

COPY

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
FAMILY COURT DIVISION
TENTH JUDICIAL DISTRICT
Case Type: 14/Other Civil
Court File No. CO-06-006815

City of Oak Park Heights,
a Minnesota municipal corporation,

Plaintiff,

and

State of Minnesota, by its Commissioner
of Transportation.

Defendants.

**AFFIDAVIT OF DENNIS POSTLER,
BONESTROO, CONSULTING ENGINEERS
FOR THE CITY OF OAK PARK HEIGHTS**


STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

Dennis Postler, upon being first duly sworn on oath deposes and states that he is a licensed consulting engineer employed by Bonestroo. That Bonestroo has served as City Engineers for the City of Oak Park Heights since 1967. That your affiant and his offices have reviewed the plans submitted as part of the St. Croix River Crossing Trunk Highway 36 Improvement Project advocated by the Minnesota Department of Transportation from the early 1980's through the present date. That your affiant has supplied a memorandum to the office of the City Attorney, annexed hereto as Exhibit "A" and incorporated by reference herein, detailing the engineering analysis of the so called significant changes contained in Exhibit "A" attached to the Defendant's motion to dismiss in this matter.

That your affiant, as City Engineer, having reviewed the drawings and documents submitted by the Minnesota Department of Transportation relative to the 2006 plans in relationship to the 1995 approved lay out from the City of Oak Park Heights, is of the opinion that the changes are insignificant and do not change the overall scope or the lay out of the project as originally

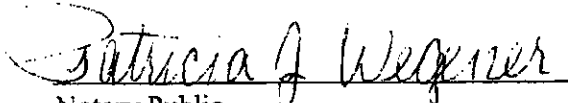
advocated to the City of Oak Park Heights by the Minnesota Department of Transportation in its 1995 submission for lay out approval under the municipal consent statute.

FURTHER THAN THIS YOUR AFFIANT SAYETH NOT.



Dennis Postler

Subscribed and sworn to before me this
9th day of July, 2007.



Notary Public



EXHIBIT "A"

Memorandum



To:	Mark Vierling	Project:	SCRB Crossing & Highway 36 Improvements	Date:	7/6/2007
From:	Dennis Postler	Client:	City of Oak Park Heights		
Re:	Analysis of MnDOT "Change" Items -- Appendix A of 6/21/07 Memorandum In Support of Defendant's Motion To Dismiss		File No:	55-07-000	

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As directed, the 1995 and 2006 St. Croix River Bridge Crossing plans were reviewed to analyze any significant changes of the nine items noted as "Change" under the Municipal Consent Category in Exhibit A of MnDOT's June 21, 2007 *Memorandum In Support Of Defendant's Motion To Dismiss*. For each highlighted item, the two plans were compared to identify changes in geometrics or other construction issues, particularly as it relates to the main scope of the project, that being the SCRB Crossing and modifications to Trunk Highway 36. Below are the results of our review. (The changes as described on the attached sheet are in italics. In addition, the number system corresponds to the attachment)

1. The river bridge crossing location was revised from the 1995 design to be more perpendicular to the river. The location of the new crossing is now slightly downstream from the 1995 plan.

The bridge was moved slightly downstream in the 2006 plans. Where it crosses the realigned portion of T.H. 95, it appears the bridge was moved approximately 90' southerly due to a slightly larger horizontal curve being utilized. The location where the proposed bridge exits Oak Park Heights' shoreline is virtually unchanged. These revisions are not significant to the City of OPH in relation to any proposed geometrics. Also, this modification to the river crossing did not alter any impacts to buildings or structures within Oak Park Heights.

2. Geometrics and profiles were revised on TH 36 and east of Osgood to tie into new bridge crossing location.

The roadway shifted slightly to tie into the new bridge. As noted above, it appears a slightly larger horizontal curve is incorporated in the 2006 plan. However, there are no significant changes such as additional lanes or increasing/decreasing any radii by a noticeable amount. The drawings we have only show plan view; therefore, we are unable to comment on the revised profiles.

3. South frontage road was revised to avoid impacts to new town home complex just west of Oakgreen.

The 1995 plan had the frontage road adjacent to the right-of-way for Oakgreen Avenue. The 2006 plans moved the road approximately 10 feet from the right-of-way. The geometrics and shape of the roadway are basically identical between the two plans.

6. Added the Beach Road overpass which removed the north frontage road between Osgood Avenue and TH. 95. Also the south frontage road was extended to Stagecoach Trail.

The 1995 plan removed the Beach Road overpass from the project. The 2006 plans show this overpass as part of the project. The proposed overpass is located west of the existing Beach Road Bridge. The construction of this bridge would result in an increase to the overall project cost.

The 1995 plans show a north frontage road extending between Osgood Avenue and T.H. 95. In the 2006 plans the existing north frontage road at this location is closed and terminates into the Washington County Government Center Campus.

The 1995 plans show a south frontage road ending at a cul-de-sac between Osgood Avenue and Beach Road. The 2006 plan extends the frontage road to Stagecoach Trail.

These revisions will obviously affect local traffic flow and hopefully positively affect (reduce) traffic on Hwy. 36 and on Hwy. 95. These modifications do not alter any geometrics to the 1995 plans for Highway 36 or the proposed bridge. Additionally, no existing buildings/structures are being affected by these modifications.

10. The railroad line between TH. 95 and the Sunny Side Condo complex is being realigned.

It appears the railroad line is being realigned to allow for incorporating a grade separated crossing for access to the MCEs Treatment Plant and Sunnyside Condo complex. While this is a modification (improvement) for access to these sites, there are no impacts to the overall geometric improvements on Highway 36 or Highway 95.

14. Ponding areas are provided on the east side of T.H.95 near Sunnyside, west side of TH.95 at the south end of the project area. Ponds were also revised/added in the TH. 95/TH36 interchange. The pond south of the new river bridge location was moved from the 1995 location (under the bridge) to its current location, pond was enlarged.

The 2006 plans have relocated, enlarged and added some ponding areas in comparison to the 1995 plans. In the eleven years between the two plan sets, more environmental issues and regulations related to water quality and quantity have been implemented and need to be accounted for in publicly designed projects. As a result of these regulations, additional right-of-way will be required to handle the storm water runoff. The addition of the ponds is not a significant change in the plans and do not affect the geometric design of the highway improvements.

16. Reconstruction of tie downs into existing side streets (either extended or shortened). Lookout Trail connection to TH.95 modified (due to steep grades at landing) to right-in only from T.H.95.

The tie in connection at Omaha Avenue N. was approximately 40' in the 1995 plans and has been extended to approximately 60' in the 2006 plans. This is a very minor modification.

The entrance into Sunny Side Marina is changing from the 1995 plans which had construction extending only approximately 20'. In the 2006 plans the intersection is moved slightly northerly and tie down improvements are extending approximately 350'

into the entrance of Sunny Side Marina. Additionally, a new "park access" road is proposed off the Sunnyside entrance road to the existing Stillwater Municipal Barge Facility (proposed Stillwater park). All of these improvements/modifications are in the City of Stillwater, and do not impact geometrics on T.H. 95.

The entrance to Lookout Trail was changed in 2006 to a (southbound) right-in only. This modification is also in the City of Stillwater. It does slightly alter the geometrics on T.H. 95 by allowing a raised median to be constructed in the centerline in this area.

The tie downs to T.H. 95 in Stillwater have been shortened approximately 950' in the 2006 plans in comparison to the 1995.

These revisions will have some minor impacts to local traffic flow. These modifications do not alter any geometrics to the 1995 plans for Highway 36 or the proposed bridge. Additionally, no existing buildings/structures are being affected by these modifications.

17. Trail was added along the west side of TH. 95 from Pickett Avenue into Bayport

This is a very minor revision with no impacts to the geometrics of T.H. 95 or Hwy. 36.

In summary, none of the nine items noted as "Change" (under the Municipal Consent Category in Exhibit A of MnDOT's June 21, 2007 *Memorandum In Support Of Defendant's Motion To Dismiss*) significantly alter the proposed improvements to Highway 36 or the SCRB Crossing from the 1995 plans to the 2006 plans.

Cc: Eric A. Johnson, Oak Park Heights