavations, sharp protrusions, and other object or condition that exists on the land that are reasonably capable of causing injury to a person in violation of Section 27-11(a)(1);
2. Failure to keep the doors and windows of a vacant structure securely closed to prevent unauthorized entry in violation of Section 27-11(a)(6);

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3. Failure to maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a water-tight and weather-tight condition in violation of Section 27-11(b)(5);
4. There are holes, cracks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings in violation of Section 27-11(b)(9);
5. Failure to repair or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials in violation of Section 27-11(b)(10)(C);
6. Failure to provide and maintain in operating condition a toilet connected to a water source and to a public sewer in each structure intended for human habitation in violation of Section 27-11(c)(2);
7. Failure to connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Dallas Plumbing Code and Dallas Mechanical Code in violation of Section 27-11(c)(6);
8. Electrical circuits and outlets are not maintained to safely carry a load imposed by normal use of appliances and fixtures in violation of Section 27-11(c)(11);
9. Failure to maintain the interior of a structure or vacant portion of a structure free from rubbish and garbage in violation of Section 27-11(d)(3);
10. There are accumulations of litter that are not in authorized private receptacles for collection in violation of Section 7A-18;
11. There are weeds or grass located on the premises that are greater than 12 inches in height in violation of Section 18-13(a)(1);
12. There is a barbwire fence that is less than six feet in height above grade in violation of Section 51A-4.602(a)(8);
13. There is a sidewalk or appurtenance that has become defective in violation of Section 43-63(a);
14. There is an unwholesome premise on the grounds that has become nauseous, foul, offensive or injurious to the public health, or unpleasant and disagreeable to adjacent residents or persons in violation of Section 19-17; and
15. You own and/or operate a vacant building without a valid certificate of registration, in violation of Section 48B-6.

Violations of the Dallas Fire Code:

1. There is an accumulation of combustible waste material creating a fire hazard in a structure in violation of Section 304.1;
2. Required fire-restrictive construction has not been maintained as specified in the Building Code and Fire Code and has not been properly repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed in violation of Section 703.1 of the International Fire Code (formerly 16.1111.1 of the Uniform Fire Code);
3. Failure to provide and maintain a barrier to prevent unauthorized entry to the basement from the exit stairwell in violation of Section 1020.1.5;
4. Failure to post, provide and maintain a sign in each stairwell indicating the floor number, stairwell number, roof access or no roof access and upper and lower terminus in violation of Section 1020.1.6;
5. Failure to provide and maintain illuminated exit signs to an approved condition in violation of Section 1011.2;
6. Failure to service and maintain the fire alarm system in violation of Section 311.2.2;
7. Failure to provide and maintain exit stairwell doors to self close and self latch in violation of Section 703.2.3;
8. Failure to provide and maintain a barrier to prevent unauthorized entry in violation of Section 311.2.1;
9. There are interior stairway means of egress doors that are not openable from both sides without the use of a key or special knowledge in violation of Section 1008.1.8.7;
10. Fire Protection systems, such as a sprinkler system, have not been inspected, tested, or maintained in accordance with maintenance standards in violation of Section 901.6.1; and
11. There are automatic sprinklers with obstructions that will delay activation or obstruct the water distribution pattern in violation of Section 903.3.3.

Copies of the ordinances cited above have been attached to this letter.

Additionally, the City of Dallas is also awaiting an engineering report regarding the structural integrity of the Property. This engineering report may reveal additional violations other than those detailed above.


Please provide proof of the commercial general liability insurance coverage required by Section 48B-16 of the Dallas City Code, within 20 days of receipt of this letter, to the following address:

Jennifer W. DeCurtis
Assistant City Attorney
Dallas City Attorney's Office
1500 Marilla, Suite 7CN
Dallas, Texas 75201

Please also note that a suit may be filed in District Court requesting injunctive relief if you fail to take all actions necessary to remedy the ordinance violations on your property. This suit will ask the court to order repair and additional relief. Also, note that we may seek civil penalties of up to \$1,000 a day for each violation. Remedies may be requested under other law if necessary and appropriate. We may, additionally or in lieu of a civil suit, file class C misdemeanor complaints for all of the violations existing on the Property.

Nothing in this letter should be construed as legal advice to you. Consult your own attorney. **If you have any questions or reasonable offers as to a prompt resolution of all of these matters, I can be reached at 214-671-8085.**

Sincerely,


JENNIFER W. DECURTIS
Assistant City Attorney
Dallas City Attorney's Office

Cc (Without Enclosures): Forest Turner, Interim Director of Code Compliance
Zaida Basora, Building Official
Debra Carlin, Fire Marshall, Dallas Fire Department

ENCLOSURES