

Judson and Meghan Kimmel
36 Kenwood Parkway
Saint Paul, MN 55105
January 6, 2015

Legislative Hearing Officer
City of Saint Paul, Minnesota
15 West Kellogg Boulevard
Saint Paul, MN 55102

**RE: Appeal of Special Tax Assessment for Real Estate Project #1502T,
Assessment #159001 at 36 Kenwood Parkway**

Dear Legislative Hearing Officer:

My wife and I respectfully appeal the City of Saint Paul's proposed special tax assessment for the removal of a tree located on the property line of our home at 36 Kenwood Parkway, and ask you to waive in full the proposed special tax assessment amount of \$624.90.

We believe the assessment is invalid because the City removed said tree on September 4, 2014, *one day before the September 5, 2014 compliance date* stated in the City's order to us dated August 18, 2014. The order states: "Failure to address the nuisance by the deadline specified will result in the City of Saint Paul issuing an abatement order to perform the work with all associated costs collected as a special assessment against the property."

In addition, Section 177.02 of the Saint Paul Legislative Code states: "If...the owner...neglects or refuses to comply with said order, or has failed to file an appeal from said order with said director, then said director may enter upon said premises and take down or remove said tree..." And Section 177.03 states: "If, after the notice hereinbefore provided for has been given, the owner...has failed to remove such dangerous or unsafe tree or portion thereof, and it becomes necessary for the city to remove same..." [our emphasis in all above excerpts]

The City's order and the underlying regulations all exhibit a clear "if / then" logic centered on the compliance date. The City's decision to remove said tree before the September 5 compliance deadline, therefore, should render the proposed special tax assessment null and void.

In a December 31 telephone conversation, a representative of the City's Forestry Division informed me that the natural gas utility crew working near said tree last summer had asked the City to remove the tree because of safety concerns. A supervisor with the same crew, however, told my wife verbally in late August that he did not want any tree removal work done until Pleasant Street (i.e. the I35E Saint Clair Avenue Exit) was temporarily closed, with an estimated closure date of September 18.

We do not challenge the City's authority to remove the tree itself on September 4, even though the City provided no advance notice or subsequent explanation of its action to us until last week. The City's prerogative to act, however, does not overrule the City's abatement and assessment procedures tied firmly to the September 5 compliance date.

The City did not follow its own regulations here, and so we ask you to find the assessment invalid. Thank you.

Sincerely,



Judson Kimmel