



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

Access Agreement

**Between the Minnesota Pollution Control Agency
and MDW Equity LLC**
Petroleum Remediation Program/Superfund Program

Background

The Minnesota Pollution Control Agency (MPCA) is investigating, and/or taking corrective action in response to a release of petroleum from a tank(s) owned by MDW Equity LLC located at 4020 233rd Avenue Northwest, St. Francis, MN 55070, MPCA LEAK #18925, known as the Property. The MPCA is authorized to take these actions under Minn. Stat. § 115C.03, subd. 2 and 3. The MPCA is authorized to enter upon public or private property to take such actions under Minn. Stat. § 115C.03, subd. 7(2).

Agreement

1. **Parties.** The Parties to this Agreement are:
 - A. MPCA; and
 - B. MDW Equity LLC, the Property Owner.
2. **Access.** The Property Owner hereby consents and provides authorization to the MPCA, its employees, agents, and contractors to enter the Property for the following purposes:
 - A. Investigating and/or taking such corrective action as the MPCA deems necessary to remediate soil and groundwater contamination at the Property in response to a release of petroleum from a tank(s) located at 4020 233rd Avenue Northwest, St. Francis, MN 55070, MPCA LEAK #18925.
3. **MPCA obligations.** The MPCA will notify the Property Owner at least 48 hours before entering the Property. Work will be conducted during the hours of 8:00 a.m. to 5:00 p.m. unless the MPCA receives permission to conduct work during different hours.
4. **MPCA and Property Owner precautions regarding work.**
 - A. The MPCA will conduct its activities so as to avoid unreasonable interference with the use of the Property. If any portion of the Property must be disturbed as a result of MPCA's activities, the MPCA will restore the property as close to its original condition as is reasonably possible under the circumstances.
 - B. The Property Owner will take reasonable precautions to ensure that the equipment of MPCA and its contractors on the property is not damaged, and that the work being conducted by MPCA, its employees, agents and contractors is not disrupted.
5. **Permits and well sealing.** The MPCA will obtain all necessary permits for installation and maintenance of any borings, monitoring wells, remediation wells, and/or water wells installed by MPCA or its contractors. Upon completion of all necessary sampling or remediation, the MPCA will seal the borings, monitoring wells, remediation wells and/or water wells in accordance with state law.
6. **Notification.** Unless otherwise specified, written requests or other documents sent to the Property Owner shall be addressed to:

**Ms. Sara Vinas
MDW Equity LLC
2760 North University Drive
Hollywood, FL 33024**

All reports or other documents sent to the MPCA shall be addressed to:

**Stephen Frye
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155**

7. **MPCA Liability.** 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.
8. **Effective Date.** This Agreement shall be effective upon the date it is signed by the MPCA.

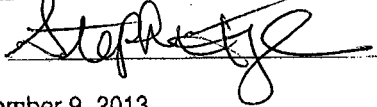
Certification

By their signatures below, the undersigned represent that they have authority to bind the parties they represent, their agents, successors, and assigns.

Minnesota Pollution Control Agency

Print name: Stephen Frye

Title: Hydrologist 1/Project Manager

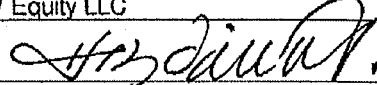
Signature: 

Date: December 9, 2013

Property Owner

Print name: ~~Sara Vivas~~ Hector R. Vivas, Manager

Title: MDW Equity LLC

Signature:  AS MANAGER

Date: 12.12.13