

October 5, 2016

VIA EMAIL, U.S. MAIL AND FACSIMILE

St. Paul City Council  
Ms. Shari Moore, City Clerk  
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Re: **Objection to 2016 Right of Way ("ROW") Assessment  
On Behalf of all of the 80,000 (or more) Property Owners that the  
City of Saint Paul has included on the Assessment Roll pursuant  
to Minnesota Statutes Section 429.061**

Dear Sir or Madam:

Objection is hereby made on behalf of the property owners listed on Attachment A ("Property Owners"), and all similarly situated property owners named by the City of Saint Paul (the "City") in the Assessment Roll for 2016 ROW Assessments. Unless the disputes forming the basis of these objections are otherwise resolved, the property owners listed on Attachment A intend to commence a class action lawsuit to be maintained on behalf of a class of similarly situated property owners (the "Class") seeking injunctive relief and damages. We hereby raise the following objections to the proposed 2016 ROW Assessments:

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

The ROW Assessment is for annual operating costs of the City that are part of a general operating budget, and are not properly imposed as assessments. The assessment is barred by the recent Minnesota Supreme Court case of *First Baptist Church of St. Paul, et al., vs. City of St. Paul* (A15-0015), and violates the powers of the City pursuant to its own charter. Furthermore the assessment violates relevant provisions of the Minnesota Constitution, the United States Constitution, and Minnesota Statutes section 429.051 and other related statutes.

**2. 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.

**3. The amount of the Assessment exceeds the benefit to any property.**

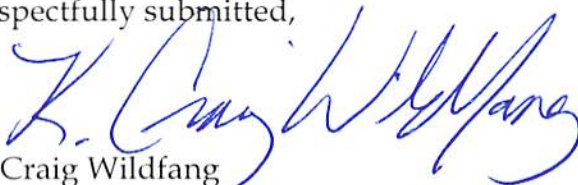
Both State law and the City Charter specify that a special assessment cannot exceed the benefits to the property. The limited street maintenance services provided to properties by this assessment, does not result in any increase in property values. The City bears the burden of demonstrating and quantifying the alleged benefit, which it has not done.

**4. The Assessment is not imposed uniformly nor proportionately.**

Objection is also made based on the assessment structure, which imposes the assessment in a manner that is not proportional or uniform. The proposed 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.

The various objections that we have raised to the City of St. Paul's ROW Assessment process relies on a set of common facts and law that are uniformly applicable to all of the members of the Class. The members of the Class consist of over 80,000 property owners, and the amounts in dispute in each individual case are relatively small, such that a class action is the only practical, judicially efficient way to ultimately adjudicate the legality of this ROW Assessments scheme.

Respectfully submitted,



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# ATTACHMENT A

## **Objectors** (including, but not limited to)

Michael & Suzanne Schumann  
1039 Grand LLC

541 Dayton Ave.  
1037 Grand Ave.

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