

## Vang, Nhia (CI-StPaul)

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**From:** Miller, Alyssa F. <AFMiller@RobinsKaplan.com> on behalf of Wildfang, K. Craig <KCWildfang@RobinsKaplan.com>  
**Sent:** Thursday, October 20, 2016 3:59 PM  
**To:** Vang, Nhia (CI-StPaul)  
**Cc:** Moore, Shari (CI-StPaul); Michael Schumann (mike@traditions.com) (mike@traditions.com)  
**Subject:** City of St. Paul ROW Assessments for 2016  
**Attachments:** 2016-10-20 Wildfang Letter to N. Vang re City of St. Paul ROW Assessments for 2016.PDF

Ms. Vang:

Please see attached correspondence sent on behalf of K. Craig Wildfang. A copy will follow by U.S. Mail.

*Sincerely,*

Alyssa Miller

Legal Administrative Assistant to:

K. Craig Wildfang, Esq., Ryan W. Marth, Esq. & Peggy Arman

**ROBINS  KAPLAN LLP**

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Thank you in advance for your cooperation.

Robins Kaplan LLP  
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October 20, 2016

Nhia Vang  
Deputy Legislative Hearing Officer  
St. Paul City Hall and Courthouse  
310 City Hall  
15 Kellogg Blvd.  
Saint Paul, MN 55102-1615

Re: City of St. Paul ROW assessments for 2016

Dear Ms. Vang:

As you suggested at the hearing on October 17, this letter will pose certain questions to the City the answers to which will be relevant to any further proceedings with respect to the 2016 Right of Way ("ROW") assessments. We would like answers to the questions below as soon as possible, but in any event prior to the City Council meeting on November 2, 2016.

1. We would like answers to all of the questions we posed at the October 17 hearing, that were not answered at that time.
2. Who made the decision for the City to proceed with ROW assessment appeals under Minn. Stat. Chapter 429 instead of handling appeals as laid out in the City Charter as was done in prior years? What was the reason for making this change?
3. In deciding to make special assessments for the services described in any notice of assessment, did the City take into account the recent decision of the Minnesota Supreme Court in *First Baptist Church of St. Paul et al v. City of St. Paul*? If so, how was that decision taken into account?
4. Please provide the dollar amount and percentage of the total costs being assessed as ROW assessments for 2016 for each major category of expenditures identified in the Public Hearing Notices for the properties located at 541 Dayton Avenue and 1037 Grand Avenue for which the City is making the special assessments (e.g. snow emergency plowing, seal coating, sweeping and flushing,

pavement and sidewalk repairs, patch, blade and place crushed rock, ordinance enforcement, etc.)

5. As to each major category of expenditures identified in your answer to question 4 above, does the City contend that that category of expenditure increased the property value of the properties at 541 Dayton Ave. and/or 1037 Grand Ave.?

6. If one or more of the answers in your response to question 5 is "Yes", by what dollar amount were the values of these properties increased?

7. If one or more of the answers to the expenditure categories in your answer to question 5 is "Yes", identify what evidence the City will rely upon to prove that the City's answers to question 6 are correct?

8. If the ROW assessments for 2016 and/or prior years are determined by a court to be invalid, how will the City refund the wrongfully collected ROW assessments to the City's property owners?

9. If the City's ROW assessments for year 2013, 2014, 2015 and 2016 are determined by a court to be invalid, what is the total amount of money that the City must refund to St. Paul property owners?

10. If an ROW assessment is appealed to District Court, identify what evidence the City will rely upon to prove the ROW assessments are valid and correct?

11. If an ROW assessment is appealed to District Court, will the City take the position that no discovery should occur before the matter is tried?

Sincerely,

  
K. Craig Wildfang

cc: Shari Moore, City Clerk  
15 Kellogg Blvd. West 310 City Hall  
Saint Paul, MN 55102

Mike Schumann