From:	Kelly Hadac
To:	*CI-StPaul_Contact-Council
Subject:	Objection and Intent to Appeal (Owner: First Bank Building LLC, 332 Minnesota Street, St. Paul) (Public Improvement Construction: Minnesota St.: Kellogg Blvd to Sixth, Phase 1)
Date:	Thursday, March 16, 2023 10:38:15 AM
Attachments:	Order from Judge Awsumb of Ramsey County District Court.pdf Objection Letter (First Bank Building LLC to project on Minnesota Street Phase 1).pdf

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Dear Council:

Attached please find the Objection and Intent to Appeal on behalf of First Bank Building LLC relating to the above project and property. Also attached is the Court Decision from Ramsey County that is referenced in the letter. Thank you.

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VIA EMAIL TO Contact-Council@ci.stpaul.mn.us

March 16, 2023

15 West Kellogg Blvd
310 City Hall
St. Paul, MN 55102

Re: **Objection and Intent to Appeal**
Property Owner: First Bank Building LLC
Public Improvement Construction: Minnesota Street: Kellogg Blvd to Sixth, Phase I (the "Project")
Property Address: 332 Minnesota St. (the "Property")
Property ID: 06-28-22-11-0017

Dear Mayor, City Clerk, and the St. Paul City Council Members:

I am legal counsel for First Bank Building LLC ("FBB"), a Minnesota limited liability company and owner of the Property.

I have reviewed the City of St. Paul Assessments online information and have discovered a pending assessment against the Property in the amount of $234,317.33 relating to the Project.

This letter is intended to serve as FBB's written objection to any assessment against the Property and its intent to appeal the charges if levied against FBB or the Property.

If the Project is approved, FBB objects to the proposed assessment as said charges are a tax requiring proof of special benefit to FBB. The proposed street grading/paving and lighting work does not confer a special benefit on the Property.

The City of St. Paul should be intimately familiar with this result following the decision by the Ramsey County District Court in Court File Numbers 62-CV-18-7686 and 62-CV-19-4884. In those cases, the Court found that mill & overlay charges, and other charges, are "not valid without a showing of special benefit to the Plaintiff's assessed." I have enclosed a copy of the Court's decision with this letter.

In light of the Court's May 2, 2022 decision and applicable law, the City of Saint Paul is not legally authorized by ordinance to assess property owners for grading/paving and lighting without first proving a special benefit to each property. In fact, the www.stpaul.gov website states that the Project's goals are to "improve safety for all users" and "support the evolving needs of downtown users" among other public reasons. Why should the abutting property owners cover all the costs of the Project when the Project is for the benefit of everyone? Indeed, any attempt to assess the Property would be bad faith and an unconstitutional taking of private property, among other things. New pavement and lights simply do not increase the value of commercial buildings in St. Paul.

Sincerely,

Kelly S. Hadac

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w/ Enclosure