

FERDINAND F. PETERS, ESQ. LAW FIRM

711 Smith Avenue South
St. Paul, Minnesota 55107
Phone: (651) 647-6250
ferdpeters@ferdlaw.com

October 6, 2021

Mayor Melvin Carter
390 City Hall and Court House
15 West Kellogg Blvd.
St. Paul, MN 55102

St. Paul City Council
Ms. Shari Moore, City Clerk
15 Kellogg Blvd. West
310 City Hall
St. Paul, MN 55102
Fax: 651-266-8574
Shari.moore@ci.stpaul.mn.us
VIA Email @
Contact-Council@ci.stpaul.mn.us

**Subject: Objection to 2020 St Paul Street Paving Program (SPS) Fees by
Multiple Property Owners, including all property owners in the City of
Saint Paul who own properties within each project area unless
exempt
RES PH 21-215, Project No. 19235, Assessment No. 205201**

Dear Mayor Carter and Ms. Moore:

I represent all of the following property parcel owners with real estate at all of the Saint Paul addresses listed in the Saint Paul parcel owner listing for the above project assessment, and all other similarly situated properties within the project area listed above. This objection is on behalf of all property owners who are objecting to the 2020 St Paul Street Paving Program (SPS) Assessments imposed by the City of Saint Paul, and for any such fees paid for the 2020 St Paul Street Paving Program:

**Property Owners
All Addresses are in Saint Paul, Minnesota
Property Owners Objecting to
The 2020 Proposed St. Paul Street Paving Program Assessment**

Owner	Address	PID
Arec 26 LLC	2520 Como Ave	202923230005

To wit up to 9 owners of parcels for project 19235 (RES PH 21-215);

The list of objections:

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

The Paving and Lighting Assessment includes charges for constructing new bituminous surface streets with concrete curb and gutter, concrete driveway aprons, boulevards landscaped with sod and trees, sidewalk replacement as needed, and a new lantern style lighting system. 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 paving assessment, nor does state law permit it.

2. The Assessment is not authorized under law.

The Street Paving Assessment is for annual operating costs of the city that are part of a general operating budget, and is not properly imposed as assessments. The assessment violates the Minnesota Supreme Court case of **First Baptist Church of St. Paul, et al., vs. City of St. Paul (A15-0015)**, and it also violates the powers of the City of Saint Paul pursuant to its own charter. Furthermore, the assessment violates the Minnesota Constitution, the U.S. Constitution, and Minnesota Statute section 429.051 and other related statutes.

3. The amount of the Assessment exceeds the benefit to any property, since routine street maintenance provides no special benefit for any individual property.

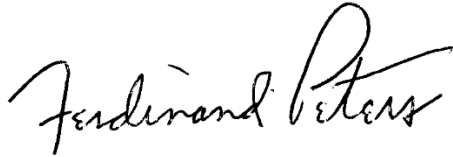
Both State law and the City Charter specify that a special assessment cannot exceed the benefits to the property. The limited street maintenance services provided to properties by this tax, camouflaged as an assessment, does not result in any increase in property values. The proposed Street Paving and lighting assessment amount exceeds any possible benefit conferred, and it is also objected to since absolutely no benefit is conferred.

Paving and lighting of the streets is analogous to mowing the grass or taking out the trash. Failure to do such regular chores may reduce the value of any property and create a nuisance. However, every time a property owner performs regular chores, it only maintains the current value of that owner's property; it doesn't increase it. If that wasn't the case, and the value of a property increased each time the lawn was mowed, a property owner could do this twice a day for the entire summer, and cash out at the end of the year at a significant profit.

4. Street Maintenance is a core function of the city and real estate taxes are designed to cover these costs.

Street paving and lighting is a part of street maintenance and should be covered under real estate taxes. Maintaining city streets is a core function of the city. Real estate taxes in St. Paul are already demonstrably higher than almost every other city and county in Minnesota.

Respectfully submitted,

A handwritten signature in black ink, reading "Ferdinand Peters". The signature is written in a cursive, flowing style with a large initial 'F' and 'P'.

Ferdinand F. Peters
Attorney at Law