

PUBLIC WORKS & UTILITIES COMMITTEE

12-0587R

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 HAWTHORNE ROAD, VERMILION ROAD AND ST. MARIE STREET.

CITY PROPOSAL:

The city council finds:

a) That it is deemed necessary for the public conveyance and safety that Hawthorne Road, Vermilion Road and St. Marie Street between Superior Street and Wallace Avenue (city project no. 1172) 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 collector roadways of urban (new or reconstruction) projects, or unless a variance is granted; and

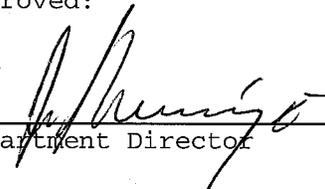
c) Practical limitations require that tighter horizontal and vertical curves than dictated by standards be used. This results in a 17 mph design speed in lieu of a 30 mph design speed, which requires a variance from the commissioner of transportation in accordance with Minnesota Rules Chapter 8820.3300; and

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 75-foot radius (-0.03 superelevation) horizontal curve at the intersection of Vermilion Road and St. Marie Street; a 50-foot length vertical crest curve at the intersection of Hawthorne Road and East First Street in lieu of a 90-foot vertical crest curve; a 50-foot length vertical sag curve at the intersection of Hawthorne Road and East First Street in lieu of a 90-foot vertical sag curve; a 60-foot vertical crest curve at the intersection of Hawthorne Road and East Second Street in lieu of a 90-foot vertical crest curve; a 50-foot vertical sag curve at the intersection of Hawthorne Road and East Second Street in lieu of a 90-foot vertical crest curve; an 80-foot vertical sag curve at the intersection of Hawthorne Road and Lakeview Avenue in lieu of a 122-foot vertical sag curve; and

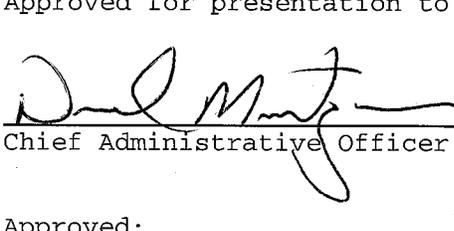
a 70-foot vertical sag curve at the intersection of Vermilion Road and St. Marie Street in lieu of a 132-foot vertical sag curve.

FURTHER RESOLVED, the city of Duluth agrees to indemnify, save, and hold harmless the state of Minnesota and its agents and employees of and from claims, demands, actions or causes of action arising out of or by reason of the reconstruction of Hawthorne Road, Vermilion Road and St. Marie 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.

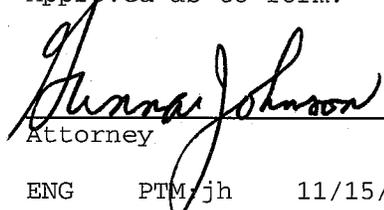
Approved:

  
\_\_\_\_\_  
Department Director

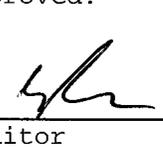
Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

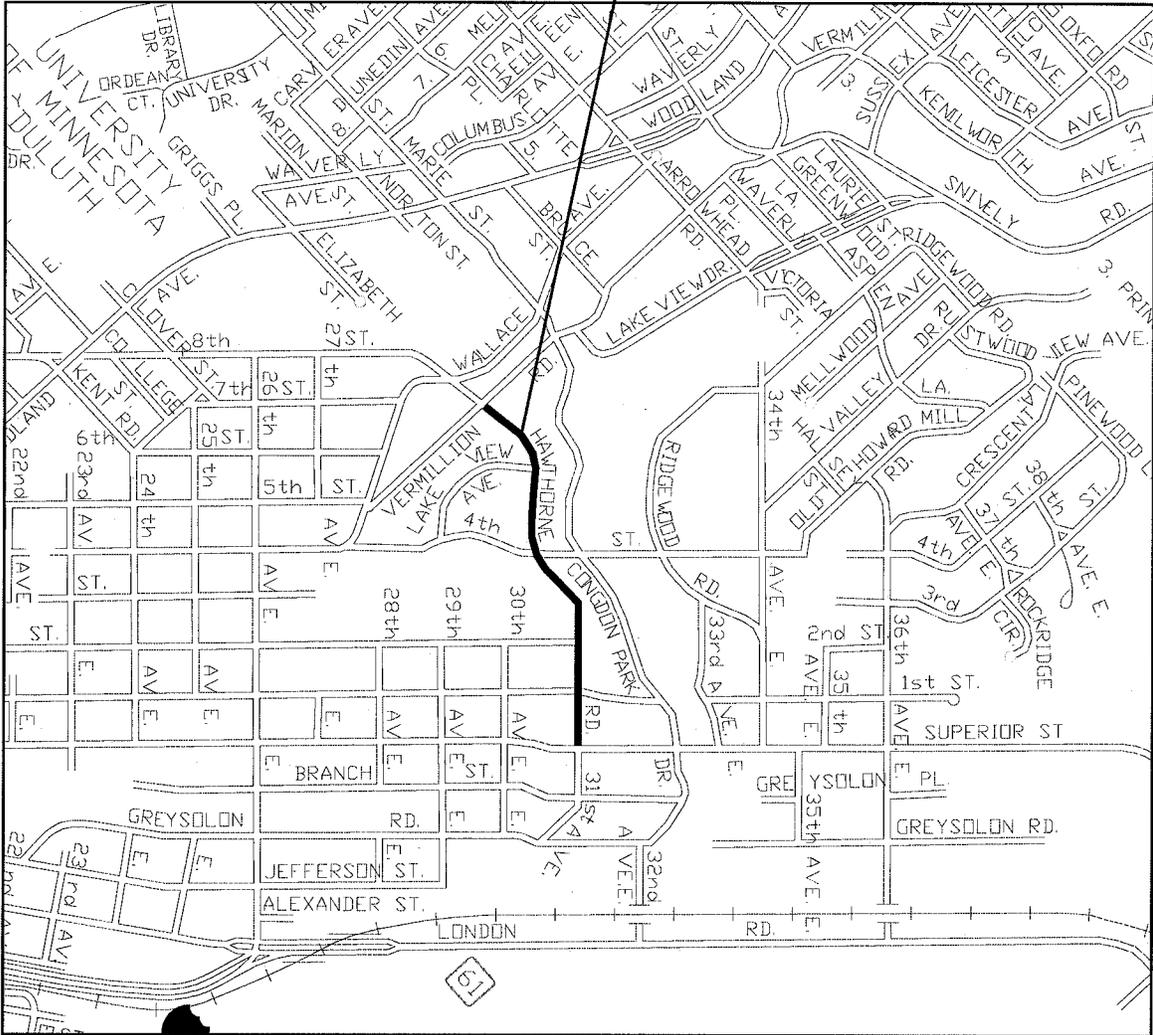
ENG PTM/jh 11/15/2012

STATEMENT OF PURPOSE: In order to proceed with a variance under Minnesota Rule 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 on the city agreeing to indemnify and hold the state harmless for any claim or action which arises from the relaxation to a 75-foot radius (-0.03 superelevation) horizontal curve at the intersection of Vermilion Road and St. Marie Street; a 50-foot length vertical crest curve at the intersection of Hawthorne Road and East First Street in lieu of a 90-foot vertical crest curve; a 50-foot length vertical sag curve at the

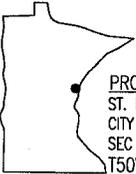
intersection of Hawthorne Road and East First Street in lieu of a 90-foot vertical sag curve; a 60-foot vertical crest curve at the intersection of Hawthorne Road and East Second Street in lieu of a 90-foot vertical crest curve; a 50-foot vertical sag curve at the intersection of Hawthorne Road and East Second Street in lieu of a 90-foot vertical crest curve; an 80-foot vertical sag curve at the intersection of Hawthorne Road and Lakeview Avenue in lieu of a 122-foot vertical sag curve; and a 70-foot vertical sag curve at the intersection of Vermillion Road and St. Marie Street in lieu of a 132-foot vertical sag curve; 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.

# MAP

VERMILLION/HAWTHORNE  
LOCATION



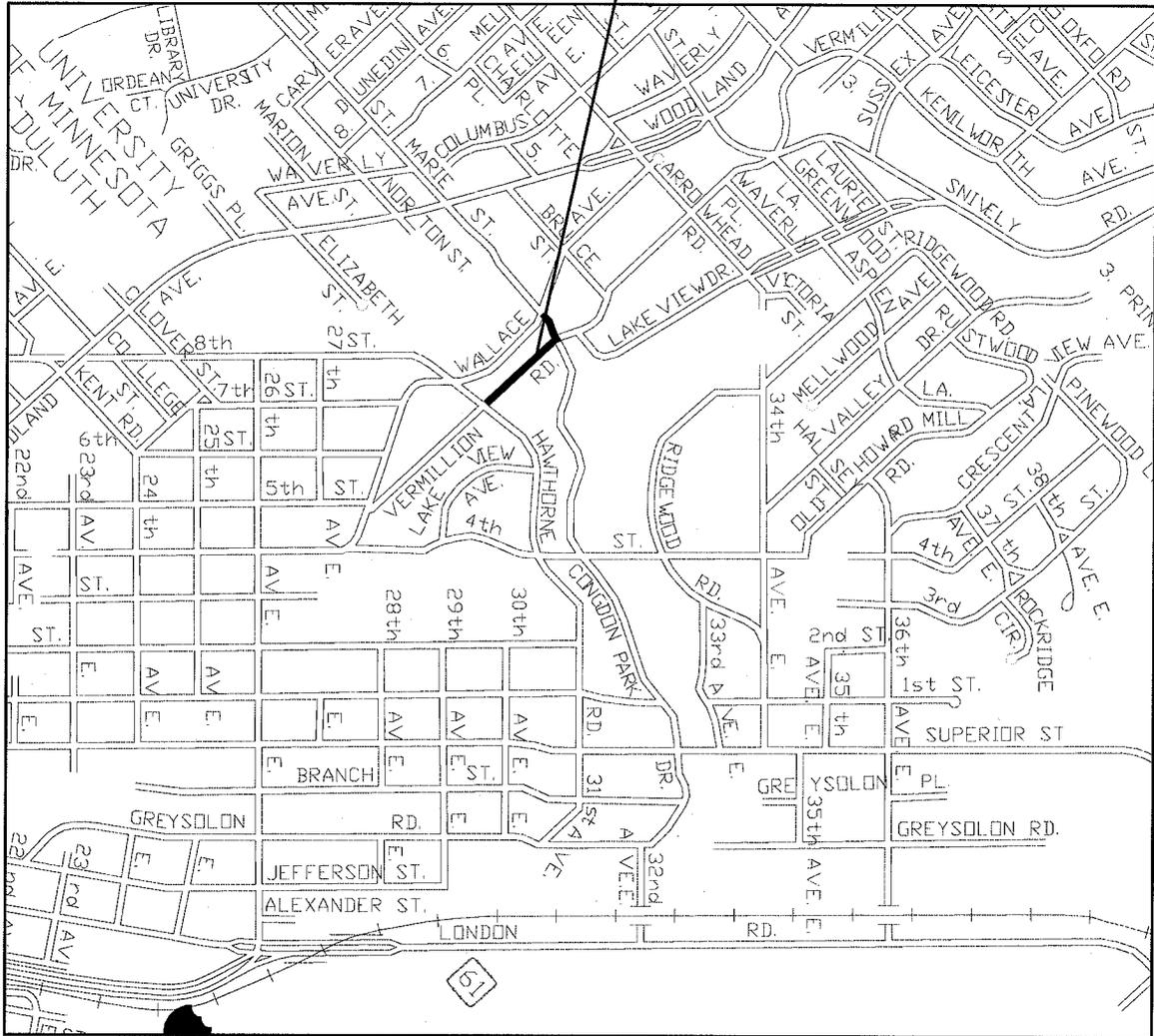
NO SCALE



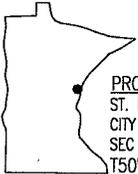
PROJECT LOCATION  
ST. LOUIS COUNTY  
CITY OF DULUTH  
SEC 11, 12, 13 & 14  
T50W, R14W

# MAP

E. ST. MARIE/  
VERMILLION  
LOCATION



NO SCALE



PROJECT LOCATION  
ST. LOUIS COUNTY  
CITY OF DULUTH  
SEC 11, 12, 13 & 14  
T50W, R14W