

**STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF DULUTH  
AMENDMENT NO. 1**

<b>State Project Number (S.P.):</b>	<u>6910-102</u>	<b>Original Amount Encumbered</b>
<b>Trunk Highway Number (T.H.):</b>	<u>23=185</u>	<b><u>\$1,060.06</u></b>
<b>State Project Number (S.P.):</b>	<u>6910-103</u>	<b>Amended Amount Encumbered</b>
		<b><u>\$2,069.65</u></b>
		<b>Total Obligation</b>
		<b><u>\$3,129.71</u></b>

This Amendment is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and the City of Duluth acting through its City Council ("City").

**Recitals**

1. The State has a contract with the City identified as MnDOT Contract No. 1051605 ("Original Contract") to provide payment by the State to the City for the road life consumed by a detour required to carry Trunk Highway No. 23 traffic during construction performed under State Project No. 6910-102 (T.H. 23=185); and
2. This Agreement is amended to increase the detour duration and maximum obligation; and
3. The State and the City are willing to amend the Original Contract as stated below.

**Contract Amendment**

**REVISION 1.** Articles 2.1 and 2.2 are deleted in their entirety and replaced as follows:

**2.1. For Road Life Consumed. \$3,129.71** is the State's estimated cost for the road life consumed by the detour based on the data below:

<u>Roadway</u>	<u>Tax Factor</u>	<u>ADT</u>	<u>Road Length (Miles)</u>	<u>Duration (Days)</u>	<u>Cost</u>
W Gary St.	0.00513	8200	1.2	62	\$3,129.71
					Road Life Consumed Amount: <u>\$3,129.71</u>

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

**2.2. Maximum Obligation. \$10,000.00** is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

**STATE ENCUMBRANCE VERIFICATION**

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

SWIFT Purchase Order: 3000716595

**CITY OF DULUTH**

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_

Attested: \_\_\_\_\_  
(City Clerk)

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
(City Attorney)

Date: \_\_\_\_\_

Countersigned: \_\_\_\_\_  
(City Auditor)

Date: \_\_\_\_\_

**INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.**

**DEPARTMENT OF TRANSPORTATION**

Approved:

By: \_\_\_\_\_  
(District Engineer)

Date: \_\_\_\_\_

**COMMISSIONER OF ADMINISTRATION**

By: \_\_\_\_\_  
(With Delegated Authority)

Date: \_\_\_\_\_

**CITY OF DULUTH**

**RESOLUTION**

IT IS RESOLVED that the City of Duluth enter into Amendment No. 1 to MnDOT Agreement No. 1051605 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City for the use of West Gary Street as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 23 from 633 feet south of St. Louis County State Aid Highway No. 3 (Becks Rd.) to 268 feet south of St. Louis County State Aid Highway No. 3 (Becks Rd.) under State Project No. 6910-102.

IT IS FURTHER RESOLVED that the \_\_\_\_\_  
(Title)  
and the \_\_\_\_\_  
(Title)  
are authorized to execute the Agreement and any amendments to the Agreement.

**CERTIFICATION**

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Council of the City of Duluth at an authorized meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this _____ day of _____, 2023
Notary Public _____
My Commission Expires _____

_____ (Signature)
_____ (Type or Print Name)
_____ (Title)