

# HADAC LAW OFFICE PLLC

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

October 10, 2023

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

Re: **Objection and Intent to Appeal**

Property Owner: First Bank Building LLC

Public Improvement Construction: Minnesota Street: Kellogg Blvd to Sixth,  
Phase I (the "Project")

Property Address: 332 Minnesota St. (the "Property")

Property ID: 06-28-22-11-0017

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

I am legal counsel for First Bank Building LLC ("FBB"), a Minnesota limited liability company and owner of the Property.

I have reviewed the Assessment Roll and have discovered that the City Council intends to approve an assessment against the Property on October 11, 2023 in the amount of \$234,317.33 relating to the Project.

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

FBB objects to the proposed assessment as said charges are a tax requiring proof of special benefit to FBB. The proposed street grading/paving and lighting work does not confer a special benefit on the Property. The City of St. Paul should be

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intimately familiar with this result following the decision by the Ramsey County District Court 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.”

In light of the Court’s May 2, 2022 decision and applicable law, the City of Saint Paul is not legally authorized by ordinance to assess property owners for grading/paving and lighting without first proving a special benefit to each property. In fact, the [www.stpaul.gov](http://www.stpaul.gov) website states that the Project’s goals are to “improve safety for all users” and “support the evolving needs of downtown users” among other public reasons. Why should the abutting property owners cover all the costs of the Project when the Project is for the benefit of everyone? Indeed, any attempt to assess the Property would be bad faith and an unconstitutional taking of private property, among other things. New pavement and lights simply do not increase the value of commercial buildings in St. Paul, and the addition of bike lanes that nobody uses which results in less parking spaces decreases the value of the properties.

Sincerely,

/s Kelly S. Hadac

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