



**City of Dallas**

November 18, 2022

SJM LT Midtown LP  
c/o Rosemary Papa  
13101 Preston Road, Suite 200  
Dallas, Texas 75240  
***Via CMRRR: 7021 1970 0001 9634 6301***

Billy Don York, Jr.  
Vice President, Property Management and Operations  
13101 Preston Road, Suite 510  
Dallas, Texas 75240  
***Via CMRRR: 7021 1970 0001 9634 6318***  
***Via email:*** [REDACTED]

**Re: Notice of Ordinance Violations at 13131 PRESTON ROAD, DALLAS, TEXAS;  
PART OF LOT 3, BLOCK A/7409, & CITY BLOCK 7014 ACS 4.463 (the  
“Property”) & Expected Abatement Deadlines**

Dear Mr. York, et al:

This letter serves to notify you that the Property is in violation of numerous provisions of the Dallas City Code constituting a substantial danger of injury and/or adverse health impact to other people or property. As detailed below, if you fail to abate the ordinance violations existing on your Property, the City of Dallas (hereinafter “the City”) may file a lawsuit against you and your Property.

**Notification Regarding Presumption of Ownership**

According to the real property records of Dallas County, SJM LT Midtown LP (hereinafter “you” or “your”) owns the real property described in this notice. 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 20<sup>th</sup> 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, even if you do not.

**Notification of Violations of Dallas City Code**

Your Property is in violation of the following provisions of the Dallas City Code:

1. An owner shall maintain his or her premises in operating condition without any holes, excavations, or sharp protrusions, and without any other object or condition that exists on the land and is reasonably capable of causing injury to a person. Section 27-11(c)(1).
2. An owner shall keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry. Section 27-11(c)(6).
3. An owner shall maintain structural members free from deterioration so that they are capable of safely supporting imposed dead and live loads. Section 27-11(d)(1).
4. An owner shall maintain building and structural materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric plastic, vinyl, masonry, ceramic, plastic, brick, rock, stucco, slate, concrete, asphalt, tin, copper, steel, iron aluminum, and other materials in operating condition. Section 27-11(d)(2).
5. An owner shall maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions. Section 27-11(d)(3)(A).
6. An owner shall repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials. Section 27-11(d)(17)(C).
7. An owner, occupant, or person in control of private premises commits an offense if he places, deposits, or throws; permits to accumulate; or permits or causes to be placed, deposited, or thrown, solid waste material on those premises in a manner or location that is in violation of this article. Section 18-12(b).
8. An owner shall not permit weeds or grass located on the premises to grow to a height greater than 12 inches. Section 18-13(a)(1).
9. An owner shall not deposit, cause to be deposited, or permit to accumulate any dry or wet solid waste upon any public or private premises within the city in such a manner as to emit noxious or offensive odors or to become unsanitary or injurious to public health or safety. Section 18-50.
10. An owner shall obtain a permit from the building official before erecting, constructing, enlarging, adding to, altering, repairing, replacing, moving, improving, removing, installing, converting, demolishing, equipping, using, occupying, or maintaining a structure or building service equipment; excavating or maintaining an excavation; paving or grading on a property; causing such work or activity described above to be done. Section 52-301.1.1.

Pursuant to Chapter 54 of the Texas Local Government Code, the City may bring a civil action for the enforcement of its ordinances. The City may obtain against the owner or owner's representative with control over the premises an injunction that: (1) prohibits specific conduct that violates the ordinance; and (2) requires specific conduct that is necessary for compliance with the ordinance, including requiring you to make repairs within a court-imposed timeframe. If you fail to take action necessary for compliance with the ordinances cited above, the City may recover a civil penalty of up to \$1,000 per day for each violation of the ordinances cited above.

**Required Notice of Abatement of High Weeds/Litter**

The Dallas City Code requires only one notice of violation for weeds, litter, solid waste, vegetation, illegally placed garbage and water conservation to be issued per twelve-month period. This is the only notice you will receive for the next twelve months relating to the above-described violations at this address. If you commit another violation of the same kind and nature that poses a danger to the public health and safety on or before the first anniversary date of this date of this notice, then the City may, without further notice, correct the violation at your expense, place a lien against your property and issue a citation.

**Necessary Action to be Taken**

To prevent the necessity of litigation, this letter shall confirm that the City expects you to perform the following at the Property within the below timelines:

- a. Effective immediately, to be inspected regularly: Keep the doors and windows securely closed to prevent unauthorized entry.
- b. By December 1, 2022 begin asbestos abatement, to be inspected on December 7, 2022.
- c. By January 1, 2023 obtain all necessary permits and begin demolition of the structure, to be inspected on January 3, 2023, and every 30 days thereafter until completion of the demolition.
- d. By June 1, 2023 complete the demolition and have the site clean, to be inspected on June 5, 2023.

All violations must be abated in a workmanlike manner, in accordance with all applicable federal, state, and local laws, and regulations, including the construction codes.

If you fail to complete the demolition, or there is an unreasonable delay in progress, the City is prepared to escalate enforcement by filing a lawsuit pursuant to Chapter 54 of the Texas Local Government Code.

Nothing in this letter should be construed as legal advice to you. You may consult your own attorney.

Sincerely,

*Charlotta S. Riley*

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Charlotta S. Riley  
Assistant City Attorney  
Dallas City Attorney's Office