

From: Mascia, Patrick <PMascia@██████████>  
Sent: Thursday, May 26, 2016 4:04 PM  
To: Shardlow, John; Mike Ridley  
Cc: Beth Bartz; Simer, Fay; Warren, Kevin; Poppen, Steve; Don Becker; Nelsen, Karin  
Subject: RE: MVZ revised Mitigation Plan text for Item 18. Traffic  
Attachments: Dibbscan1120pending88866575\_20160526155921.pdf

I attach my handwritten comments. I have forwarded this draft to my client and will forward any additional comments I receive from them but I wanted to get my comments into your hands now. I apologize for the chicken scratch, but I have the following conceptual comments/concerns:

1. In the Preliminary Monitoring Program, we need to recognize that traffic counts are not just generated by our development. There will be other development that contributes to it. What is the purpose of specifying traffic counts produced only by our development when our only obligation with respect to funding off-site traffic mitigation will be to contribute a specified amount into an escrow account?
2. We should not suggest in this document that we will build permanent traffic improvements for stadium events.
3. I don't understand the development triggers discussion. The language suggests that if we apply for approval of a future project that we may need to wait 2-5 years for traffic mitigation to be planned, financed and built before we can get development approval. This is unacceptable.
4. The last paragraph states that the City can withhold development approvals and can make us post security for the cost of offsite traffic mitigation measures until the irrelevant mitigation measures have been addressed. What does this mean? Can the City withhold approvals until we agree to pay for off-site traffic mitigation? Can the City withhold approvals until MNDOT or the County design, construct and fund the traffic mitigation? This is unacceptable. Again, as we understand the City's position, the City will ask us to make a contribution to an escrow account to fund off-site traffic mitigation and that will be our only obligation with respect to off-site traffic. The City's proposed number is \$4000/net developable acre. We need to understand our future exposure here and cannot have the City holding a hammer over our heads with respect to the timing of future development.

Patrick E. Mascia  
Shareholder

Briggs and Morgan, P.A.