

## **Judge rejects Roseville impact-fee ordinance**

TIM HARLOW, Star Tribune, March 29, 2012

A Ramsey County district judge has ruled that a Roseville ordinance allowing the city to impose an impact fee on developers exceeds the city's authority.

Judge John Guthmann declared Ordinance 1417 "invalid and unenforceable" in his 20-page ruling released Wednesday.

The ordinance connected to development in the Twin Lakes Redevelopment Area on the city's west side was aimed at limiting development there until adequate infrastructure such as roads were built and its costs recouped, according to the Alternative Urban Areawide Review conducted by the city.

A property owner who claims he has been unable to sell his land to developers challenged the ordinance, which calls for the developer to pay for the improvements whether they receive benefits or not. Like other cities, Roseville already has the ability to charge landowners through special assessments for road improvements from which they receive direct benefits.

"Citizens should pay for things that benefit the community, not just the developer," said Robert Hajek, an attorney for XTRA Lease, the company that filed the challenge.

Hajek said his client has wanted to sell its property at 2700 Cleveland Av. N. to a developer who wants to put a hotel and restaurant on the site. But XTRA Lease says it has not been able to do so because it is unwilling to discount the sale price of the parcel by the amount of the impact fee, and no developer would pay full price knowing an impact fee would be tacked on.

In his ruling, Guthmann wrote that "since the roads Roseville plans to fund in the TLRA are available for use by the general public. Thus, in the context of a public road, Roseville's impact fee is more like the tax than a regulatory or license fee."

