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July 25, 2016

Ms. Debbie L. Davis-Reaves
Corry Davis Marketing, Inc.
542 E. Dallas Street
Canton, Texas 75103

VIA REGULAR MAIL AND
CERTIFIED MAIL 7015 0920 0002 1599 7863
RETURN RECEIPT REQUESTED

Re: Q.C. Nugent Survey, Abstract No. 618, and D. Towns Survey, Abstract No. 845,
and generally located at 542 E. Dallas, City of Canton, Texas, and commonly
referred to as Old Mill Marketplace and The Mountain

Dear Ms. Davis-Reaves:

As you know from my prior letter of June 22, 2016, I am the City Attorney for the City of Canton, Texas (hereinafter referred to as the "City") and am writing to you in your capacity as a representative of Corry Davis Marketing, Inc., owner of the real property generally located in the Q.C. Nugent Survey, Abstract No. 618, and D. Towns Survey, Abstract No. 845, and generally located at 542 E. Dallas, City of Canton, Texas and commonly referred to as "Old Mill Marketplace," and/or "The Mountain" (hereinafter referred to as the "Property,") regarding matters considered at the July 19th City Council meeting.

The protection of public health and safety is of paramount importance to the City Council, and is one of the most important functions of municipal government. Within the past three year period, there have been at least three significant fires that originated on the Property, in November 2013, October 2015, and May 2016. Each of these fires required City first responders to deploy to the Property on an emergency basis. Reports of damage to structures on the Property in local and area media indicated that over 20 buildings were affected by the November 2013 fire, that over 60 buildings were damaged or destroyed by the October 2015 fire, and that at least six buildings were damaged by the most recent fire. At least two of the fires were reported to have originated in the late night/early morning hours. The pattern of three major fires occurring within a three-year period, the massive loss of property, the required emergency response by the City to these fires, and the ongoing operations on the Property¹ pose an extremely serious threat to the public health and safety of the Canton community at large, as

¹ As detailed in previous discussions with City staff and my June 22, 2016 letter, the City is aware that there are numerous structures on the Property that may not be in compliance with current City ordinances, including the City Zoning Ordinance and the various International Model Codes adopted by the City. Due to the record of past fires, the Bed & Breakfast uses currently taking place on the Property are of particular concern to the City. In particular, the FMB zoning on the Property imposes the duty to secure an SUP for any B&B use; however, the City is not aware of any facility on the Property that currently has an approved SUP. Moreover, issuance of any SUP is subject to compliance with all applicable safety, fire and building regulations. Given the Property's current inadequate fire protection situation, it is reasonable to conclude that any SUP applicant would be hard pressed to demonstrate compliance with the International Fire Code (2006 ed.) as adopted by the City.

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well as to the City's first responders and the owners, occupants, patrons, and guests of facilities located on the Property.

Representatives of the City have met with you on at least two occasions to discuss these matters. On May 19, 2016, you told the City Manager and Code Enforcement staff that the entire area affected by the May 2016 fire would be cleared of trash and metal debris, graded, and raked to an appearance acceptable by the City no later than July 27, 2016.

On June 30, 2016, the City again met with you and asked you to address some of the most serious public health and safety concerns on the Property:

1. **Street Signs**. The City requested that all streets located on the Property be given names and be designated with stand-alone signs, which are (a) easily identifiable and legible to first responders; (b) properly illuminated so as to be legible after dark; and (c) free of advertising or other non-essential information which may impair emergency responders;
2. **Address Numbers**. The City requested that all buildings on the Property have an address that is prominently posted on the front of the building in minimum 4" high, contrasting background type and which can be easily seen from the street.
3. **Street Lighting**. The City requested that all streets have adequate and approved lighting; and
4. **Fire Access and Adequate Fire Protection**. The City requested that you submit a detailed plan designating fire access from two separate access points, and that you install sufficient fire hydrants and water supply infrastructure to provide a minimum level of fire protection to the Property that complies with the International Fire Code (2006 ed.) as adopted by the City.

These requests were not arbitrarily set by the City, but were instead intended to provide a bare minimum level of fire protection and safety for the citizens of the City, the operators of businesses on the Property, the City's first responders, and patrons, client, and customers of the Property who expect a safe environment to shop and stay in. The requirements are also derived in large part from the International Fire Code (2006 ed.), as adopted by the City. For example, minimum fire apparatus roads are mandated by Section 503.1.1 of the IFC; street signs and premises (address) identification by Section 505.1 and 505.2 of the IFC and fire hydrant and water supply requirements by Section 508.1 of the IFC.

To date, however, there has been no indication that the Property has been brought into compliance with the IFC or that any of the items above have been addressed. In light of these facts and in consideration of the extreme danger of fire on the Property as demonstrated by the three previous incidents, the City has no choice but to require you **to provide proof of: (1) completion of the clean-up discussed on May 19, 2016 by the July 27, 2016 deadline and (2) completion of the four enumerated items above, as well as allowing for 24-hour access to**

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the Property for emergency fire and police responses to all entrances to the Property, to the City prior to the City Council meeting on August 16, 2016² Please be further advised that failure to bring the Property into compliance by August 16, 2016 will result in the City taking emergency administrative action to alleviate the threat to public health and safety posed by the current conditions on the Property, which may include: (1) issuance of citations for violations of municipal and zoning ordinances with maximum penalties up to \$2,000 per day per violation; (2) filing of a legal action seeking a temporary restraining order and seeking declaratory and other relief; (3) administrative actions by the City's fire code official including designation of all or part of the Property as a "clear and inimical threat to human life, safety, or health," and the exclusion of occupants from structures on the property deemed to pose unsafe conditions, under authority of Chapter 110 of the IFC; and (4) such other and further actions as the City may be authorized to perform by state law or local ordinance to address the unsafe conditions on the Property.

We look forward to your prompt response and hope that you will take immediate action to bring the Property into compliance with the City of Canton's fire safety codes and regulations. Should you have any questions regarding this matter, please contact the City of Canton, Texas, at (903) 567-1841.

Very truly yours,


Jeffrey L. Moore
Attorney at Law

JLM:pk

cc: Mr. Lonny Cluck
City of Canton, Texas
P.O. Box 245
Canton, Texas 75103-0245

Mr. David Ritter, Assistant City Attorney

² Currently, one entrance to the Property is frequently locked, with no lock-box or other alternative for emergency access as required by applicable codes and ordinances.