

Lowry Building LLC

VIA EMAIL TO Contact-Council@ci.stpaul.mn.us

May 11, 2022

15 West Kellogg Blvd
310 City Hall
St. Paul, MN 55102

Re: **Objection and Intent to Appeal**
2021 SMSP / Mill and Overlay
Assessment #215519
Property Address: 345 Wabasha St. N
Property ID: 06-28-22-12-0062

Dear Mayor, City Clerk, and the St. Paul City Council Members:

I am the managing member of Lowry Building LLC (“Lowry”), a Minnesota limited liability company and owner of real property within the City limits.

Despite receiving no notice, I understand that the City set a public hearing date of May 11, 2022 in which it intends to ratify an assessment against the above property for Mill and Overlay charges in the amount of \$8,156.00.

This letter is intended to serve as Lowry’s written objection to the proposed assessment and its intent to appeal the charges if levied against Lowry or any of its properties.

Lowry objects to the proposed assessment as said mill & overlay charges are a tax requiring proof of special benefit to Lowry. The mill and overlay performed does not confer a special benefit on the property at issue. Indeed, this is exactly what

the Ramsey County District Court judicially determined on May 2, 2022 in Court File Numbers 62-CV-18-7686 and 62-CV-19-4884. In those cases, the Court found that mill & overlay charges, and other charges, are “not valid without a showing of special benefit to the Plaintiff’s assessed.” I have enclosed a copy of the Court’s decision with this letter.

In light of the Court’s May 2, 2022 decision, the City of Saint Paul is simply not legally authorized by ordinance to assess property owners for unpaid street maintenance charges. The Court has already ruled what the City is doing is invalid and illegal. Accordingly, the proposed assessment is void and should not be ratified or approved. Doing so in light of the Court’s May 2, 2022 decision would be bad faith and an unconstitutional taking of private property, among other things.

Should you wish to discuss this matter directly, you may contact our lawyer, Kelly S. Hadac, Esq. of the Hadac Law Office PLLC at your convenience. His phone number is (651) 895-6633 and email address is khadac@yahoo.com.

Sincerely,



Rosemary A. Kortgard
Managing Member
Lowry Building LLC

w/ Enclosure

cc: Kelly S. Hadac, Esq.