

STATE OF MINNESOTA
COUNTY OF CROW WING

DISTRICT COURT
JUDICIAL DISTRICT

CASE TYPE: Special Assessment

City of Brainerd,

Court File No. _____

Appellant,

v.

NOTICE OF APPEAL

City of Baxter,

Respondent.

TO: COURT ADMINISTRATOR OF THE ABOVE-NAMED COURT AND THE CITY OF BAXTER, MINNESOTA.

I.

Notice is hereby given that pursuant to Minnesota Statutes section 429.081, Appellant City of Brainerd hereby appeals the adoption, levy and determination of the assessments and assessment roll approved by the City of Baxter on or about March 21, 2023, against Appellant's property identified as Crow Wing County Property ID Numbers 40080712 and 40170601 (collectively, "the Subject Properties") in the amounts of \$3,871.13 and \$55,659.08, respectively (without interest). Said assessments relate to the "2023 Cypress Drive and Douglas Fir Drive Improvements."

II.

Pursuant to Minnesota Statutes section 429.061, a written objection to the assessments was filed with the City Administrator / Clerk prior to the assessment hearing.

III.

The grounds of appeal are:

A. The assessments do not result in any benefit, special or otherwise, to the Subject Properties. The Subject Properties have not, and will not, increase in market value because of the improvements.

B. The method of assessment applied to Appellant is contrary to and violates the Uniformity Clause of the Minnesota Constitution, Article X, Section 1, as well as the Equal Protection Clause of the United States Constitution, Amendment XIV.

C. The levying of the assessments constitutes an unconstitutional taking of Appellant's property under the Minnesota and United States Constitutions.

D. The criteria and method used to determine the assessments upon the Subject Properties were arbitrary and capricious and based upon an erroneous theory of law.

WHEREFORE, Appellants requests this Court: (1) declare the assessments to be null and void and set aside the assessments; (2) award Appellant its costs, disbursements, and expert witness fees; and (3) award such further relief as the Court may deem just and equitable.

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

RATWIK, ROSZAK & MALONEY, P.A.

Dated: April 19, 2023

By: /s/ Joseph J. Langel

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