

**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, Table 3-2.03B, to the Minnesota Commissioner of Transportation for the reconstruction of 42nd Ave N between Xerxes Ave N to Lyndale Ave N.**

Whereas, the City of Minneapolis wishes to reconstruct 42nd Ave N between Xerxes Ave N to Lyndale Ave N; and

Whereas, Minnesota Department of Transportation State Aid Design Table 3-2.03B (Low Speed Urban Horizontal Curve Design Chart) per Administrative Variance to State Aid Operation Rules, Table 3-2.03B November, 2012, require "New or reconstruction projects for urban roadway must meet or exceed the minimum dimensions indicated in the following design chart;" and

Whereas, the design chart has minimum radius for various design speeds on low speed urban streets with curb and gutter and based on a rate of super (e) at -0.02; and

Whereas, the urban streetscape limits the right-of-way available to accommodate a horizontal curve meeting a minimum design speed of 30 MPH on 42nd Avenue North at Humboldt Avenue without reducing the available pedestrian space; 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 from MnDOT State Aid Design Rule, Table 3-2.03B (Low Speed Urban Horizontal Curve Design Chart) per Administrative Variance to State Aid Operation rules, effective November, 2012, to permit the reconstruction of 42nd Ave N between Xerxes Ave N to Lyndale Ave N with a horizontal curve that meets a design speed of 25 MPH instead of 30 MPH as required by Table 3-2.03B.

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, actions, or causes of action arising out of or by reason of the reconstruction of 42nd Ave N between Xerxes Ave N to Lyndale Ave N in accordance with Design Table 3-2.03B and further agrees to defend at their 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.