

UNIVERSITY OF MINNESOTA

Office of the General Counsel

*360 McNamara Alumni Center
200 Oak Street S.E.
Minneapolis, MN 55455
Office: 612-624-4100
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May 7, 2008

David Douglas
Remediation Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Daryl Owens
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

RE: Third Five-Year Report for University of Minnesota Rosemount Research Center Site

Dear Mr. Douglas and Mr. Owens:

Enclosed is a copy of the recorded First Amendment to Declaration of Restrictions and Covenants which I am providing to you pursuant to Kenneth Larson's letter of December 31, 2007.

Please contact me if you have any questions regarding the enclosed document.

Sincerely,



Beverly Moe Carpenter
Paralegal

BMC:jes
Enclosure

Cc: William P. Donohue
Rick E. Kubler
Gordon Girtz

Driven to DiscoverSM

UMP003076

COPY DEL'D

2585118

Office of the County Recorder
Dakota County, Minnesota

04/17/2008 at 12:35pm

Certified and filed on
the date and time above.

Joel T. Beckman, County Recorder
By: TB, Deputy

Fee: 46.00 Copy: 2.00

Check: 169367/48.00

Return:

Metro Legal

METRO LEGAL SERVICES

FIRST AMENDMENT
TO
DECLARATION OF RESTRICTIONS AND COVENANTS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND COVENANTS is made this 26 day of December, 2007, by Regents of the University of Minnesota, a Minnesota constitutional corporation (hereinafter "University").

WITNESSETH:

WHEREAS, the University is the fee owner of certain real property located in Section 35, Township 115 North, Range 19W, Dakota County, Minnesota, consisting of several parcels including Parcel E as described in Exhibit A hereto (hereinafter "Parcel E" or "the Property"); and

WHEREAS, the University previously executed and recorded that certain Declaration of Restrictions and Covenants dated January 3, 2000 and recorded in the Office of the Dakota County recorder on May 11, 2000 as Document Number 1690212 with respect to the Property (the "Declaration"); and

WHEREAS, the Declaration states in paragraph 2(c) that soil and concrete on Parcel E of the property contain up to 3.5 ppm PCB's by weight; and

WHEREAS, said statement is erroneous and the soil and concrete on Parcel E of the property in fact contain less than 1 ppm PCB's by weight; and

WHEREAS, the University desires to correct the factual error in the Declaration by this First Amendment;

NOW, THEREFORE, the University of Minnesota makes the following amendment to the Declaration:

1. The introductory clause of paragraph 2(c) on page 6 of the Declaration is amended to read as follows:

“Parcel E, where soil and concrete contain less than 1 ppm PCB’s by weight has the following use restrictions:”.

2. Except as expressly amended hereby, the Declaration remains in full force and effect.

In Witness Whereof, this instrument has been executed on the day and year first above written.

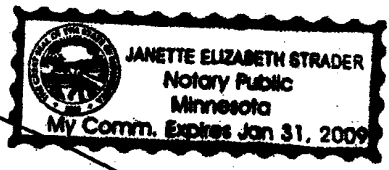
REGENTS OF THE UNIVERSITY OF MINNESOTA

By *RHP. Gjerfennet*
Its Treasurer

State of Minnesota)
) SS
County of Hennepin

The foregoing instrument was acknowledged before me this 26th day of December, 2007 by Richard Hutzenebeuter, TREASURER of Regents of the University of Minnesota.

J. Strader
Notary Public



Return
This Instrument Drafted By:
Office of the General Counsel (KAL)
University of Minnesota
200 Oak Street SE, Suite 360
Minneapolis, MN 55455
Attn: Bev Carpenter
ENV 104

Accepted on behalf of the Minnesota Pollution
Control Agency Pursuant to Minn. Stat. Sec. 115B.17,
Subd. 15

By Michael Kanner
Its Superfund Manager

State of Minnesota)
) SS
County of Ramsey

The foregoing instrument was acknowledged before me this 11th day of
March, 2008 by Michael Kanner, the
Superfund Manager of the Minnesota Pollution Control Agency, a
Minnesota body politic, on behalf of the State of Minnesota.

Tracy Lynn Finch
Notary Public

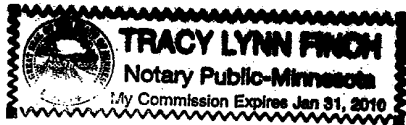


EXHIBIT A

That part of the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, Section 35, Township 115, Range 19, Dakota County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North 00 degrees 23 minutes 47 seconds East, assumed bearing along the east line of said Southeast Quarter of the Northwest Quarter, a distance of 210.00 feet to the actual point of beginning of the land to be described; thence south 89 degrees 36 minutes 13 seconds East a distance of 40.00 feet; thence North 00 degrees 23 minutes 47 seconds East a distance of 260.00 feet; thence North 89 degrees 36 minutes 13 seconds West a distance of 40.00 feet to the east line of said Southeast Quarter of the Northwest Quarter; thence continuing North 89 degrees 36 minutes 13 seconds West a distance of 428.00 feet; thence South 00 degrees 23 minutes 47 seconds West a distance of 40.00 feet; thence North 89 degrees 36 minutes 13 seconds West a distance of 220.00 feet; thence South 89 degrees 36 minutes 13 seconds East a distance of 460.00 feet to the point of beginning.