

TRADITIONS

Classic Home Furnishings

October 5, 2016

St. Paul City Council
Ms. Shari Moore, City Clerk
310 City Hall
15 West Kellogg Boulevard
St. Paul, MN 55119
Shari.moore@ci.stpaul.mn.us

Re: 2016 ROW Assessments – 1037 Grand & 541 Dayton Ave.

Greetings:

My wife and I own the commercial building at 1037 Grand Avenue (at the NE corner of Grand and Oxford) that houses Traditions Classic Home Furnishings. We also own a residential property at 541 Dayton Ave.

I object to this assessment on the following grounds:

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

This 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 the Street Maintenance Assessment.

2. The Assessment exceeds the cost of services that were actually provided for the streets abutting my property.

In 2016 the only services that the City provided on either Grand Ave., Oxford Street, or Dayton Ave. in the vicinity of our property was periodic sweeping and snow plowing. Under MN State Law, only specific improvements that directly benefit a property can be assessed against that property. Street maintenance in other parts of the city certainly does not provide the necessary direct benefit to my property, and should be paid for out of general tax revenues, or assessed against the property affected, if it can be shown that a direct benefit results in an increase in that property’s value, which we dispute.

3. The amount of the Assessment exceeds the benefit to my 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 our properties did not provide any increase in their values.

Sweeping the streets and plowing the snow is analogous to my mowing the grass or taking out the trash. Failure to do such regular chores may reduce the value of my, and the surrounding properties. However, every time I do these regular chores, it only maintains the current value of my property; it

MINNEAPOLIS
4245 Excelsior Blvd.
Minneapolis, MN 55416
(952) 285-2777

ST. PAUL
1039 Grand Ave.
St. Paul, MN 55105
(651) 222-5253

NAPLES
870 6th Ave S.
Naples, FL 34102
(239) 213-1240

doesn't increase it. This is common sense, which may not count for much at city hall. If that wasn't the case, and the value of my property increased each time I mowed my lawn, I'd 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 on 1037 Grand is not allocated uniformly amongst the affected properties in proportion to the benefits received.

MN State law requires that all special assessments be uniformly allocated amongst the affected properties in proportion to the benefits received. The City of St. Paul's policy to charge corner commercial properties for street maintenance on both the front and side street frontages, while similar commercial properties in the middle of the block pay nothing for the maintenance of the side streets, results in dramatic inequities in the amounts assessed in violation of the law (assuming that the regular maintenance provides any special benefit at all to any of these properties, which we are disputing).

In the proposed 2016 Assessment, our property is being charged \$1,101.00 for street maintenance on Oxford Street, which every property owner on our block needs to use to get access to our common alley. Without Oxford Street, none of the midblock property owners would be able get to their garages and/or off-street parking, they would not be able to get garbage service, nor would they be able to get electric, telephone, or cable TV services. Yet, these mid block property owners (both commercial and residential) pay NOTHING towards the maintenance of these side streets.

Under the proposed 2016 Assessment, our corner property is being charged a total of \$1,550.10 for ROW maintenance. An identical sized commercial lot in the middle of block will only be charged \$510.30, a 304% difference in assessments.

In addition to the unfairness of this policy, it is also inconsistent with the rules on how the City assesses street maintenance charges for residential corner properties, which only pay an assessment for the street frontage on the front of their properties. Similarly, the City does not charge either commercial or residential corner properties for above average street light assessments for the side frontage of their properties, violating the uniformity requirements for special assessments.

5. Dayton and Marshall Avenues are improperly classified as Arterial Streets.

The City of St. Paul has improperly classified Dayton and Marshall Avenues as arterial streets. East of Dale, both of these streets are residential streets, and have not been used as arterial streets since the 1960s when the I-94 construction was completed. This miss classification results in improper assessments on not just our property at 541 Dayton Ave., but also all the other properties on these two streets, particularly 4+ unit apartment buildings.

Please note that all of these legal requirements have been spelled out in very specific detail in the recent MN Supreme Court decision handed down in First Baptist Church of St. Paul, et al., vs. City of St. Paul (A15-0015).

Sincerely,



Michael Schumann
mike@traditions.com
651-208-3791 (cell)