

RECEIVED
SEP 30 2014
CITY CLERK

NOTICE OF OBJECTION TO ROW ASSESSMENT

TO: Office of the City Clerk
City of Saint Paul
310 City Hall
15 West Kellogg Boulevard
St. Paul, MN 55102

Saint Paul City Council
City of Saint Paul
25 West Fourth Street, Suite 1000
St. Paul, MN 55012

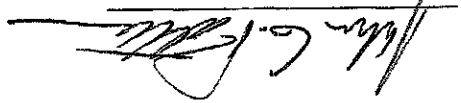
PROPERTY OWNER: Nyala Properties, LLC ("Nyala")
SUBJECT PROPERTY: 300 York Avenue
PROPERTY ID: 30-26-22-41-0001

PROPOSED ASSESSMENT: Recommended 2014 ROW Assessment and Above Standard Lighting

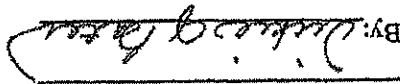
Pursuant to Minn. Stat. §429.061, Nyala objects to the Proposed Assessment for the following reasons:

1. The Proposed Assessment violates the provisions of Minnesota Statutes Chapter 429 including, without limitation, Sections 429.051 and 429.061, as well as other relevant provisions of Minnesota law and statutes and the Saint Paul City Code.
2. The Proposed Assessment does not confer a special benefit to the Subject Property, and therefore constitutes a taking of property without fair compensation.
3. The Proposed Assessment exceeds any purported increase in value to the Subject Property.
4. The Proposed Assessment is not uniform as applied to the same class of property, and it imposes unequal assessment burdens against the assessed properties, including the Subject Property.
5. The Proposed Assessment violates Nyala's constitutional due process and equal protection rights.
6. The Proposed Assessment against the Subject Property is based on historical assessable frontage, which assessable frontage has been dramatically reduced due to the rerouting of Highway 35E.
7. The calculation of assessable frontage for the Subject Property is erroneous and in violation of the City of Saint Paul's ROW Assessment process and other rules and laws.

John G. Patterson, Esq.
FREDRIKSSON & BYRON, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402
Attorneys for Nyala Properties, LLC



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By: 
Wm. G. Patterson

NYALA PROPERTIES, LLC

Nyala also requests a copy of the appraisal and any other valuation analysis relied upon by the City of Saint Paul to justify the proposed assessments.

Nyala formally requests that these objections be accepted as part of the record before the City Council and that the total special assessment for the Subject Property be reduced to \$0, or such other amount as reflects the special benefit conferred. In the alternative, Nyala requests that any action on the assessment roll be tabled so City staff can meet with representatives of Nyala to see if an acceptable compromise can be worked out for later vote by the City Council.

8. Such other factual and legal reasons as may become evident in the future.

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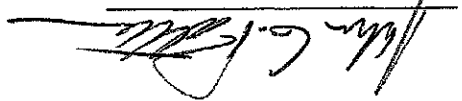
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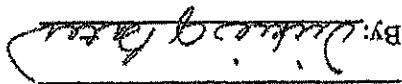
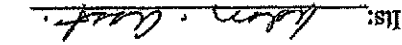
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