

From: [Kelly Hadac](#)
To: [*CI-StPaul Contact-Council](#)
Subject: Objection and Intent to Appeal (Property Address and ID: 9 7th Place West; 06-28-22-21-0079) (Paving and Lighting-Wabasha St.)
Date: Thursday, March 16, 2023 10:57:49 AM
Attachments: [Objection and Intent to Appeal dated March 16, 2023 \(Paving and Lighting -Wabasha Street \(2022\)\).pdf](#)
[Order from Judge Awsumb of Ramsey County District Court.pdf](#)

Dear Council:

Attached please find the Objection and Intent to Appeal on behalf of the owners of the above property relating to lighting/pavement work on Wabasha Street. 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: Seventh Place Apartments LLC, BLL Apts LLC, 7th Place Abode LLC, 7th Place Abode II LLC, HELM, LLC, and KSH 7th Place LLC ("Owners")

Public Improvement Construction: Paving & Lighting-Wabasha St. (2002) (the "Project")

Property Address: 9 7th Place West. (the "Property")

Property ID: 06-28-22-21-0079

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

I am legal counsel for the Owners of the Property. I am also the CEO of KSH 7th Place LLC.

I have reviewed the City of St. Paul Assessments online information and have discovered a pending assessment against the Property in the amount of \$110,017.13 relating to the Project.

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

Owners object to the proposed assessment as said charges are a tax requiring proof of special benefit to the Property. The paving and lighting work on Wabasha

Street 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 paving and lighting without first proving a special benefit to each property. Any attempt to assess the Property would be bad faith and an unconstitutional taking of private property, among other things.

Sincerely,



Kelly S. Hadac, Esq.

Attorney at Law

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w/ Enclosure