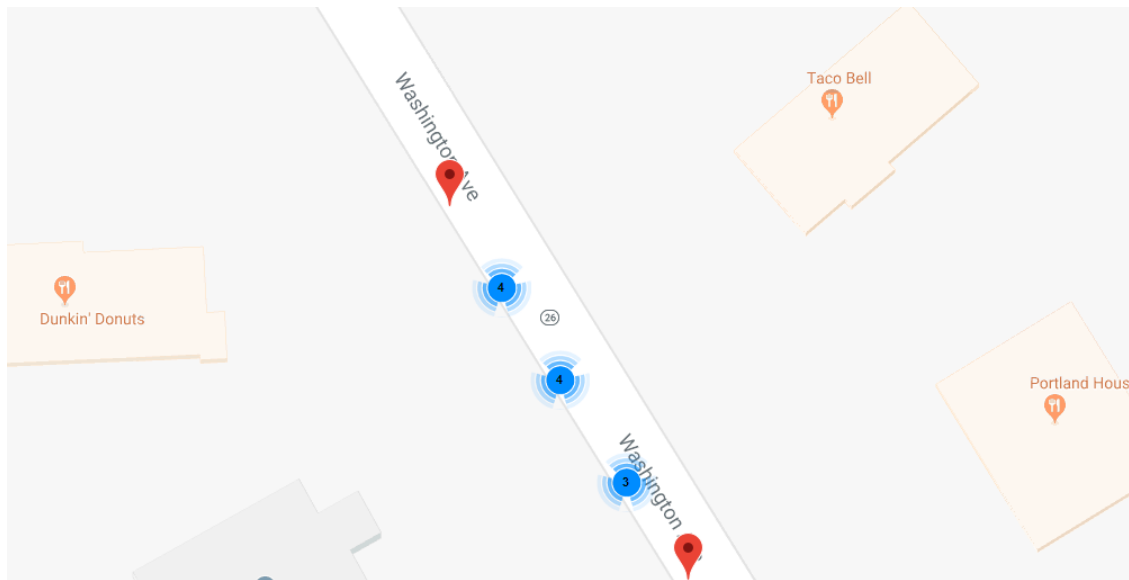

Re: FW: Taco Bell - Portland, ME - RETURN OF CASH DEPOSIT

1 message

James Dealaman <jdealaman@portlandmaine.gov> Wed, May 30, 2018 at 11:40 AM
Cc: Stuart O'Brien <sgo@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>, Jean Fraser <jf@portlandmaine.gov>

Just for some context about the crashes in the area, since the C/O, you're looking at around 12 accidents mostly having to do with intersection movement, though some sideswipe as well. I've added this site to the inspections list, and will add the note about the unmet conditions.



On Wed, May 30, 2018 at 11:00 AM, Jean Fraser <jf@portlandmaine.gov> wrote:

Jimmy

They have not met the conditions of approval (1 & 2 - see attached and discussion below) and I drove by there recently and could see they have not completed the landscaping (but I did not do an "inspection").

Conditions 1 and 2:

During the review Tom Errico had encouraged them to investigate a joint access with the next door Rite Aid access drive. They claimed at that time that Rite Aid weren't interested, but that Rite Aid is now closing (Walgreens are closing it as there's a Walgreens across the street).

The concern was that the drive through at that location was a safety issue and they were required to provide monitoring info re crashes etc with a view to making it right in/right out if there was a problem. This needs to be followed up in some way before returning the defect guarantee (which in any case should not be returned until the site work is complete).

So - subject to Barbara and Tuck's agreement, it needs a site inspection and a request to Kyle to clarify how they are addressing the conditions of approval.

Thanks
Jean

On Tue, May 29, 2018 at 3:09 PM, James Dealaman
<jdealaman@portlandmaine.gov> wrote:

Final Inspection for 1363 Washington (Taco Bell) has been requested for release of the Defect Guarantee. I've added to our list.

Bill, have you received as-builts for 1363 Washington?

----- Forwarded message -----

From: **Gibson, Kyle** <Kyle.Gibson@guggenheimpartners.com>

Date: Tue, May 29, 2018 at 2:06 PM

Subject: FW: Taco Bell - Portland, ME - RETURN OF CASH DEPOSIT

To: "jdealaman@portlandmaine.gov" <jdealaman@portlandmaine.gov>

James,

Just following up again on the remaining balance.

Kyle

Kyle R. Gibson, CDP

Vice President of Development and Construction

Guggenheim Partners, LLC

Guggenheim Retail Real Estate Partners, Inc.

3000 Internet Blvd. Suite 570

Frisco, TX 75034

214 872 4009 Office

972.979.4524 Mobile

Kyle.Gibson@GuggenheimPartners.com

www.guggenheimpartners.com/retailrealestate

From: James Dealaman [<mailto:jdealaman@portlandmaine.gov>]

Sent: Tuesday, June 13, 2017 9:49 AM

To: Gibson, Kyle <Kyle.Gibson@guggenheimpartners.com>

Cc: Philip DiPierro <pd@portlandmaine.gov>

Subject: Re: Taco Bell - Portland, ME - RETURN OF CASH DEPOSIT

The check issued will be for \$78,101.10. The remaining balance that the City must hold is \$8,677.90. This acts as the 1-year Defect Guarantee to ensure the workmanship and durability of all materials used the construction. You can request this release May 18, 2018.

Happy to help, thank you for your understanding.

Jimmy

--

James Dealaman, Administrative Officer

Planning and Urban Development Department

City Hall, [389 Congress Street, 4th Floor](#)

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On Tue, Jun 13, 2017 at 10:32 AM, Gibson, Kyle
<Kyle.Gibson@guggenheimpartners.com> wrote:

Thanks for the update.

I stopped in last Thursday afternoon but you were in a meeting.

Will they be refund the entire deposit or is some of it retained for a period of time?

Thanks again for your help.

Kyle

From: James Dealaman [mailto:jdealaman@portlandmaine.gov]
Sent: Tuesday, June 13, 2017 8:03 AM
To: Gibson, Kyle <Kyle.Gibson@guggenheimpartners.com>
Cc: Philip DiPierro <pd@portlandmaine.gov>
Subject: Re: Taco Bell - Portland, ME - RETURN OF CASH DEPOSIT

Hi Kyle,

I've looked into the situation and discovered that although our department approved the reduction May 18 and sent to our Finance department, there apparently was an administrative issue with the process and somehow the check wasn't included in the letter that was sent to you. Apologies for the delay and thank you for bringing this to our attention. I've requested the immediate issuance of a new check and I expect this to be going out in today's mail.

Also, if you hadn't received the letter stating the reduction that we sent, please let me know immediately. Below is the address that we have on file:

Guggenheim Development Services, LLC

As authorized agent on behalf of

Guggenheim Retail Real Estate Partners, Inc.

[3000 Internet Blvd., Suite 570](#)

[Frisco, TX 75034](#)

Again, very sorry for the delay. Please let me know if you don't receive by the end of the week.

Jimmy

--

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----- Forwarded message -----

From: **Gibson, Kyle** <Kyle.Gibson@guggenheimpartners.com>

Date: Mon, Jun 12, 2017 at 3:46 PM

Subject: RE: Taco Bell - Portland, ME - RETURN OF CASH DEPOSIT

To: Philip DiPierro <pd@portlandmaine.gov>

Philip,

All construction has been completed, inspected and approved on the new Taco Bell at [1363 Washington Ave.](#)

What do we need to do to get the cash bond released and returned to us?

Please let me know what the process is to get our deposited funds back.

Thanks,

Kyle R. Gibson, CDP

Vice President of Development and Construction

Guggenheim Partners, LLC

Guggenheim Retail Real Estate Partners, Inc.

3000 Internet Blvd. Suite 570

Frisco, TX 75034

214 872 4009 Office

972.979.4524 Mobile

Kyle.Gibson@GuggenheimPartners.com

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--

*Jean Fraser, Planner
City of Portland
874 8728*

--

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