



OFFICE OF THE HENNEPIN COUNTY ATTORNEY  
A-2000 GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487

March 13, 1998

Barb Hayden  
Planning Supervisor  
Office of Planning & Development  
10709 Wayzata Boulevard, Suite 260  
Minnetonka MN 55305

Re: Golden Property

Dear Ms. Hayden:

The St. Louis Park city council recently approved the terms of a Preliminary Agreement with respect to the Golden Property. You requested an opinion as to whether the County has the authority to use funds in the Environmental Response Fund, established pursuant to Minnesota Statutes § 383B.81, to reimburse the City, the EDA and the County for expenses incurred during the investigative phase and the predevelopment phase described in Exhibit C attached to said Preliminary Agreement, in the event that the City, the EDA or the County decide to not go ahead with the development phase described in said Exhibit C. Based upon my review of Minnesota Statutes § 383B.81 and Minnesota Laws 1997, Chapter 231, Article 16, Section 23, it is my opinion that the County does have the authority to reimburse the County, the City, and the EDA for said expenses from the Environmental Response Fund, so long as the County and the EDA approve said Preliminary Agreement. It is also my opinion that by making, and accepting, said reimbursement for said expenses the City, the EDA, and the County do not become obligated to undertake the rail connection or to redevelop the site as referenced in the Preliminary Agreement.

Sincerely,

MICHAEL O. FREEMAN  
Hennepin County Attorney

A handwritten signature in cursive script, appearing to read "Jay L. Arneson".

JAY L. ARNESON  
Assistant County Attorney  
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