

February 26, 2019

VIA: Email - Eric.Hagberg@pecga.com

Palmer Engineering Company
Attn: Eric Hagberg, P.E.
3585 Habersham at Northlake, Building N
Tucker, GA 30084

Re: Piedmont Park Community Center Sinkhole

Dear Mr. Hagberg:

I am a member of Be Our Guest Investments, LLC, a tenant at the Piedmont Park Community Center building.

As you know, a sinkhole was discovered under the Community Center Building in Piedmont Park where we plan to put an additional restaurant. After waiting for Conservancy action, the sinkhole expanded, and based on the recommendations of our contractors and geotechnical engineer, we were forced to back away from the site and cannot continue the project because of legitimate safety concerns.

In due course, we had to give our lender truthful information about the sinkhole to explain the lack of progress on the site. Regrettably, but understandably, our lender has taken a cautious stance and put funding on hold until the cause of the sinkhole is known, and the building is deemed safe to occupy.

Our insurance company has taken the same position. They cannot support moving forward until we have confirmation the site is safe.

Piedmont Geotechnical outlined several steps it says are essential to determine the cause of the sinkhole, and whether the building can ultimately be considered structurally sound. (SEE ATTACHED). I have also attached letters from JM Williams, our contractor, and Atlantic Capital, our lender, with their expressed concerns. In short, a complete geotechnical study on the cause and effect of the situation is needed and we have communicated that message very clearly to the Conservancy.

Although we repeatedly requested copies of all reports related to the Piedmont Park Community Center sinkhole repairs since the void was filled with grout, the Conservancy only last week provided your attached November 15, 2018 document. The Conservancy appears to be asking us to rely on this newly produced letter, and on Palmer, to move forward.

After having reviewed the report, and noting Palmer has assumed the role as engineer of record, I am seeking answers to the following questions with the expressed hope of resolving this issue with paramount concern for human safety at the site now and in the future:

- Did you or a geotechnical expert review the actual repair in progress, if so, please describe the process?
- Did an engineer design or approve the actual repair, if so, please identify the engineer, and are any plans or reports available to review?
- How did the methods the contractor used to excavate the hole and remove the slab on grade differ from your recommendations dated September 18, 2018 and those contained in the M2 Structural report dated July 25, 2018?
- Upon what reports did you rely to determine the methods the contractor used were sufficient? Please provide a copy of the same.
- What makes the actions of the contractor “reasonable, thorough and an acceptable alternative”? Specifically, again, what reports did you use to make this determination?
- What was the cause of the sinkhole? Is the sewer line the only possible cause or are there others?
- Did you or anyone perform testing to determine the sinkhole in question is isolated and that no other sinkholes or voids exist on the property? What were those tests, and can you please provide a copy or copies of the same?
- Into what void is the water and soil running, if not into the sewer line?
- Who recommended the flowable cellular fill as an appropriate repair and have they warranted against additional soil compromise under the building or agreed to indemnify for damages suffered as a result thereof? Can you please provide us a copy of that report?
- Why was the building constructed/remodeled with a double slab flooring?
- Were you aware of any sinkholes on the property during the renovation of the property in 2000? If so, how many did you identify and how were they addressed?
- In your report you state, “Based on the methods, sequence, and current conditions observed on site, we believe the building structure to be stable and structurally adequate”. Specifically, to what are you referring and upon what reports are you relying to make this statement?

- As engineer of record, are you willing to provide letters to our lender and insurer of reliance and warrant that the soil is sound and not at risk due to the sinkhole; that the building is stable and structurally adequate and the property free of sinkholes, and are you willing to indemnify all tenants and users of the property for damages sustained for any breach of such warranty?
- If the city of Atlanta investigation failed to identify a sewer leak as the cause of the sinkhole, what caused the sinkhole and has the cause been remedied to ensure there will be no new sinkhole(s) or expansion of the existing sinkhole?
- In your report you state, “We believe the repair completed thus far is adequate to prevent further soil erosion that could result in under-slab voids like the one repaired, for the foreseeable future use of the building. However, soil conditions can be hidden as is the nature of soil. We have no reason to believe there are other sources of active soil erosion or possible alternate pathways.” How did you measure the sinkhole, so you can determine if additional erosion occurs or has occurred?
- What tests are available to help identify the existence of active soil erosion or sinkholes and have any of those tests been activated at the property?
- You state in your report that, “There are no other signs of significant soil erosion under-slab voids other than the void that has been repaired.” Please describe any tests performed to verify those conclusions.
- You state in your report, “There is no distress in the building structure or finishes that one might associate with soil settlement.” Have you performed any soil tests to confirm this statement?
- As a structural engineer, what qualifies you to render opinions based on soil conditions under the building? Did you consult with a geotechnical engineer in rendering your opinion?

Again, I have also included reports and letters prepared by Piedmont Geotechnical Consultants, LLC, JM Williams Contractors and Atlantic Capital which contain their observations and concerns subsequent to the sinkhole fill. Please feel free to comment on their observations and concerns.

I look forward to a prompt response.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Duley", with a long horizontal flourish extending to the right.

David Duley

enclosures

CC: John Norton, JM Williams
Baku Patel, Palmer Engineering
Katherine Drolett, Be Our Guest Investments, LLC