

**RESOLUTION**  
**By Reich**

**Directing the City Engineer to proceed with a variance request from State Aid Rules per Administrative Variance to State Aid Operations rules, Chapter 8820, effective Feb. 2013, to the Minnesota Commissioner of Transportation for the reconstruction of 18th Ave NE between Monroe St NE and Johnson St NE.**

Whereas, the City of Minneapolis wishes to reconstruct 18th Ave NE between Monroe St NE and Johnson St NE; and

Whereas, Minnesota Department of Transportation State Aid Rule 8820.9956 (Minimum Vertical Clearances for Underpasses) per Administrative Variances to State Aid Operation Rules, Chapter 8820, effective Feb. 4, 2013, requires "*Urban Design for Highway under a Railroad Bridge must meet or exceed the minimum dimensions indicated in the following design chart*" and;

Whereas, the design chart has minimum vertical clearances for urban roadways; and

Whereas, the existing vertical clearance is signed at 13 feet 10 inches; and

Whereas, physical underground constraints limit the feasibility of increasing the clearance on 18th Ave NE; and

Whereas, State Aid Rules provide that a political subdivision may request a variance from the Rules;

Now, Therefore, Be it Resolved by The City Council of The City of Minneapolis;

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for variance for MNDOT State Aid Rule 8820.9956 per Administrative Variance to State Aid Operation Rules, Chapter 8820, effective February 4, 2013, to allow vertical clearance of 13 feet 10 inches in lieu of the 14 feet 6 inches as required.

Be It Further Resolved, that the City Council of the City of Minneapolis hereby indemnifies, saves, and hold harmless the State of Minnesota and its agents and employees of and from claims, demands, action, or causes of action arising out of or by reason of the reconstruction of 18th Ave NE between Monroe St NE and Johnson St NE in accordance with Minnesota Rules 8820.9956 and further agrees to defend at their sole cost and expense an action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting of this variance.