

# **Bond Case Briefs**

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## **SPECIAL ASSESSMENTS - MINNESOTA**

### **DRB No. 24, LLC v. City of Minneapolis**

#### **DRB No. 24, LLC v. City of Minneapolis**

In 2001 Minneapolis established a Vacant Building Registration (“VBR”) program. Through the program, owners of vacant properties are required to register the vacant property with the City and pay an annual fee. If a property owner fails to pay the fee, the City may levy and collect the fee as a special assessment against the property under the City’s provision for special assessments for nuisance conditions. This arrangement is authorized by a Minnesota statute, which permits cities to collect vacant building registration fees as a special assessment against the property. Minn.Stat. § 429.101, subd. 1(a)(12).

Such fees were assessed against DRB, LLC, which failed to appeal the assessments to the district court within the deadline in accordance with Minn.Stat. § 429.081. The Magistrate Judge issued an R&R, recommending that the Court grant summary judgment for the City on all counts.

DRB objected to the R & R, raising three issues for the District Court: (1) whether the City’s Notices of its intent to assess the fees were deficient, (2) if the Notices were deficient, whether the appeal deadline properly applies, and (3) whether the appeal deadline applies to claims DRB characterizes as “non-special assessment causes of action,” such as fraud, unjust enrichment, and negligent misrepresentation.

The District Court concluded that the R&R was well-supported and reached the appropriate legal conclusions in these circumstances. Accordingly, the Court overruled DRB’s objections and adopted the R&R.