



Minnesota Pollution Control Agency

DEC 16 2008

ACCESS AGREEMENT BETWEEN THE MINNESOTA POLLUTION CONTROL AGENCY AND THE CITY OF ALEXANDRIA

The Minnesota Pollution Control Agency (MPCA) is investigating, and/or taking corrective action in response to, a release of petroleum from a tank(s) located at 905 3rd Avenue E. (former Alex Exhaust -MPCA Leak 15696). The investigation will be conducted in the vicinity of the property owned by the City of Alexandria located at:

City Right of Way,
Northwest Corner of Oak Street and 4th Avenue East
Alexandria, MN

See attached parcel map for proposed boring location on said property.

The Property Owner hereby consents and authorizes the MPCA, its employees, agents and contractors, to enter this property for the purpose of performing reasonable and necessary investigations and corrective actions in response to the suspected petroleum tank release. The MPCA is authorized to take these actions under Minn. Stat. § 115C.03, subd. 7 (2002).

The MPCA will notify the Property Owner at least 48 hours before entering the property. Work will be conducted during regular business hours (8:00 a.m. to 5:00 p.m.) unless the MPCA receives permission to conduct work during different hours. The MPCA will conduct its activities so as to minimize interference with the use of the property. If any portion of the property must be disturbed as a result of the MPCA's activities, the MPCA will restore the property as close to its original condition as is reasonably possible under the circumstances. The Property Owner will take reasonable precautions to ensure that the equipment of the MPCA and its contractors on the property is not damaged, and that the work being conducted by the MPCA, its employees, agents and contractors is not disrupted.

The MPCA will obtain all necessary permits for installation and maintenance of the monitoring wells, remediation wells, and/or water wells, if such wells are installed. Upon completion of all necessary sampling or remediation, the MPCA will seal the monitoring wells, remediation wells and/or water wells in accordance with state law. Results of all testing conducted on this property will be provided to the Property Owner.

The MPCA shall be liable for injury to or loss of property, or personal injury or death, caused by an act or omission of any employee of the state in the performance of the work described above, under the circumstances where the state, if a private person, would be liable to the claimant, in accordance with Minn. Stat. § 3.736.

MINNESOTA POLLUTION CONTROL AGENCY

CITY OF ALEXANDRIA

Donald Miller
Signature

MARTIN SCHULTZ - Asst. City
Print Name & Title

Title: Supervisor

Martin Schultz
Signature

Date: 12/10/08

Date: 12/10/08



OBSELCONFIG



1053



15656



ALEX EXHAUST



905 3RD AVE E



ALEXANDRIA



DOUGLAS



LS



LEAK SITE



TL



MAP SHOWING LOCATION OF VACANT LOT



11-20-2008

Furuseth, Arlene

From: Scott Deitz [sdeitz@rea-alp.com]
Sent: Thursday, November 20, 2008 11:52 AM
To: 'Furuseth, Arlene'
Subject: RE: access to Jay Morrell property

Yes it is. (The alley is 16 feet wide)

The ROW behind the curb on Park Street is approximately 10 feet.

Scott

-----Original Message-----

From: Furuseth, Arlene [mailto:Arlene.Furuseth@state.mn.us]
Sent: Thursday, November 20, 2008 8:56 AM
To: Scott Deitz
Subject: RE: access to Jay Morrell property

Is the alley you are referring to under the number 6 on your map? How wide is the ROW along Park Street?

Arlene

-----Original Message-----

From: Scott Deitz [mailto:sdeitz@rea-alp.com]
Sent: Thursday, November 20, 2008 8:54 AM
To: 'Furuseth, Arlene'
Subject: RE: access to Jay Morrell property

Can you do the bore in the ROW?

The alley or along Park Street would be OK.

Scott

Feel free to give me a call
320-763-6501 office
320-808-4051 cell

-----Original Message-----

From: Furuseth, Arlene [mailto:Arlene.Furuseth@state.mn.us]
Sent: Thursday, November 20, 2008 8:41 AM
To: sdeitz@rea-alp.com
Subject: FW: access to Jay Morrell property

The area that's marked "Vacated" on the map is too far west for our purposes. Ideally, we would like to install a boring in the vicinity of the lot labelled 1 on block 6 (directly south of Alex Exhaust). I had hoped that the alley you were referring to was going north/south under the number "6". That is still a bit west but we could have worked with it.

If there is anything else you can do to assist, we would be very grateful. Paul Stock and I are planning on coming to Alexandria next Wednesday to look at this property ourselves to see if there is any option other than getting a court order. We will also be looking at several other of our sites around town (paper maps just aren't good enough sometimes).

Arlene

-----Original Message-----

11/21/2008

From: Scott Deitz [mailto:sdeitz@rea-alp.com]
Sent: Wednesday, November 19, 2008 3:35 PM
To: 'Furuseth, Arlene'
Subject: RE: access to Jay Morrell property

HELLO Arlene:

The city is just weeks away from this alley being vacated.

Attached you will see the map showing the alley location.

Scott

-----Original Message-----

From: Furuseth, Arlene [mailto:Arlene.Furuseth@state.mn.us]
Sent: Wednesday, November 19, 2008 2:59 PM
To: sdeitz@rea-alp.com
Subject: access to Jay Morrell property

OSTENDO
209

BLOCK 7

807

OAK

207 10

8 9 10 12 13 14

7

(VACATED)

8 9 11 12 13 14

6 1 2 3 4 5 6 7

PARK

10 11 12 13 14

5 1 2 3 4 5 6

FOURTH

THIRD

25 303 6

305 5

(VACATE

TRAILER

24 1023 7 8 9 10

3 4 5 6