

US Bank Center LLC

VIA EMAIL TO 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**

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

File # 19261

Property Address: 101 5th St E (the "Property")

Property ID: 06-28-22-12-0119

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

I am the managing member of US Bank Center LLC ("USB"), a Minnesota limited liability company and owner of the Property.

I understand that the City set a public hearing date of October 11, 2023 in which it intends to approve an assessment of \$235,101.00 against the Property.

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

USB objects to the proposed assessment as said charges are a tax requiring proof of special benefit to USB. The proposed street grading/paving and lighting work does not confer a special benefit on the Property. The City of St. Paul should be 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, the City of Saint Paul is simply 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 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 like the US Bank Building 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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