STATE OF MINNESOTA
COUNTY OF Hennepin

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Juris Curiskis,

Plaintiff

vs.

City of Minneapolis,

Defendant

COURT FILE NUMBER:
AP 05-008914

COMPLAINT:

The plaintiff complains of defendant and alleges the following:

1. The SPECIAL ASSESSMENT TAX, by the City of Minneapolis, is part of PROPERTY TAXES. However, the City Charter does not provide the same due process as the Minnesota Statutes provide for Property Tax appeals.

2. The Minneapolis Charter was amended in 1979. That amendment eliminated the LINEAL FOOT unit of measurement for assessment purposes and substituted that residents will be assessed based on the BENEFIT to them. However, the City Charter does not define BENEFIT. Since then, the City of Minneapolis has adopted a policy that is not part of the City Charter and is no different than the LINEAL FOOT concept, namely SQUARE FOOT concept.

3. The policy, as described in item 2 above, has resulted in disparities between individual households that certainly does not meet the intent of the 1979 amendment to the City Charter nor the Minnesota State Constitution.

4. The City Charter is also very unclear how each neighborhood shall be assessed when SPECIAL ASSESSMENT projects are instituted. As a result, some of the recent IDENTICAL City Projects vary between 11% and 42% charged to the different neighborhoods.

5. The City of Minneapolis Public Works have a policy adopted when the condition of the pavement meets an index of below 65, that street is a candidate for repaving. That index is refered to as "PCI". The higher the index the better condition of the street. From the City records and experience they expect the streets to wear down to the 65 PCI index in 25 years. The City's Bryn Mawr Renovation Project No. 2989R has many streets of CPI index of 80 and over and does not follow the City's 25 year model because of the light traffic. Those same streets were repaved in 1967. That is over 38 years that it took those streets to reach the CPI 80's rating. Any engineer that is employed by the Minneapolis Public Works could interpolate that the over 80 CPI streets would last another 25 years.

Therefore, the plaintiff is asking the Court to address the complaint as follows:

A1. Order the City of Minneapolis to amend the City Charter so it is in line with the Minnesota Statutes for Property Tax appeals.

A2 &3. Order the City of Minneapolis to amend the City Charter to define benefit. All the residents of Bryn Mawr were under the impression that they all are getting equal benefit or liability and therefore would pay equal amount of assessment. Therefore, also order the City of Minneapolis to adopt a fair and equitable formula for assessing special assessments. In other words, if a Special Assessment Project costs $100, 000 and there are 100 residents, then the fair and equitable charge to each residence is $1,000. And order the City of Minneapolis to recalculate the 329 different assessments in the Bryn Mawr neighborhood to a fair and equitable sum for the plaintiff.

A4. Order the City of Minneapolis to amend the City Charter so it clarifies what portion may be paid by the neighborhoods and what portion is paid by the City of Minneapolis. For a while the City had a uniform policy of charging the residents 25% of the cost and the City picking up the 75%. Order the City to set a uniform rate, not as it is now where it varies all over the place.

A5. Order the City of Minneapolis to adopt a forum between the City and the residents to avoid unecessary expenditures and residents forced to accept unwanted projects.

Date: 9/19/05

Signed: _____

Plaintiff pro se:

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