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August 7, 2024

SENT VIA EMAIL (dherman@lynchdallas.com)

Mr. Douglas D. Herman
Lynch Dallas PC
526 Second Avenue SE
Cedar Rapids, IA 52401

Re: Leo's Italian Restaurant, Inc. – 27 South Frederick Avenue, Oelwein, Iowa

Dear Doug:

While our previous correspondence has focused on the negligent demolition work performed by Bryan Construction on the building and lot to the south of Leo's Italian Restaurant's ("Leo's") building, this letter concerns the city-owned building to the north of Leo's, located at 27 South Frederick Avenue. We understand from Leo's the north building has been abandoned for some time and is in a serious state of disrepair, which is causing ongoing harm and damage to Leo's building. Leo's is demanding that the City of Oelwein ("the City") reimburse Leo's for the expenses it has incurred and likely will continue to incur to remedy the damage to its building due to water intrusion from the north building and immediately take steps to address the north building's condition to prevent further damage.

The City is in violation of Oelwein Code of Ordinances and needs to immediately remedy this matter. "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare." OELWEIN, IOWA, CODE § 25-34(A). According to the Code of Ordinances, it is unsafe for structures to have "[r]oofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration." The Code of Ordinances also mandates:

1. "Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration." OELWEIN, IOWA, CODE § 25-34(G).
2. "The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure . . ." OELWEIN, IOWA, CODE § 25-34(H).
3. "Every window [and] skylight . . . shall be kept in sound good condition, good repair and weather tight." OELWEIN, IOWA, CODE § 25-34(N).

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The north building complies with none of these provisions. The north building has deteriorated and has become thoroughly exposed to the elements. Holes have developed in the roof and windows are open, allowing water to enter the building when it rains. The state of the building can be seen in the photographs attached to this letter. *See Exhibit 1.*

The intruding water has harmed Leo's. The water runs onto Leo's property and into its basement, events that have been witnessed by several City employees or personnel. Leo's has had to drill holes in the basement of its building in order to allow for water drainage. The intrusion and bore holes can also be seen in the photographs attached to this letter. *See Exhibit 2.* The buildup of water has caused Leo's north stairwell to pull away from its building. The cost to stabilize the stairwell is estimated to be \$10,000 (*see Exhibit 3*) and must be done right away in order to prevent any further damage from occurring. However, this is only an estimate, and further problems may be uncovered upon inspection of the north building, which Leo's and its contractor may need access to in order to conduct said inspection. Leo's anticipates there likely will be other, additional repair work needed now or in the future due to the current and ongoing water damage from the north building.

Through emails with the Dylan Mulfinger, the City Administrator, Leo's understands that the City currently does not have any plans to address the north building, though it has gathered quotes with the intent to bring them to the City Council in either July or August. Given that July has passed, and it does not appear the City Council has taken any steps to address the north building yet, Leo's has serious concerns that this matter will not be adequately addressed this month either. In light of the threat the city-owned north building poses to Leo's—and the public—the City must immediately take steps to redress its concerning condition, either by demolition or extensive repairs to prevent further water intrusion.

The City cannot expect more of its citizens than it is willing to do itself. The state of the north building makes it evident that the City is not complying with its own Code of Ordinances. Please confirm as soon as possible that the City will promptly reimburse Leo's for the damage caused by the water intrusions originating from the north building and specifically identify what timely steps the City intends to take to prevent further damage from occurring, including a description of the work/demolition to be done, the contractor's name, and an approximate date when any demolition work or repair work will be done on the north building

Leo's reserves the right to seek any and all legal remedies available to it to the fullest extent permitted under the law, including, but not limited to, pursuing legal action against the City or any other relevant party to recover Leo's property damages, business losses and other damages arising from this matter.

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We appreciate your prompt attention and response to this matter. If you have any questions, please contact us.

Sincerely,

BRADY PRESTON GRONLUND PC



ANN C. GRONLUND



JARED T. FAVERO

ACG/JTF:cam

Enclosures

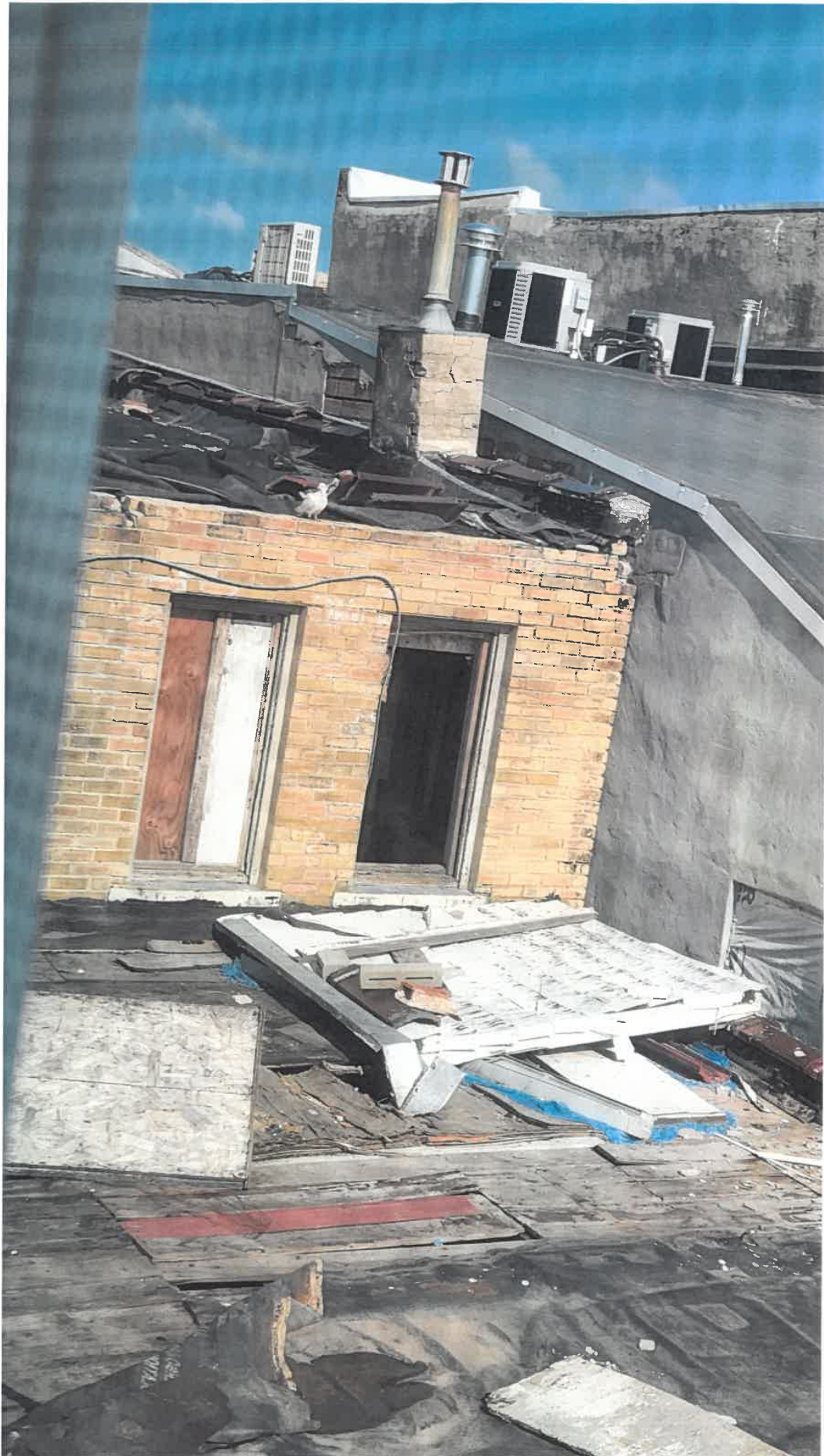


Exhibit 1
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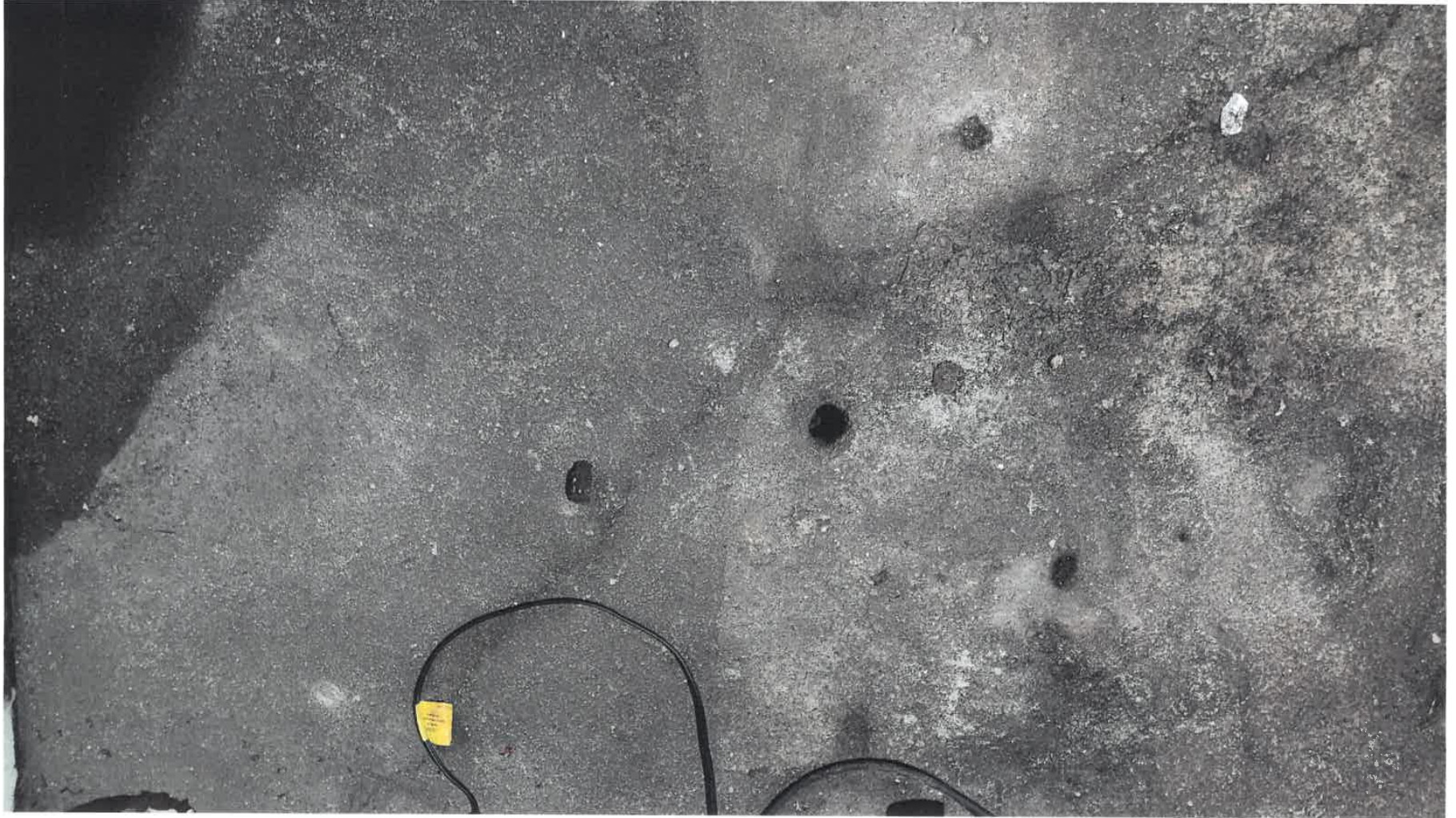












Matt Construction, Inc.

203 Y Avenue
Sumner, IA 50674

Phone: 563-578-8418
Fax: 563-578-5791
email: mattco@iowatelecom.net

Estimate

Date	Estimate #
4/15/2024	2024023

Customer
Leo's Italian Restaurant 29 South Frederick Ave Oelwein, IA 50662

Project Description and Specifications	Amount
Remove front awning and reinstall on the front. Repair crown moulding Value of	5,000.00
North side stair repair stabilization. Some brick repair Value of	10,000.00
Total	\$15,000.00

The above price, specifications and conditions are satisfactory. You are authorized to do the work.

Signature

Date