

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT
Case Type: Assessment Appeal

First Baptist Church, and the Church of St.
Mary,

Court File No. 62-cv-11-8862
Judge William Leary, III

Appellants,

vs.

**SETTLEMENT AGREEMENT
AND RELEASE**

City of St. Paul,

Respondent.

First Baptist Church, the Church of St.
Mary, and Minnesota Public Radio

Court File No. 62-cv-12-8145
Judge William Leary, III

Appellants,

vs.

**SETTLEMENT AGREEMENT
AND RELEASE**

City of St. Paul,

Respondent.

First Baptist Church, and the Church of St.
Mary,

Court File No. 62-cv-15-6229
Judge William Leary, III

Appellants,

vs.

**SETTLEMENT AGREEMENT
AND RELEASE**

City of St. Paul,

Respondent.

This Settlement Agreement and Release is made by and between First Baptist Church, the Church of St. Mary, Minnesota Public Radio (“Appellants”), and the City of St. Paul (“City”).

WHEREAS, Appellants filed an appeal to their respective assessments for right-of-way services in 2011, 2012 and 2015 alleging that the amount of the assessment was in excess of the amount of special benefit bestowed upon their respective properties.

WHEREAS, the City expressly denies Appellants’ allegations and denies liability for their alleged damages;

WHEREAS, the parties wish to settle and resolve all outstanding disputes and claims between them to avoid the uncertainties and costs associated with continued litigation of this matter; and

WHEREAS, the parties to this Settlement Agreement and Release have successfully conciliated all issues of dispute in the above-captioned matters;

NOW, THEREFORE, in consideration of the mutual promises established herein, the parties agree as follows:

1. The City of St. Paul will issue one check as payment to the Appellants, payable to the trust account of their attorney, John G. Hoeschler, in the amount of \$93,218.14 (ninety-three thousand, two hundred eighteen dollars and fourteen cents) within a reasonable time following the City Council’s approval of this agreement. The payment will be mailed to John G. Hoeschler, P.A., 800 Lone Oak Road, Eagan, MN 55121. This payment is in complete satisfaction for all damages, liens, costs and

attorneys' fees actually alleged or that could have been alleged in Ramsey County District Court file Nos. 62-cv-12-8145 and 62-cv-15-6229.

2. The City is also agrees issue a second check to the Appellants, payable to the trust account of their attorney, John G. Hoeschler, in the amount of \$17,000 (seventeen thousand dollars) in complete satisfaction for all damages, liens, costs and attorneys' fees actually alleged or that could have been alleged by the Appellants in the First Baptist et al, 2011 matter, Ramsey County District Court file No. 62-cv-11-8862.

3. In consideration of the above payments, the Appellants, by execution of this Settlement Agreement and Release, hereby fully and completely releases the City of St. Paul, and all of the past and present agents, officers and employees, predecessors, and successors in interest of the City of St. Paul in their official and individual capacities, of any and all claims for damages, costs and attorneys' fees which the Appellants have or may have, whether presently known or unknown, arising in law or in equity, which were made, or which could have been made, in the above-entitled action. The Appellants, upon execution of this Settlement Agreement and Release all such claims, differences, demands, rights, and causes of action, which the plaintiff now has or may have against the defendants or the City of St. Paul, and all of the past and present agents, officers, and employees, predecessors, and successors, and successors in interest of the City of St. Paul, in their official and individual capacities, whether currently known or unknown, arising in law or equity, which were made or which could have been made in the above-entitled action, are fully released, satisfied, discharged and settled.

4. The parties to this Settlement Agreement and Release hereby stipulate that the payment of the sum specified above includes any claim for fees and costs, refunds and pre-settlement interest which could have been brought in relation to the set of facts presented in the above-entitled actions.

5. The Appellants agree that the terms of this Settlement Agreement and Release are binding on them and their personal representatives, heirs, successors and assigns.

6. The Appellants understand and acknowledge that the City does not admit any wrongdoing, improper action or liability for any of the Appellants' alleged damages.

7. The parties agree that this Settlement Agreement and Release constitutes all of the agreements and understandings between the Appellants and the City. There are no other written or oral agreements or understandings which modify the terms set forth in this Settlement Agreement and Release.

8. The Appellants, by execution hereof, acknowledge that this Settlement Agreement and Release has been read by their legal counsel, and that they understand and fully agree to each and every provision hereof.

Dated:

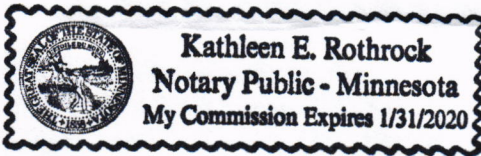
William Englund, signing as agent for Appellant
First Baptist Church

Subscribed and sworn to before me
On

February 8, 2017

Biju Mathew, signing as agent for Appellant
Church of St. Mary

Notary Public *Kathleen E. Rothrock*



Sylvia Strobel, signing as agent for Appellant
Minnesota Public Radio

Dated:

2/8/17
2/8/17

J. Hoeschler
John G. Hoeschler
Attorney for Appellants

41-1438914
Tax ID Number

Dated:

SAMUEL J. CLARK
City Attorney

K. Meghan Kisch, (#0337547)
Assistant City Attorney
750 City Hall and Courthouse
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Meghan.kisch@ci.stpaul.mn.us

Attorneys for Respondents

Dated:

William Englund, signing as agent for Appellant
First Baptist Church

Subscribed and sworn to before me

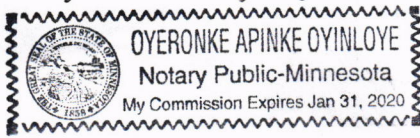
On 1/23/17

Biju Mathew

Biju Mathew, signing as agent for Appellant
Church of St. Mary

Notary Public

Oyeronke



Sylvia Strobel, signing as agent for Appellant
Minnesota Public Radio

Dated:

2/8/17

John G. Hoeschler

John G. Hoeschler
Attorney for Appellants

41-1438914

Tax ID Number

Dated:

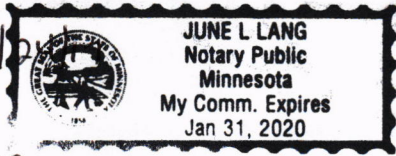
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Attorneys for Respondents

* (6) unk

Dated: 1/24/17



Subscribed and sworn to before me

On Jan. 24, 2017

June L. Lang

Notary Public

Rev W. Englund

William Englund, signing as agent for Appellant
First Baptist Church

Biju Mathew, signing as agent for Appellant
Church of St. Mary

Sylvia Strobel, signing as agent for Appellant
Minnesota Public Radio

Dated: 2/8/17

2/8/17

J. Hoeschler

John G. Hoeschler
Attorney for Appellants

41-1438914
Tax ID Number

Dated:

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City Attorney

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