

# Empire Building LLC

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VIA EMAIL TO [Contact-Council@ci.stpaul.mn.us](mailto:Contact-Council@ci.stpaul.mn.us)

May 4, 2022

15 West Kellogg Blvd  
310 City Hall  
St. Paul, MN 55102

Re: **Objection and Intent to Appeal**  
2021 SMSP / Mill and Overlay  
Assessment #215520  
Property Address: 360 Robert St N  
Property ID: 06-28-22-11-0015

Dear Mayor, City Clerk, and the St. Paul City Council Members:

I am the managing member of Empire Building LLC ("Empire"), a Minnesota limited liability company and owner of real property within the City limits.

In April 2022, Empire received a document called "Saint Paul City Council Public Hearing Notice Ratification of Assessment." The City set a public hearing date of May 11, 2022 in which it intends to ratify an assessment against the above property for Mill and Overlay charges in the amount of \$3,249.75.

This letter is intended to serve as Empire's written objection to the proposed assessment and its intent to appeal the charges if levied against Empire or any of its properties.

Empire objects to the proposed assessment as said mill & overlay charges are a tax requiring proof of special benefit to Empire. The mill and overlay performed

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on 5<sup>th</sup> and 6<sup>th</sup> Street in downtown do not confer a special benefit on the property at issue. Indeed, this is exactly what the Ramsey County District Court judicially determined on May 2, 2022 in Court File Numbers 62-CV-18-7686 and 62-CV-19-4884. In those cases, the Court found that mill & overlay charges, and other charges, are “not valid without a showing of special benefit to the Plaintiff’s assessed.” I have enclosed a copy of the Court’s decision with this letter.

In light of the Court’s May 2, 2022 decision, the statement in the notice that I received that the “City of Saint Paul is authorized by ordinance to assess property owners for unpaid street maintenance charges” is simply not true. The Court has already ruled what the City is doing is invalid and illegal. Accordingly, the proposed assessment is void and should not be ratified or approved. Doing so in light of the Court’s May 2, 2022 decision would be bad faith and an unconstitutional taking of private property, among other things.

Should you wish to discuss this matter directly, you may contact our lawyer, Kelly S. Hadac, Esq. of the Hadac Law Office PLLC at your convenience. His phone number is (651) 895-6633 and email address is [khadac@yahoo.com](mailto:khadac@yahoo.com).

Sincerely,



Rosemary A. Kortgard  
Managing Member  
Empire Building LLC

w/ Enclosure

cc: Kelly S. Hadac, Esq.



**SAINT PAUL**  
MINNESOTA

# Saint Paul City Council Public Hearing Notice Ratification of Assessment

**OWNER OR TAXPAYER**

Empire Building Llc  
375 Jackson St Ste 700w  
St Paul MN 55101-1810

▶ RECEIVED ◀

APR 19 2022

ASSESSMENT #215520

PROPERTY ADDRESS  
360 ROBERT ST N

PROPERTY ID NUMBER  
06-28-22-11-0015

**THE TIME:** Wednesday, May 11, 2022 at 3:30 PM  
**PUBLIC PLACE:** City Council Chambers, 3rd Floor City Hall-Court House  
**HEARING**

Written or oral statements by any owner will be considered by the Council at this hearing by: 1) appearing before the City Council at the Public Hearing, 2) submitting written objections by US mail to City Clerk, 15 W. Kellogg Blvd., 310 City Hall, St. Paul, MN 55102 or by email to [Contact-Council@ci.stpaul.mn.us](mailto:Contact-Council@ci.stpaul.mn.us), or 3) providing objections by voice mail (651-266-6805).

Information is also available on the Council's website [www.stpaul.gov/department/city-council/city-council-public-hearing-live-testimony](http://www.stpaul.gov/department/city-council/city-council-public-hearing-live-testimony) or on the Council's agenda at [stpaul.legistar.com/](http://stpaul.legistar.com/).

**PURPOSE** To consider approval of the assessment and adoption of the assessment roll for: 2021 SMSP / Mill and Overlay - Removal of the top layer (2") of street and replacing with a new layer of bituminous pavement.

**ASSESSMENT CALCULATION** Mill and Overlay - Downtown (5th & 105.00 feet X \$30.95 / foot = \$3,249.75  
**\$3,249.75**

**ASSESSMENT AUTHORIZATION** The City of Saint Paul is authorized by ordinance to assess property owners for unpaid street maintenance charges. Unpaid fees are collected by special assessment under the authority of Minn. Stat. Chap. 429.101 by the procedure outlined in Minn. Stat. Chap. 429.

**ASSESSMENT INFORMATION** The proposed assessment for the above property is **\$3,249.75**. The proposed assessment may be less than the assessment calculation if you made any payments before receiving this notice. If the City Council approves the assessment you will have 30 days from the date listed above to pay without interest. Any unpaid balance will be collected with your property taxes over 10 year(s) at 0.50% interest, plus an annual \$1.30 flat fee per city ordinance to cover administrative costs related to the assessment. The assessment roll for this project is available for review in the Real Estate Office, 700 City Hall, 15 W. Kellogg Blvd.

**THIS IS NOT A BILL.** An invoice for this fee was previously mailed to you. Since the fee was not paid by the due date, it is now being processed as an assessment on your property. If you have misplaced your invoice and would like to pay during the 30-day period referenced above, please call 651-266-8858 for another invoice or simply mail payment to the address on the back and be sure to include your name and property address.