

RECEIVED

SEP 26 2014

CITY COUNCIL  
WARD 7

Phone: 651-683-1868

Fax: 651-681-6868

Cell: 651-324-1694

**JOHN G. HOESCHLER, P.A.**  
ATTORNEY

800 Lone Oak Road  
Eagan, MN 55121  
[jghoeschler@comcast.net](mailto:jghoeschler@comcast.net)

September 22, 2014

Mayor Chris Coleman  
City of Saint Paul  
390 City Hall  
15 W. Kellogg Blvd.  
St. Paul, MN 55102

Council President Kathy Lantry  
and Council Members  
310 City Hall  
15 Kellogg Blvd., West  
Saint Paul, MN 55102

Re: 2014 St. Paul Street Maintenance Special Assessment

Dear Mayor Coleman, Council President Lantry and Council Members,

For the fourth year, I must again object to your proposed street ROW assessments against my clients listed on the attached schedule. We object that your street ROW maintenance assessment program and the specific assessments against our properties violate Minnesota law and your own charter and ordinances.

Specifically, your assessments:

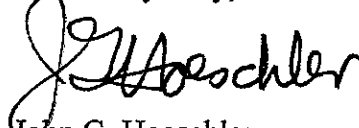
1. Are not uniformly applied to the properties of downtown nonprofits in contrast to nonprofits located elsewhere in the city and there is no rational basis for that distinction;
2. Do not cause a special benefit to our properties or to any other properties in St. Paul – they merely cause a general benefit, if at all, and that is not legally sufficient;
3. Are not proportionally applied to all affected properties and there is no rational basis for the exclusion of all properties above or below the first floor;
4. Are in excess of your actual costs with respect to properties that are assigned the commercial rates;
5. Are so inconsistently and unpredictably applied that the entire program is unreasonable and illegal, and there are no rational bases for those distinctions;

6. Are unconstitutional as to exempt, nonprofit properties because these are not valid assessments but merely an ad valorem tax denominated as a special assessment.

We understand that you are well aware of the crisis in street maintenance facing the city. We believe that a good part of this crisis is caused by the disproportionate way in which the current program assigns the burden of street maintenance costs and the substantial exemption it gives to the most valuable buildings in the City.

We believe there are better ways to address this problem and we would like to discuss our ideas with you in a forum that would allow the more detailed, nuanced and substantive discussion than is available in a mere 3 minutes at a public hearing on a crowded council agenda. If you agree that the problem deserves better quality discussion, please feel free to call me and we can arrange such a session.

Yours very truly,



John G. Hoeschler

cc: Shari Moore, City Clerk

# First Baptist Church, St. Mary's and Minnesota Public Radio Street ROW Assessments

Property Owner	Address	PIN	Class	Rate	Frontage	Total		
First Baptist Church	488 Wacouta St.	31.29.22.41.0024	1-A	18.81	425	\$ 7,994.25		
		31.29.22.41.0182	1-A	18.81	520	\$ 9,894.42		
		31.29.22.41.0027	1-A	18.81	355	\$ 6,677.55		
		31.29.22.44.0003	1-A	18.81	166	\$ 3,122.46		
Minnesota Public Radio	480 Cedar Ave.	31.29.22.34.0264	1-A	18.81	69	\$ 1,297.89		
		31.29.22.34.0281	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0282	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0283	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0284	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0285	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0286	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0287	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0288	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0291	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0292	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0293	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0294	1-A	18.81	20	\$ 376.20		
		31.29.22.34.0295	1-A	18.81	20	\$ 376.20		
		31.29.22.43.0505	1-A	18.81	264	\$ 4,965.84		
		31.29.22.43.0557	1-A	18.81	110	\$ 2,069.10		
		31.29.22.43.0590	1-A	18.81	370	\$ 6,959.70		
		32.29.23.23.0030	2-Com'l	9.49	125	\$ 1,186.25		
				32.29.23.23.0031	3-Com'l	6.99	160	\$ 1,118.40
				32.29.23.23.0032	3-Com'l	6.99	40	\$ 279.60
32.29.23.23.0033	3-Com'l			6.99	40	\$ 279.60		
32.29.23.23.0034	3-Com'l			6.99	40	\$ 279.60		
32.29.23.23.0035	3-Com'l			6.99	40	\$ 279.60		
32.29.23.23.0036	3-Com'l			6.99	40	\$ 279.60		
32.29.23.23.0037	3-Com'l			6.99	40	\$ 279.60		
32.29.23.23.0045	2-Com'l			9.49	130	\$ 1,233.70		
28.29.22.42.0088	3-Com'l			6.99	453	\$ 3,166.47		
28.29.22.42.0091	3-Res.			3.62	185	\$ 699.70		
			410	\$ 1,484.20				

## RUTZICK STREET ROW ASSESSMENTS & PROPERTIES

Owner	Address	PIN	Rate	Frontage (ft)	Amount
Rutzick Properties, LLC	185 Plato Blvd W.	06-28-22-43-0007	\$ 9.49	198 \$	1,879.02
Rutzick Properties, LLC	185 Plato Blvd W.	06-28-22-43-0006	\$ 9.49	39 \$	370.11
Rutzick Properties, LLC	120 Plato Blvd W.	06-28-22-43-0042	\$ 9.49	198 \$	1,879.02
Rutzick Properties, LLC	188 Plato Blvd W.	06-28-22-43-0026	\$ 9.49	399 \$	3,786.51
Rutzick Properties, LLC	190 Ohio St	06-28-22-43-0043	\$ 9.49	214 \$	2,030.86
Rutzick Properties, LLC	193 Ohio St.	06-28-22-43-0028	\$ 3.86	200 \$	1,898.00
Rutzick Properties, LLC	270 4th Street E #402	32-29-22-33-0346	\$ 3.86	167 \$	644.62
Rutzick Properties, LLC	270 4th Street E #209	32-29-22-33-0335	\$ 3.86	327 \$	1,262.22
Rutzick Family Limited Partn	240 4th Street E	05-28-22-22-0099	\$ 9.49	60 \$	569.40
Rutzick Family Limited Partn	240 4th Street E	05-28-22-22-0100	\$ 3.62	20 \$	72.40
75 Plato, LLC	75 Plato Blvd W.	06-28-2-43-0002	\$ 3.33	2.44 \$	8.13
JSS Associates	975 Grand Ave	02-28-23-31-0131	\$ 18.81	20 \$	72.40
RRB Associates	155 Wabasha St S	06-28-22-41-0045	\$ 3.33	2.44 \$	8.13
			\$ 18.81	50 \$	940.50
			\$ 18.81	130 \$	2,445.30
			\$ 3.33	50 \$	166.50
			\$ 18.81	50 \$	940.50
			\$ 3.33	50 \$	166.50
			\$ 9.49	737 \$	6,994.13
			\$ 9.49	139 \$	1,319.11
			\$ 6.99	110 \$	768.90
			\$ 2.41	249 \$	600.09
			\$ 9.49	300 \$	2,847.00
			\$ 9.49	443 \$	4,204.07
					<u>\$ 35,873.42</u>

## DART Street ROW Assessments and Properties

Property Owner	Address	PIN	Class	Rate	Frontage	Total
475 Cleveland Assoc LLC	475 Cleveland Ave N	32.29.23.41.0125	2-Com'l	9.49	140 \$	1,328.60
			3-Com'l	6.99	300 \$	2,097.00
Dart Transit	540 Cleveland Ave N	33.29.23.23.0008	2-Com'l	9.49	120 \$	1,138.80
Midway Fuel	543 Cleveland Ave N	32.29.23.14.0015	2-Com'l	9.49	69 \$	654.81
			2-Com'l	9.49	138 \$	1,309.62
Eaton Street LLC	260 Eaton St	08.28.22.12.0104	2-Res	3.86	300 \$	1,158.00
2085 Capp Road LLC	2185 Capp Road	29.29.23.41.0001	2-Com'l	9.49	763 \$	7,240.87
2085 Capp Road LLC	2185 Capp Road	29.29.23.14.0015	2-Com'l	9.49	382 \$	3,625.18
			5-Com'l	3.47	417 \$	1,446.99
1047 Raymond LLC	1043 Raymond	29.29.23.12.0055	2-Com'l	9.49	110 \$	1,043.90
802 Prior LLC	802 Prior Ave N	28.29.23.34.0084	2-Com'l	9.49	60 \$	569.40
			6-Com'l	0.63	60 \$	37.80
Eaton Street LLC	0 Chester St	05.28.22.43.0004	2-Res	3.86	142 \$	548.12
Eaton Street LLC	0 Lafayette Rd	08.08.22.12.0113	2-Com'l	9.49	230 \$	2,182.70
Dart Transit	770 Prior N	28.29.23.34.0126	2-Com'l	9.49	480 \$	4,555.20
			3-Com'l	6.99	125 \$	873.75
			3-Com'l	6.99	125 \$	873.75
			4-Com'l	1.3	480 \$	624.00