

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0489R

RESOLUTION OF INTENT TO MAINTAIN PUBLIC USE OF NORTHWEST
PASSAGE TO SUPPORT FEDERAL FUNDING.

CITY PROPOSAL:

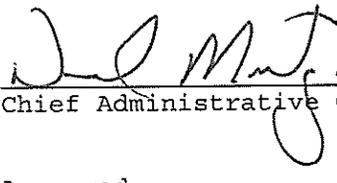
RESOLVED, that the city council hereby expresses its intent to use the northwest passage for appropriate program purposes as described in the federal grant therefore in substantial conformance with the continuing use document on file in the office of the city clerk as Public Document No. _____ for the useful life of the improvements in the event that the city and the Duluth Transit Authority accept a grant of federal funds from the U.S. department of transportation for the reconstruction of said facility.

Approved:



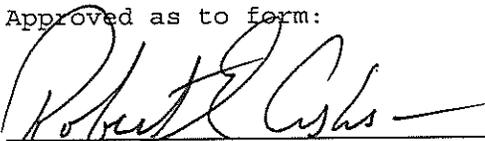
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PLNG/ATTY REA:dma 09/18/2012

STATEMENT OF PURPOSE: The purpose of this resolution is to express the City's commitment to use the Northwest Passage for public transportation purposes if and when the City and the DTA accept a federal grant to fund the reconstruction and improvement of the facility.

As a part of the Multimodal Center Project, the City and the DTA are in line to receive a substantial grant from the U.S. Department of Transportation which will be used to reconstruct and widen the existing Northwest Passage to the DECC to substantially upgrade it, to address some significant structural and maintenance issues and to expand it into part of the multimodal transportation system for the useful life of the federally-financed improvements. This resolution constitutes the City's commitment to do so if it in fact receives and accepts the federal grant.

Continuing Use

The City of Duluth and the Duluth Transit Authority agree to maintain continuing control of the use of property improved by the DTA's State of Good Repair Grant to the extent satisfactory to FTA. The City of Duluth and the Duluth Transit Authority agree to use the improvements property for appropriate Project purposes, as described in the Grant, for the duration of the useful life of that improved property, as required by FTA. Should the City of Duluth and the Duluth Transit Authority unreasonably delay or fail to use the improved property during the useful life of that property, the City of Duluth and the Duluth Transit Authority agrees that it may be required to return the entire amount of the Grant assistance expended on that property. The City of Duluth and the Duluth Transit Authority further agrees to notify FTA immediately when any improved property is withdrawn from public use or when any the improved property is used in a manner substantially different from the representations the Duluth Transit Authority has made in its Application or in the Project Description for the Grant Agreement for the State of Good Repair Grant.

As a recipient of Federal Funds, the City of Duluth and the Duluth Transit Authority agrees to comply with the property management standards of 49 C.F.R. §§ 18.31 through 18.34, including any amendments thereto, and with other applicable Federal regulations and directives. Any exception to the requirements of 49 C.F.R. §§ 18.31 through 18.34 requires the express approval of the Federal Government in writing.

The City of Duluth and the Duluth Transit Authority agrees to maintain improved property in good operating order, in compliance with any applicable Federal laws and regulations, in accordance with applicable Federal directives that may be issued.