

Bond Case Briefs

Municipal Finance Law Since 1971

ROADWAY ASSESSMENT - MINNESOTA

Harstad v. City of Woodbury

Court of Appeals of Minnesota - September 18, 2017 - N.W.2d - 2017 WL 4104728

Developer filed an action against city seeking a declaration that a major roadway assessment was unauthorized and unenforceable, and demanding relief compelling the city to approve its subdivision application, in addition to an inverse condemnation claim.

The District Court declared that the assessment was unenforceable and dismissed the other two claims. City appealed and developed cross-appealed.

The Court of Appeals held that:

- Developer's declaratory judgment claim was ripe for judicial determination;
- City lacked express or implied statutory authority to impose the major roadway assessment as a condition for subdivision approval;
- Developer's takings claim was moot; and
- Developer's subdivision application was incomplete and therefore unable to trigger the time period for automatic approval via statute due to a city or agency's inaction.