

**AMENDMENT No. 1 TO MnDOT AGREEMENT No.: 04716.**

Agreement Start Date:	<u>9/25/2013</u>	Original Agreement Amount:	<u>\$293,680.00</u>
Orig. Agreement Exp. Date:	<u>9/25/2018</u>	Prev. Amendment(s) Total:	<u>\$0.00</u>
Amended Exp. Date	<u>9/25/2018</u>	Current Amendment Amount:	<u>53,468.30</u>
		Current Agreement Total	<u>\$347,148.30</u>

Project Identification :	Repair damage caused by the June 2012 rain event. This work will be done on Minnesota State Aid Street 173 also known as West First Street		
State Project (SP):	<u>118-173-009</u>	Federal Project	<u>ERMN 12(259)</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Transportation ("MnDOT") and the City of Duluth ("City").

**Recitals**

1. The MnDOT has an agreement with the City identified as MnDOT Agreement 04716 ("Original Agreement") to provide federal funds to perform repairs related to the 2012 flooding event.
2. This agreement is being amended because the actual cost was greater than the estimated cost.
3. The MnDOT and the City are willing to amend the Original Agreement as stated below.

**Agreement Amendment**

In this Amendment deleted agreement terms will be ~~struck out~~ and the added agreement terms will be underlined. [Delete the preceding if you are using a different method of amendment.]

**REVISION 1.** Article I.B. "ELIGIBILITY / COSTS" is amended as follows:

The estimated cost of the FORCE ACCOUNT is ~~\$293,680~~ **347,148.30**.

1. It is anticipated that 80% (up to ~~\$230,640~~ **\$277,718.64**) of the cost of the FORCE ACCOUNT is to be paid from federal funds made available by the FHWA, and that the remaining 20% will be paid by the City. The City will pay any part of the cost or expense of the work that the FHWA does not pay.

**REVISION 2.** Article I.B.6. is amended as follows:

~~For costs expected to exceed \$293,680, the City must request the preparation and execution of a supplement to this agreement, prior to incurring such costs.~~

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

**CITY**

City certifies that the appropriate person(s) have executed the Amendment on behalf of City as required by applicable articles, bylaws or resolutions.

By: \_\_\_\_\_

Title: Mayor

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

By: \_\_\_\_\_

Title: City Clerk

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

By: \_\_\_\_\_

Title: City Attorney

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

By: \_\_\_\_\_

Title: City Auditor

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

**DEPARTMENT OF TRANSPORTATION**

Individual certifies that the applicable provisions of Minnesota Statutes §16C.08 subdivisions 2 and 3 are reaffirmed

By: \_\_\_\_\_

Title: Director  
State Aid for Local Transportation

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

**COMMISSIONER OF ADMINISTRATION**

By: \_\_\_\_\_

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



## SAMPLE RESOLUTION FOR AGENCY AGREEMENT

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Duluth to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the \* (*Mayor* ) and the \* (*Clerk* ) are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 04716", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

*\*Titles of persons authorized to sign on behalf of the City\**

## SAMPLE CERTIFICATION

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the City of Duluth at a duly authorized meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Clerk

Notary Public  
My Commission expires \_\_\_\_\_

(SEAL)



## Minnesota Department of Transportation

### State Aid for Local Transportation

395 John Ireland Boulevard, MS 500  
Saint Paul, MN 55155

November 16, 2016

Cindy Voigt  
Duluth City Engineer  
Room 211 City Hall  
411 West 1st Street  
Duluth, MN 55802-1191

SUBJECT: **SP 118-173-009, ERMN 12(259)**  
**Damage repairs to MSAS 173**  
**Agency Agreement No. 04716 Amendment no. 1**

Dear Ms. Voigt:

Attached are three copies of the agency agreement amendment between the City of Duluth and MnDOT, which allows for MnDOT to act as the City's agent in accepting federal aid in connection with the above referenced project.

Please review and if approved, have all three copies signed. A City Council resolution similar to the example attached, must be passed. The certified resolution should then be placed as the last page in **each** of the three copies of the agreement. Please verify that the person/title authorized to sign as stated in the resolution, corresponds to the signature (person/title) on the signature page. Please return all three copies of the agreement to me for MnDOT signatures. A fully executed copy will be returned to you. If you have any questions or need any revisions, please feel free to contact me at 651.366.3822.

Sincerely,

A handwritten signature in black ink that reads "Lynnette Roshell".

Lynnette Roshell, PE  
Project Development Engineer

Enclosures

cc: John McDonald--DSAE  
File

An Equal Opportunity Employer





**Minnesota Department of Transportation**

**State Aid for Local Transportation**

395 John Ireland Boulevard, MS 500  
Saint Paul, MN 55155

November 16, 2016

Cindy Voigt  
Duluth City Engineer  
Room 211 City Hall  
411 West 1st Street  
Duluth, MN 55802-1191

**SUBJECT: SP 118-173-009, ERMN 12(259)**  
**Damage repairs to MSAS 173**  
**Agency Agreement No. 04716 Amendment no. 1**

Dear Ms. Voigt:

Attached is a fully executed agency agreement between City of Duluth and MnDOT, which allows for MnDOT to act as City's agent in accepting federal aid in connection with the above referenced project.

You may bill us the remainder of what we owe you now if you haven't already done so.

If you have any questions, please feel free to contact me at 651.366.3822, or by e-mail at [Lynnette.Roshell@state.mn.us](mailto:Lynnette.Roshell@state.mn.us).

Sincerely,

A handwritten signature in black ink that reads 'Lynnette Roshell'.

Lynnette Roshell, PE  
Project Development Engineer

Enclosure

cc: John McDonald—DSAE  
Cyndi Degener—MS 215  
File

An Equal Opportunity Employer





## Minnesota Department of Transportation

### State Aid for Local Transportation

395 John Ireland Boulevard, MS 500  
Saint Paul, MN 55155

#### MEMORANDUM

DATE: November 16, 2016

TO: James Cownie  
Contracts Management  
MS 130

FROM: Lynnette Roshell  
Project Development Engineer

A handwritten signature in black ink, reading "Lynnette Roshell", written over a faint circular stamp.

PHONE: 651.366.3822

SUBJECT: **Agreement No. 04716**  
**SP 118-173-009; ERMN 12(259)**  
**AGREEMENT EXECUTION**

Please process the attached agency agreement between MnDOT and the City of Duluth which provides for MnDOT to act as the City's agent in accepting federal aid for type of work. Attached are three copies.

Please contact me if you have any questions.

An Equal Opportunity Employer

