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OBJECTION TO ASSESSMENT

Pursuant to the provisions of Minn. Stat. 429.061 Subd. 2 and Section 14.01.4 of the Saint Paul Legislative Code, LTF Real Estate Company, Inc., a Minnesota corporation, as fee owner of the real property located at 2145 Ford Parkway, property ID No. 17-28-23-11-0104, does hereby object to the proposed 2017 Right-of-Way Maintenance Program and Assessment. The proposed assessment rates for 2017 are to be considered by the Saint Paul City Council on November 2, 2016. The basis for said objection is as follows:

1. The Assessment is not proportional to the cost of services rendered;
2. The City of Saint Paul's (the "City") procedure and practices are inconsistent, arbitrary and capricious;
3. The City failed to follow its charter, code and policies in adopting the Assessment and could not lawfully adopt the Assessment;
4. The City failed to comply with provisions of Minn. Stat. Chapter 429 in adopting the Assessment;
5. The Assessment is not uniform upon the same class of property;
6. The services funded by the Assessment provided no special benefit to the Property;
7. The Assessment exceeded the value of any special benefit to the Property;
8. The City could not lawfully adopt the Assessment because the City's conduct underlying the Assessment violated the Owner's right to equal protection under the Minnesota and United States Constitutions;
9. The improvements for which the Assessment was levied do not result in an increase in fair market value of the Property in an amount equal to or greater than the amount of the Assessment; and
10. The Assessment exceeds the special benefits conferred and effect a taking in violation of the Minnesota Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. Said Constitutional violations are a violation of 42 U.S.C § 1983 and entitle fee owner to attorney's fees pursuant to 42 U.S.C § 1988.
11. The Assessment violates constitutional principles of uniformity in taxation.
12. The Assessment necessarily exceeds the costs of providing services to the rights-of-way abutting land owner's property.

Dated: 11-1-16

LTF Real Estate Company, Inc., a
Minnesota corporation

By: 

Its: Sr. Associate General Counsel