

From: [Kelly Hadac](#)
To: [*CI-StPaul_Contact-Council](#)
Subject: Objection and Intent to Appeal (Owner: Lowry Building LLC) (Property ID: 06-28-22-12-0062) (Project- Paving and Lighting on Wabasha St)
Date: Thursday, March 16, 2023 11:37:36 AM
Attachments: [Objection Letter dated March 16, 2023.pdf](#)
[Order from Judge Awsumb of Ramsey County District Court \(4\).pdf](#)

Dear Council:

Attached please find the Objection and Intent to Appeal on behalf of Lowry Building LLC relating to the above project and property. Also attached is the Court Decision from Ramsey County that is referenced in the letter. Thank you.

Kelly Hadac, Esq.
Hadac Law Office PLLC
khadac@yahoo.com
(651) 895-6633

HADAC LAW OFFICE PLLC

VIA EMAIL TO Contact-Council@ci.stpaul.mn.us

March 16, 2023

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

Re: **Objection and Intent to Appeal**

Property Owner: Lowry Building LLC

Public Improvement Construction: Paving & Lighting-Wabasha St. (2002) (the
"Project")

Property Address: 345 Wabasha St N (the "Property")

Property ID: 06-28-22-12-0062

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

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

I have reviewed the City of St. Paul Assessments online information and have discovered a pending assessment against the Property in the amount of \$129,214.75 relating to the Project.

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

Lowry objects to the proposed assessment as said charges are a tax requiring proof of special benefit to the Property. The paving and lighting work on Wabasha Street 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.” I have enclosed a copy of the Court’s decision with this letter.

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 paving and lighting without first proving a special benefit to each property. Any attempt to assess the Property would be bad faith and an unconstitutional taking of private property, among other things.

Sincerely,



Kelly S. Hadac, Esq.
Attorney at Law
khadac@yahoo.com

w/ Enclosure