

**Strommen, James M.**

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**From:** Heine, Corrine A.

**Sent:** Wednesday, October 27, 2010 3:27 PM

**To:** Strommen, James M.

Move to authorize the chairperson and executive director to negotiate and approve a contract with URS for a Phase II investigation and report on the property at \_\_\_\_\_ Sibley Memorial Highway, on the condition that the contract does not exceed a cost of \$\_\_\_\_\_.

Move to authorize the chairperson and executive director to negotiate a purchase agreement addendum to allow entry to conduct the Phase II.

Move to authorize the chairperson and executive director waive the environmental contingency in the purchase agreement with Michael and Steven Adelman for the purchase of the property at \_\_\_\_\_ Sibley Memorial Highway, on the condition that the Adelmans remove at their expense (or reimburse the MVTA for the expense of removing) all debris and personal property from the site and on such other terms and conditions as the chairperson and executive director deem advisable after receipt of the Phase II environmental report.

Facts to be reported to board before the motion is made:

- Phase I report received and Phase II is recommended.
- MVTA won't receive the proposal for the Phase II until the end of the week, but it is expected to be less than \$25,000.
- Phase I identified several items, including: (1) old septic system on site; not certain if it was properly abandoned; may require removal; (2) old well may not have been sealed and may require sealing; (3) MN Dept Health or Ag reported a chemical spill in the southwest corner of the site -- not a groundwater concern so long as MVTA does not excavate below 20 feet; could involve some soils contamination, but soils impacts are expected to be minor; (4) portion of old household or farm dump may exist on the north part of the site - could involve some additional costs in disposing of those items, if they are encountered; (5) possible they could encounter minor spills from farm equipment, but those would be expected to be minor to address; (6) the sheds on the property have lots of paint cans, fertilizer, etc., that owners should remove or it will involve special disposal costs; (7) house will be demolished and is expected that it may involve asbestos and lead paint abatement
- General concept is that the MVTA would pay costs for septic system, well sealing and asbestos/lead abatement, because all of those are associated with the MVTA's proposal to redevelop the site. Adelmans would be asked to remove all paint cans and personal property and to reimburse MVTA for any soil removal required by the chemical spill or special disposal costs of items in the household dump. This would likely be addressed through an escrow account at closing. Will not determine amount of escrow until Phase II is completed.

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