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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

Re: Pelham Blvd. Reconstruction from Mississippi River Blvd. to Franklin Ave. (the "Project")
Our Client: 2356 University Avenue Limited Partnership
Property IDs: 292923340050; 292923340051; 292923340052

Dear Ms. Moore:

Our firm has been retained to represent 2356 University Avenue Limited Partnership in connection with the above-referenced Project and the proposed special assessment resulting from the same. Our client is the owner of 750 Pelham Blvd. (parcels 292923340051 and 292923340052) and 732 Pelham Blvd. (parcel 292923340051) (collectively the "Properties"). The City has proposed $31,375.00 of special assessments against the Properties. Our client opposes and objects to the levying of special assessments against the Properties to fund the Project. This letter shall constitute 2356 University Avenue Limited Partnership's written objection to the imposition of a special assessment against the Properties 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 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 $31,375.00 (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.

The Properties constitute a parking lot with existing access off of Pelham Ave. The Project will remove the existing access point. There is an alleyway off of Myrtle Avenue, but 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 to access the Properties, which is objectively unreasonable and inconvenient. Restricting the Properties to one deficient access point via an alleyway will increase traffic congestion and inhibit the right of ingress and egress.

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, which will detrimentally affect and devalue the Properties. The Properties' market value will undoubtedly decrease due to the removal of reasonably suitable and convenient access, rendering the special assessments 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, 2356 University Avenue Limited Partnership 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 2356 University Avenue, LP to attorneys' fees pursuant to 42 U.S.C. § 1988).

Please do not hesitate to contact me with any questions.

Sincerely,

Jacob W. Steen, for
Larkin Hoffman

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cc: Therese Skarda, Deputy City Attorney (Interim) (via therese.skarda@ci.stpaul.mn.us)
2356 University Avenue Limited Partnership