

COUNCIL COPY

PUBLIC WORKS & UTILITIES COMMITTEE

13-0573R

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 TENTH AVENUE EAST FROM SUPERIOR STREET TO FIFTH STREET.

CITY PROPOSAL:

THE CITY COUNCIL FINDS:

a) That it is deemed necessary for the public conveyance and safety that Tenth Avenue East between Superior Street and Fifth Street (city project no. 0753TR) 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 vertical curves than dictated by standards be used. The cross streets at intersections cause 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 30' vertical curve length instead of the required standard of 90' vertical curve length at the Tenth Avenue East approaches to intersections with Superior Street, First Street, Second Street, Third Street, Fourth Street and Fifth Street, and further agrees to indemnify, save, and hold harmless the causes of actions arising out of or by reason of the reconstruction of Tenth Avenue East 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

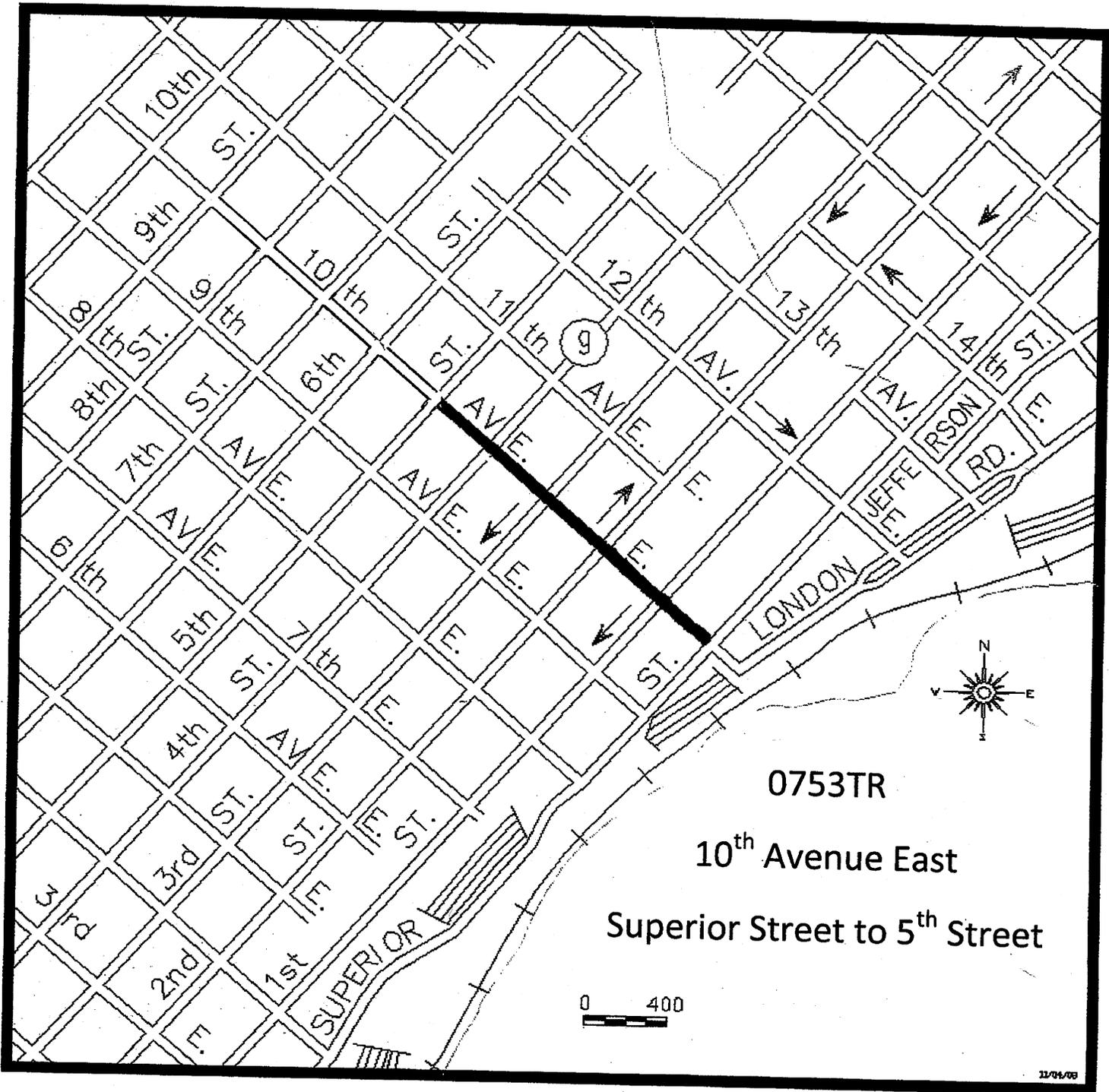
Approved:



Auditor

ENG GS:jh 11/15/2013

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 conditional upon the city agreeing to indemnify and hold the state harmless for any claim or action which arises from the relaxation to 30' vertical curve lengths in lieu of the design standard 90' vertical curve lengths at the approaches to the intersections of the Tenth Avenue East project (Superior Street to Fifth Street).



0753TR

10th Avenue East

Superior Street to 5th Street

0 400