

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Assessment Appeal

Harris Building, LLP, NJF Properties, LLC
and RRB Associates,

Court File No.62-CV-17-6163

Plaintiffs,

**SETTLEMENT AGREEMENT
AND RELEASE**

vs.

City of St. Paul,

Defendant.

Plaintiffs Harris Building, LLP, NJF Properties, LLC and RRB Associates filed an Amended Notice of Appeal and Appeal dated October 18, 2017 regarding a City of St. Paul City Council Resolution dated October 4, 2017 under File No. RES PH 17-245 which ratified the assessment for the Wabasha Street from Plato to Fillmore Paving and Lighting project constructed as part of the St. Paul Street Paving Program. Plaintiffs were collectively assessed for street improvements regarding the above-mentioned project in the amount of \$479,780.58.

Plaintiffs now agree to settle their special assessment appeal based upon the City's agreement to reduce their assessments by 80 percent. The new amount of special assessments owed by Plaintiff Harris Building has now been reduced by agreement of the parties to \$17,810.88. The special assessment regarding this project relating to Plaintiff RRB Associates has been reduced to \$32,875.92. The special assessment relating to NJF Properties has been reduced regarding this project to \$45,269.32 for a total amount assessed against Plaintiffs of \$95,956.12. As part of this settlement agreement, Plaintiffs

and their heirs, executors, administrators, successors and assigns agree to release any and all claims whether known or unknown, including claims to interest, legal fees, costs and disbursements which Plaintiffs have ever had or now have against the City of St. Paul as well as its agents, employees and representatives relating to the special assessments imposed regarding the above-mentioned street assessment project including but not limited to Plaintiffs' claims that the assessments exceeded any special benefit to their properties, and thus constituted an unconstitutional taking without due process, their claims that the assessments failed all relevant tests of uniformity and proportionality because not all benefitted properties were actually charged for the work, and their claims that the City wrongfully claimed that it had completed work on the project prior to October 4, 2017, but instead based its charges on estimated and not actual costs, all in alleged violation of the City Charter and Minnesota law as well as 28 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution.

It is agreed by the parties that an amended bill for the reduced amounts of the assessments listed above will be issued which will permit Plaintiffs to pay 1/20th of the assessment amount each year with a new interest calculation based upon the revised amounts.

It is understood and agreed that this settlement is a compromise of a disputed claim and that payment made is not to be construed as an admission of liability on the part of the City of St. Paul, and that the City denies liability therefore and intends merely to avoid litigation and buy its peace.

Plaintiffs declare and represent that no promise, inducement or agreement not expressed herein has been made to them and that this release contains the entire agreement between the parties hereto and that the terms of this release are contractual and not a mere recital.

Dated: _____
Representative of Harris Building, LLP

Dated: _____
Representative of NJF Properties, LLC

Dated: _____
Representative of RRB Associates