

December 14, 2006

Robert Triozzi
Director, Cleveland Department of Law
601 Lakeside, Room 106
Cleveland, Ohio

RE: Historic Coast Guard Station Minimal Repair - Request for a Writ of Mandamus

Dear Director Triozzi:

Pursuant to section 90 of the Cleveland City Charter ("Taxpayer's Suit"), I request that you apply for a writ of mandamus (section 89 of the Charter) to force the Cleveland Division of Building and Housing to comply with a mandatory duty set forth in subsection 161.09(F) of the Cleveland codified ordinances. Section 161.09 of the codified ordinances mandates owners and operators of Landmark properties to comply with "Minimum Maintenance Requirements." The city of Cleveland owns the historic Cleveland Harbor Coast Guard Station designated as a Cleveland Landmark (Ordinance 2153-03) and listed on the National Register of Historic Places.

The city of Cleveland is clearly in violation of this section of the codified ordinances. The violations are documented in an inspection report by the Division of Building and Housing. The deplorable conditions are also documented in *A Strategic plan for the Restoration of the former United States Coast Guard Station* prepared by City Architecture dated March 31, 2006.

Subsection 161.09(F) states, "It shall be the duty of the Division of Building and Housing to enforce this section." This subsection imposes a mandatory duty which is enforceable by a writ of mandamus. Therefore, I request the Director of Law to apply to a court of competent jurisdiction for a writ of mandamus to compel the performance and to comply with a mandatory and non-discretionary duty of the Division of Building and Housing. If you do not apply for a writ of mandamus, I will be forced to file a taxpayer's action. Please reply immediately in writing, on how the city of Cleveland will proceed with my request to the Director of Law to apply for a writ of mandamus.

On November 14, 2002, I requested the Cleveland Landmarks Commission to notify the Commissioner of the Division of Building and Housing to take action against the prior owner for violations of Section 161.09- Minimum Maintenance Requirements. It has been four years since my initial request and three years since the city of Cleveland has acquired our most prominent maritime Cleveland Landmark, which is located where our American Heritage River meets our Great Lake. The deplorable condition of the historic Cleveland Harbor Coast Guard Station is completely unacceptable and the continued demolition by neglect will no longer be tolerated.

Respectfully submitted,

Edward J. Hauser
11125 Lake Avenue #402
Cleveland, Ohio 44102

cc: Interested Citizens, Organizations, Media Contacts and Public Officials