



Michael A. Kelly, Esq.
mkelly@ksrplaw.com

June 28, 2019

Planning Board
City of New Bedford Massachusetts
133 Willian Street
New Bedford, MA 02740

RE: Whalers Place – Release of Cash Surety

To The Honorable Members Of The Planning Board:

Please be advised that the undersigned has been retained by Medeira Ventures, Inc., as developer of the above referenced subdivision located in the city of New Bedford, Massachusetts. This subdivision consists of only one street known as Ambergris Lane. It is a new ten (10) lot subdivision, which involves the construction of this new road (Ambergris Lane). All of the lots have been built upon and sold to the homeowners. Many of these homes were built and sold more than a few years ago. The road and all of the infrastructure is now 100% complete and has been for at least the last few years. My client's engineering firm, Prime Engineering, worked with the engineers to develop an as-built plan and submission for street acceptance regarding Amber Gris Lane. Those plans are complete and have been complete for many years. Despite due diligence by my client, the city has refused to put this matter down for street acceptance approval and the release of the cash surety related thereto. My client is entitled to a full return of the cash surety which is approximately \$40,000, less the sum of \$8,000 which the developer agreed to place in a maintenance fund for the subdivision.

The City of New Bedford is duty bound to release this cash surety as the work has been completed. Please consider the correspondence a formal demand to the New Bedford Planning Board that the matter addressed herein be set and scheduled for hearing before the Planning Board at the next regular meeting. Please feel free to contact me if you have any questions, comment, or concerns.

Sincerely,


Michael A. Kelly, Esq.

PLANNING
JUL 01 2019
DEPARTMENT