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Planning & Urban Development Department
Gregory A. Mitchell, Acting Director

Inspections Division
Tammy M. Munson, Director

January 12, 2012

MH Realty LLC
818 Congress Street
Portland, Maine 04102

RE: 828-848 Congress Street
1-5 Ellsworth Street
CBL: 53-F-1 TO 5

Certified Receipt #7010 1870 0002 8136 5571

Dear MH Realty LLC:

On December 29, 2011, Philip DiPierro, Site Inspector, conducted an evaluation of your property at 832 Congress Street (the "Property"). The inspection revealed that the retaining wall located on the Property along Congress Street is showing signs of failure, appears to be structurally unsound, may collapse, and therefore poses a safety hazard to the general public and pedestrians as they use the sidewalk along you frontage.

Pursuant to the International Existing Building Code 2009 ("IEBC") Section 202, any structure with any of the following characteristics shall be deemed a "dangerous":

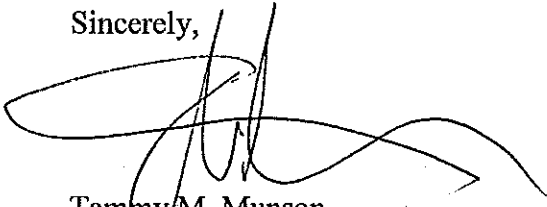
- 1. The building or structure has collapsed, partially collapsed, moved off its foundation or lacks the support of ground necessary to support it.*
- 2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under service loads.*

The structure in question falls within the above IEBC definition and is therefore a "dangerous structure". It is hereby ordered that the retaining wall be made structurally sound. See City Code §§ 6-16; IEBC at § 115.1. Please contact me on or before **January 17, 2012** in order to obtain the necessary permit(s), including, but not limited to, a building permit to address this dangerous structure.

This is your final opportunity to correct this violation. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel's office for immediate action and pursuit of all available legal remedies under the City Code and 17 M.R.S.A. §§ 2851-2859 including, but not limited to, attorney's fees and civil penalties as provided for in 30-A M.R.S.A. § 4452 and §§ 1-15 and 6-1 of the City Code.

This constitutes an appealable decision pursuant to section 6-20 of the City of Portland Code of Ordinances. Please be advised that the Portland City Council has amended the City Code to include a \$75.00 re-inspection fee. If there are any subsequent inspections, the \$75.00 fee will be assessed for each inspection.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tammy M. Munson', with a large, sweeping flourish extending to the left.

Tammy M. Munson
Director of Inspections

cc: Greg Mitchell, Acting Director of the Planning & Urban Development Department
Danielle West-Chuhta, Associate Corporation Counsel
Philip DiPiero, Development Review Coordinator