

Fredrikson

& BYRON, P.A.

Howard A. Roston
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August 27, 2015

Mayor Christopher B. Coleman
Office of the Mayor
City of Saint Paul
390 City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102

Shari Moore
City Clerk
City of Saint Paul
310 City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102

Bill Finney
City Council Member
City of Saint Paul
320-C City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102

Dan Bostrom
City Council Member
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City Council President
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Mayor Coleman, Members of the City Council and Ms. Moore
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Re: City of Saint Paul Assessment #145401
City of Saint Paul File #19162
Council District # 3
Planning District #15

Highland Village Streetscape Project ("Project").

Property Addresses and PIDs: 790 Hillcrest Avenue (16-28-23-22-0091); 2035 Ford Parkway (16-28-23-22-0083); 2027 Ford Parkway (16-28-23-22-0084); 2012 Ford Parkway (16-28-23-22-0085); 2019 Ford Parkway (16-28-23-22-0086) ("Properties")

Dear Mayor Coleman, Members of the City Council and Ms. Moore:

I represent Highland Shopping Center, LLC ("HSC") in connection with the Project. HSC understands that the above-referenced matter is scheduled to be heard by the Saint Paul City Council on September 16, 2015 at 5:30 p.m. HSC hereby objects to the proposed assessments for the Project for the following reasons:

1. The proposed assessments violate the provisions of Minnesota Statutes Chapter 429 including, without limitation, Sections 429.051 and 429.061.
2. The proposed assessments constitute an unconstitutional taking of HSC's Properties without just compensation.
3. The proposed assessments violate HSC's constitutional due process and equal protection rights.
4. The proposed Project is for the general benefit of the City of Saint Paul and others who will use the Project and therefore there is no special benefit to the Properties
5. The proposed assessments exceed any purported increase in value of the Properties as a result of the Project.
6. The proposed assessments may violate relevant provisions of the Saint Paul City Code.
7. The proposed assessments violate other Minnesota law and statutes.
8. The assessment formula used is not legal.
9. Other properties that should have been assessed were not assessed.

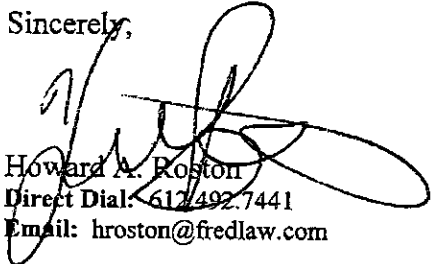
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10. The City's assessment notice violates and misstates Minnesota law.
11. Such other factual and legal reasons, which may become evident in the future.

HSC formally requests that these objections be accepted as part of the record before the City Council and that the total assessments for the Properties be reduced to \$0 for the reasons stated in this letter and as may be determined at trial. In the alternative, HSC requests that any action on the assessment roll be tabled so City staff can meet with HSC to see if an acceptable compromise can be worked out for later vote by the City Council.

Finally, please provide me with a copy of the appraisal or any other valuation analysis relied upon by the City of Saint Paul to justify the proposed assessments. Please call me with any questions.

Sincerely,



Howard A. Roston
Direct Dial: 612.492.7441
Email: hroston@fredlaw.com

JOINDER

Highland Shopping Center, LLC joins in the objections set forth above and hereby objects to the special assessments for the Project for the reasons set forth above.

HIGHLAND SHOPPING CENTER, LLC

By HIGHLAND SHOPPING CENTER
MM, LLC, Its Managing Member

By 
Howard G. Stacker, its President

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