

January 12, 2026

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

**Via U.S. Mail and Email**  
[cityclerk@ci.stpaul.mn.us](mailto:cityclerk@ci.stpaul.mn.us)

Re: Pelham Blvd. Reconstruction from Mississippi River Blvd. to Franklin Ave. (the  
“Project”)  
Our Client: 2446 University Avenue, LLC  
Property ID 292923340081

Dear Ms. Moore:

Our firm has been retained to represent 2446 University Avenue, LLC in connection with the above-referenced Project and the proposed special assessment resulting from the same. Our client is the owner of property located at 2446 University Ave. W (the “Property”) for which the City has proposed a \$84,610.00 special assessment. Our client opposes and objects to the levying of a special assessment against the Property to fund the Project. This letter shall constitute 2446 University Avenue, LLC’s written objection to the imposition of a special assessment against the Property pursuant to Minn. Stat. §§ 429.061 and 429.081.

Under Minnesota law, a special assessment must confer a “special benefit” on the property to be assessed, and the amount of the special assessment may not exceed the special benefit conferred on the property. “Special benefit” is defined as an immediate increase in the property’s market value resulting from the project. In other words, the City must establish that the assessed property increases in value by at least as much as the assessment sum. An assessment that exceeds the amount of special benefit conferred will be set aside by the district court and deemed an unconstitutional taking, subjecting the City to liability for violating both the Minnesota Constitution and the Fifth and Fourteenth Amendments to the United States Constitution (which includes the award of attorneys’ fees to the challenging property owner).

To the extent there are any benefits derived from the Project, they are *general* in nature to the traveling public, but do not confer a special benefit resulting in an immediate increased market value to the Property in amount of at least \$84,610.00 (the proposed special assessment sum). The replacement of underground utilities, sidewalks, street surfaces, curbs, lighting and pedestrian ramps does not confer a special benefit. Neither does the addition of an off-street bicycle lane which eliminates on-street parking adjacent to the Property. Rather, the Project will detrimentally affect the value of the Properties by virtue of removing existing access.

There is on-site parking in front of the Property that can only be accessed off Pelham Avenue near the intersection of Franklin Avenue. There is parking at the rear of the Property as well that is only accessed off Pelham Avenue. There is no current entrance via Myrtle Avenue. There is an alleyway

off of Myrtle Avenue, but the alleyway is not wide enough for large vehicles, such as semi-trucks or fire trucks. Moreover, Myrtle Avenue is a westward one-way street. Even if utilization of the alleyway constituted sufficient access (it does not), one would need to take a circuitous route from Raymond Avenue to Myrtle Avenue to the alleyway, which is objectively unreasonable and inconvenient.

Our client's private property is being taken and damaged to facilitate the Project while at the same time the City is seeking to have our client pay for a portion of the Project. The Project proposes to remove access via Pelham Avenue and street parking along Pelham Avenue, both of which detrimentally affect and devalue the Property. The Property's market value will undoubtedly decrease due to the removal of reasonably suitable and convenient access, rendering the special assessment both unreasonable and unconstitutional. Costs associated with the Project should not be borne by our client through special assessments. There are no measurable special benefits conferred to the Properties—only detriments.

If the proposed special assessment against the Property is adopted by the City, 2446 University Avenue, LLC intends to challenge the assessment in district court. Its appeal will include, but not be limited to, the following allegations: (a) The City failed to comply with the provisions of Minn. Stat. Ch. 429 in adopting the special assessments; (b) The special assessments are not uniform upon the same class of property; (c) The improvements for which the special assessments were levied do not result in an increase of fair market value to the Property in an amount equal to or greater than the amount of the special assessments; (d) The special assessments are arbitrary, capricious, unreasonable, and unconstitutional; and (e) The special assessments exceed the special benefits conferred and effect a taking in violation of the state constitution and the Fifth and Fourteenth Amendments to the United States Constitution (and that those constitutional violations are a violation of 42 U.S.C. § 1983 and entitle 2446 University Avenue, LLC to attorneys' fees pursuant to 42 U.S.C. § 1988).

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Steen', with a long horizontal flourish extending to the right.

Jacob W. Steen, for  
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: [jsteen@larkinhoffman.com](mailto:jsteen@larkinhoffman.com)

cc: Therese Skarda, Deputy City Attorney (Interim) (via [therese.skarda@ci.stpaul.mn.us](mailto:therese.skarda@ci.stpaul.mn.us))  
2446 University Avenue, LLC