

**FERDINAND F. PETERS, ESQ. LAW FIRM**  
Lakes & Plains Office Building  
842 Raymond Avenue, Suite 200  
St. Paul, Minnesota 55114  
Phone: (651) 647-6250 Fax: (651) 251-1183  
ferdpeters@ferdlaw.com

RECEIVED  
OCT 05 2016  
CITY CLERK

---

October 5, 2016

St. Paul City Council  
Ms. Shari Moore, City Clerk  
15 Kellogg Blvd. West  
310 City Hall  
St. Paul, MN 55102  
Fax: 651-266-8574  
[Shari.moore@ci.stpaul.mn.us](mailto:Shari.moore@ci.stpaul.mn.us)

**VIA Personal Delivery to Presiding Officer  
and VIA Email**

**Subject:     Objection to 2016 ROW Assessment by Multiple Property Owners**

Dear Sir or Madam:

I represent all of the following property owners with real estate at all of the Saint Paul addresses listed, and all property owners are objecting to the 2016 Right of Way assessment imposed by the City of Saint Paul:

**Property Owners  
All Addresses are in Saint Paul, Minnesota  
Property Owners Objecting to  
The 2016 Proposed Right of Way Assessment**

Cherokee State Bank	965 Grand Ave.
Cherokee State Bank	985 Grand Ave.
Cherokee Agency Inc	675 Randolph Ave.
Cherokee State Bank	594 Smith Ave. S
Cherokee State Bank	607 Smith Ave. S
John & David Rudolph	1036 Grand Ave.
Brimhall Como Investments LLC	241 Brimhall St.
Brimhall Como Investments LLC	2130 Como Ave.
Jrcs Investments LLC	622 Grand Ave.
Giovanni Investments LLC	194 Summit Ave.
Michael & Marlene Killa	740 Grand Ave.
Michael & Marlene Killa	745 Lincoln Ave.

---

Grand Ham LLC	1342 Grand Ave.
Grand Ham LLC	1355 Grand Ave.
Grand Ham LLC	0 Grand Ave.
Paul Dzubnar	1530 Edgcumbe Rd.
William & Maureen Dunnigan	365 Smith Ave. N
Triple Nine Investments LLC	682 Selby Ave.
Triple Nine Investments LLC	168 Griggs St. N
Real Estate Investors	724 Hague Ave.
Real Estate Investors	753 Hague Ave.
Real Estate Investors	754 Hague Ave.
Real Estate Investors	758 Hague Ave.
Real Estate Investors	814 Laurel Ave.
Real Estate Investors	483 Marshall Ave.
Real Estate Investors	754 Blair Ave.
Real Estate Investors	1611 Stanford Ave.
Real Estate Investors	649 Holly Ave.
Real Estate Investors	668 Lafond Ave.
Real Estate Investors	480 Iglehart Ave.
Parkway Investments LLC	195 Lexington Pkwy. N
Parkway Investments LLC	194 Lexington Pkwy. N
Parkway Investments LLC	655 Holly Ave.
Parkway Investments LLC	999 Grand Ave.
William Dunnigan Trustee	555 Frontenac PL
William Dunnigan Trust	2005 Ford Pkwy

---

The list of objections:

**1. The Assessment includes costs that are not authorized under law.**

The ROW assessment includes charges for "ordinance enforcement" and "snow emergency service". These are general government functions that should be funded out of general tax revenues. Neither Section 14.01.2 of the City Charter, nor Chapter 62 of the St. Paul Administrative Code authorizes that these types of charges be assessed as part of a street maintenance assessment.

**2. The Assessment is not authorized under law.**

The ROW Assessment are for annual operating costs of the city that are part of a general operating budget, and are not properly imposed as assessments. The assessment violates the recent Minnesota Supreme Court case of **First Baptist Church of St. Paul, et al., vs. City of St. Paul (A15-0015)**, and it also violates the powers of the Saint Paul pursuant to its own charter. Furthermore the assessment violates the Minnesota Constitution, the U.S. Constitution, and Minnesota Statute section 429.051 and other related statutes.

**3. The amount of the Assessment exceeds the benefit to any property, since routine street maintenance provides no special benefit for any individual property.**

Both State law and the City Charter specify that a special assessment cannot exceed the benefits to the property. The limited street maintenance services provided to properties by this tax, camouflaged as an assessment, does not result in any increase in property values. The proposed ROW assessment amount exceeds any possible benefit conferred, and it is also objected to since absolutely no benefit is conferred. Sweeping the streets and plowing the snow is analogous to mowing the grass or taking out the trash. Failure to do such regular chores may reduce the value of any property and create a nuisance. However, every time a property owner performs regular chores, it only maintains the current value of that owner's property; it doesn't increase it. If that wasn't the case, and the value of a property increased each time the lawn was mowed, a property owner could do this twice a day for the entire summer, and cash out at the end of the year at a significant profit.

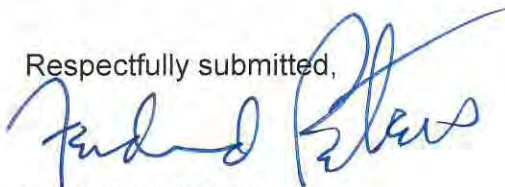
**4. The Assessment is not imposed uniformly or proportionately.**

Objection is also made based on the assessment structure, which imposes the assessment "tax" in a manner that is not proportional or uniform. The current assessment rules result in large disparities in the ROW assessments for similar properties depending on whether or not they are located on corners or in which neighborhoods the property is located.

**5. An Assessment for commercial lots on corners (at least two sides abut a street) is imposed improperly.**

For each of the above-referenced properties which are corner lots in Saint Paul, additional objection is made that the properties do not receive a greater benefit from the ROW Assessment because two or more sides of each property are assessed versus one front side.

Respectfully submitted,



Ferdinand F. Peters  
Attorney at Law