

PUBLIC WORKS & UTILITIES COMMITTEE

11-0633R

RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE RECONSTRUCTION OF EAST OXFORD STREET, LIVINGSTON AVENUE AND GLENWOOD STREET.

CITY PROPOSAL:

The city council finds:

- a) That it is deemed necessary for the public conveyance and safety that East Oxford Street, Livingston Avenue and Glenwood Street between Woodland Avenue and Snively Road (city project no. 0439TR) be reconstructed; and
- b) That this project will not be eligible for municipal state aid funds unless it is constructed to state aid standards for arterial roadways of urban (new or reconstruction) projects, or unless a variance is granted; and
- c) Practical limitations require that tighter horizontal curves than dictated by standards be used. This results in a 16 mph design speed in lieu of a 30 mph design speed, which requires a variance from the commissioner of transportation in accordance with Minnesota Rules Chapter 8820.3300.

RESOLVED, that the city of Duluth requests the commissioner of transportation for a variance from Minnesota Rules for State Aid Operations 8820.9936, whereby the minimum design standards for urban (new or reconstruction) projects be reduced for this project, allowing for a 65' radius (-0.02 superelevation) curve at the intersection of Livingston Avenue and Glenwood Street, and a 90' radius (-0.02 superelevation) curve at the intersection of East Oxford Street and Roslyn Avenue, in lieu of 215' radius (0.06 superelevation) horizontal curves, and further agrees to indemnify, save, and hold harmless the causes of action arising out of or by reason of the reconstruction of East Oxford Street, Livingston Avenue and Glenwood Street in the city of Duluth in any manner other than in accordance with Minnesota Rule 8820.9936, and further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim whatsoever arising as a result

of the granting of this variance.

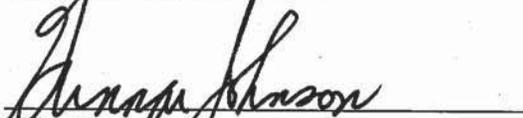
Approved:


Department Director

Approved for presentation to council:


Chief Administrative Officer

Approved as to form:

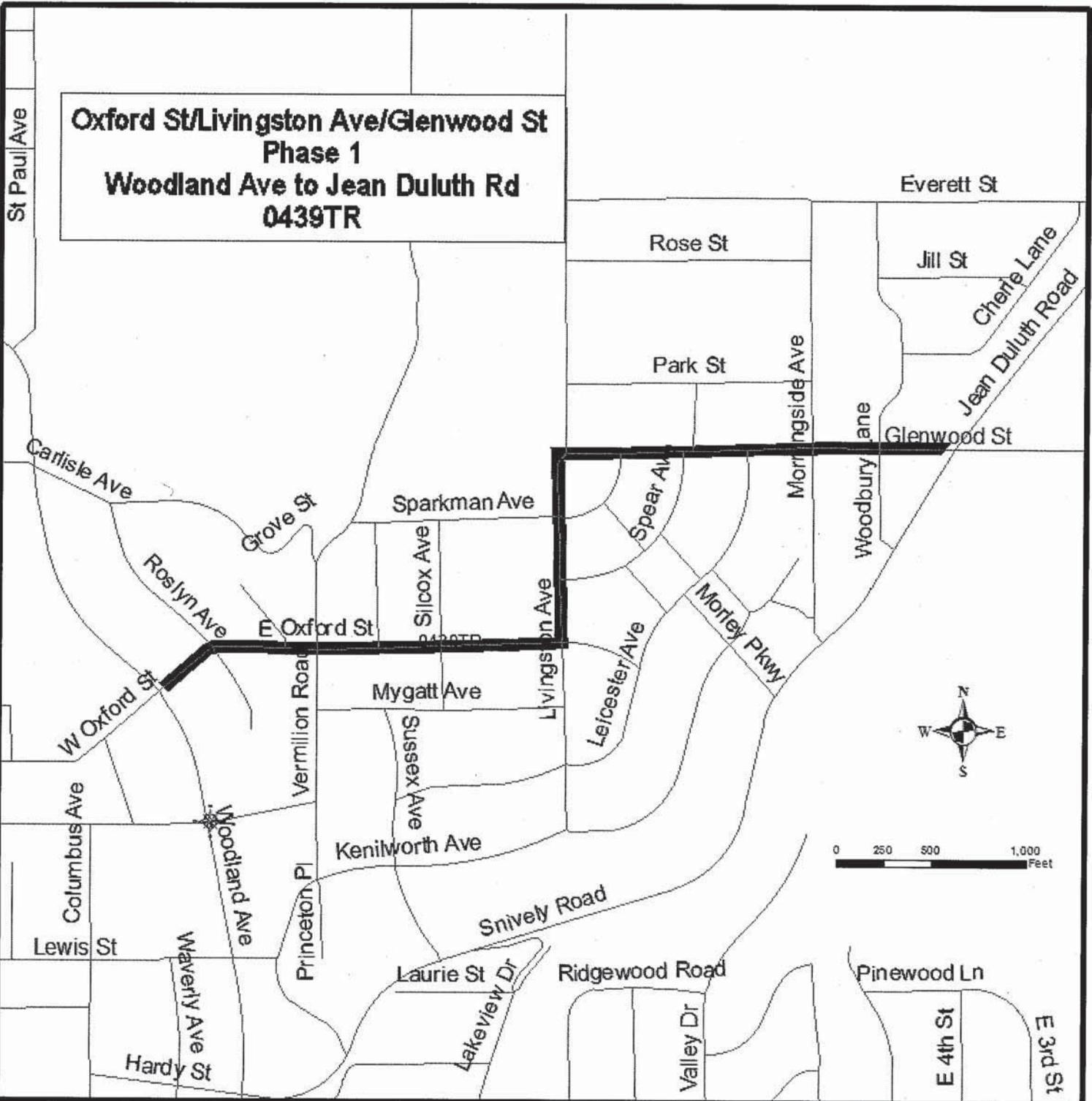

Attorney

Approved:


Auditor

ENG GS:lh 11/18/2011

STATEMENT OF PURPOSE: In order to proceed with a variance request under Minnesota Rules 8820.3300, a formal request in writing in the form of a city council resolution must be submitted to the commissioner of transportation before it will be considered or reviewed. The city will then forward the resolution along with the other documentation cited in the rules for consideration by an advisory committee on variances appointed by the commissioner of transportation. If the commissioner grants the variance it is conditioned upon the city agreeing to indemnify and hold the state harmless for any claim or action which arises from the relaxation to a 65' radius (-0.02 superelevation) curve at the intersection of Livingston Avenue and Glenwood Street and a 90' radius (-0.02 superelevation) curve at the intersection of East Oxford Street and Roslyn Avenue in lieu of 215' radius (0.06 superelevation) horizontal curves, and the issuance of the variance. This resolution requests the variance and commits the city to indemnification of the state of Minnesota for claims arising in which the design variance is alleged to be the cause of an accident.



**Oxford St/Livingston Ave/Glenwood St
Phase 1
Woodland Ave to Jean Duluth Rd
0439TR**

St Paul Ave

Everett St

Rose St

Jill St

Cherrie Lane
Jean Duluth Road

Park St

Morningside Ave

Woodbury Lane

Glenwood St

Carlisle Ave

Grove St

Sparkman Ave

Spear Av

Roslyn Ave

E Oxford St

Silcox Ave

Livingston Ave

W Oxford St

Leicester Ave

Morley Pkwy

Mygatt Ave

Sussex Ave



0 250 500 1,000 Feet

Columbus Ave

Vermillion Road

Woodland Ave

Kenilworth Ave

Snively Road

Lewis St

Waverly Ave

Princeton Pl

Laurie St

Ridgewood Road

Pinewood Ln

Hardy St

Lakeview Dr

Valley Dr

E 4th St

E 3rd St