CONSENT AGREEMENT

WHEREAS, on November 13, 2007 the City Council of the City of Richfield adopted Ordinance No. 2007-19, which establishes a framework for regulating temporary use of land through the issuance of interim use permits; and

WHEREAS, Section 547.15 Subdivison 2 of this Ordinance requires an applicant for an interim use permit to sign a Consent Agreement wherein the applicant acknowledges and agrees that the proposed interim use will not impose additional costs on the public if there is a future need for public acquisition of the applicant's property through eminent domain, that the applicant has no entitlement to future reapproval of the interim use permit and that the applicant will abide by the conditions of approval that the City Council attaches to the interim use permit;

NOW, THEREFORE, Penn Avenue Partner II LLC, as applicant for

an interim use permit for used car sales (use of property) at 6529 Penn Ave S, Richfield, MN (location) agree as follows:

1. If this application is approved by the Richfield City Council and an interim use permit is issued, the interim use of the property will not impose additional costs on the City or any other public entity if it is necessary to acquire the property or a portion thereof by eminent domain after issuance of the interim use permit.
2. The applicant acknowledges that the proposed use is temporary and terminates upon expiration of the interim use permit. The applicant has no legal or equitable right to future reapproval of the interim use permit and must file a new application for that purpose.
3. The applicant will comply with all conditions imposed by the City Council on the interim use permit.
4. This Consent Agreement shall be binding on any owner, operator, tenant and/or user of the property for which the interim use permit has been granted and the applicant is authorized to sign this Consent Agreement on behalf of said owner, operator, tenant and/or user of the property.

DATED: May 14, 2010

Applicant (Applicant must be the Property Owner)

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 14 day of May, 2010, by Allison F. Kern, the Vice Manager of Penn Avenue Partners LLC, ~~a Minnesota~~ Delaware limited liability company, on behalf of said company.

Notary Public

Karla R. Carlson
Notary Public
Minnesota
My Commission Expires January 31, 2013