

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2012-005

**A RESOLUTION REQUESTING A DESIGN VARIANCE FROM
STANDARDS FOR STATE AID OPERATIONS FOR
KEATS AVENUE NORTH MSA STREET IMPROVEMENTS
STATE AID PROJECT 206-105-002**

WHEREAS, the City of Lake Elmo is preparing plans for State Aid Project 206-105-002, the reconstruction of Keats Avenue North, from 47th Street North to Trunk Highway 36, a Municipal State Aid designated roadway; and

WHEREAS, Minnesota Rules for State Aid Operation 8820.9920 require 12-foot lane widths, 6 foot shoulders, and a 30 foot recovery area, for MSAS Rural Reconstruction Projects with projected ADT greater than 1,500; and

WHEREAS, Minnesota Rules for State Aid Operation 8820.3300 provides that a political subdivision may request a variance from the Rules; and

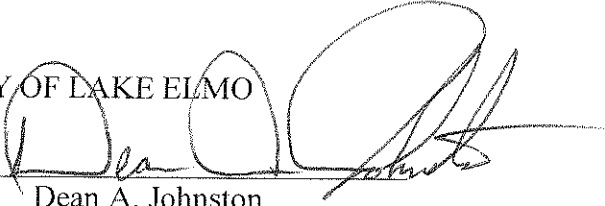
WHEREAS, the City is requesting design variances from standard to allow for 11-foot lane widths, 5 foot shoulders, and a 15 foot recovery area to allow for a more context sensitive roadway; that better fits the roadway within the limitations and constraints of its adjacent terrain; avoids significant project cost increases that would be required to retrofit the roadway drainage system, in-slopes, and back slopes for the added recovery area; and avoid significant additional costs for right-of-way acquisition.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby requests a design variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9920 (Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects) to allow 11-foot lane widths, 5 foot shoulders, and a 15 foot recovery area in lieu of 12-foot lane widths, 6 foot shoulders, and a 30 foot recovery area;

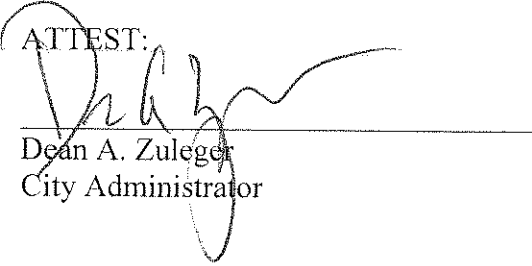
BE IT FURTHER RESOLVED, that City Council hereby indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The City further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting this variance.

Date: February 21, 2012

CITY OF LAKE ELMO

By: 
Dean A. Johnston
Mayor

ATTEST:


Dean A. Zuleger
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 21st day of February, 2012, as shown by the minutes of said meeting in my possession.



Carole Luczak

City Clerk

(Seal)