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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-2025**

RKL Landholding, LLC,
Relator,

vs.

Ramsey County Board of Commissioners,
Respondent.

**Filed July 22, 2013
Affirmed
Toussaint, Judge***

Board of Ramsey County Commissioners

Kirk M. Anderson, Anderson Law Firm, PLLC, Minneapolis, Minnesota (for relator)

John J. Choi, Ramsey County Attorney, James A. Mogen, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Considered and decided by Hudson, Presiding Judge; Stauber, Judge; and
Toussaint, Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

TOUSSAINT, Judge

Appellant appeals by writ of certiorari respondent's denial of its request to repurchase tax-forfeited property. We affirm.

DECISION

Generally, review by writ of certiorari is limited to an inspection of the record of the inferior tribunal in which the court is necessarily confined to questions affecting the jurisdiction of the board, the regularity of its proceedings, and, as to merits of the controversy, whether the order or determination in a particular case was arbitrary, oppressive, unreasonable, fraudulent, under an erroneous theory of law, or without any evidence to support it.

In re Jensen Field Relocation Claims Jensen Field, Inc., 817 N.W.2d 724, 729 (Minn. App. 2012) (quotation omitted).

Minnesota Statutes section 282.241, subdivision 1 (2012) provides that:

The owner at the time of forfeiture . . . may [generally] repurchase any parcel of land claimed by the state to be forfeited to the state for taxes . . . for the sum of all delinquent taxes and assessments . . . together with penalties, interest, and costs, that accrued or would have accrued if the parcel of land had not forfeited to the state. . . . [R]epurchase is [generally] permitted . . . only after the adoption of a resolution by the board of county commissioners determining that by repurchase undue hardship or injustice resulting from the forfeiture will be corrected, or that permitting the repurchase will promote the use of the lands that will best serve the public interest.

Section 282.241, subdivision 1, must be given “full effect whenever reasonably possible because the statute is remedial in purpose.” *Radke v. St. Louis Cnty. Bd.*, 558 N.W.2d 282, 284 (Minn. App. 1997).

The Ramsey County Board of Commissioners (the board) denied the request of RKL Landholdings (RKL) to repurchase tax-forfeited property because of the long history of nuisance and public safety concerns associated with the property during RKL's ownership. RKL argues that the board erred because RKL had funds to repurchase the property, and as a remedial statute, that is all Section 282.241, subdivision 1 requires. RKL cites no legal authority to support its argument. Moreover, the plain language of the statute states that "repurchase is permitted *only* after" the board adopts a resolution that repurchase would correct a hardship or be in the public interest. Minn. Stat. § 282.241, subd. 1 (emphasis added). While we construe the statute broadly because it is remedial in nature, *Radke*, 558 N.W.2d at 284, the plain language of the statute contradicts RKL's argument, and therefore RKL's argument is unpersuasive. *Rohmiller v. Hart*, 811 N.W.2d 585, 589 (Minn. 2012) ("If the plain language of a statute is clear and free from ambiguity, we will not disregard the letter of the law under the pretext of pursuing its spirit.").

Further, the board did not make an error of law, and there is no evidence in the record that the board's decision was "arbitrary, oppressive, unreasonable, fraudulent, . . . [or without] any evidence to support it." *In re Jensen Field*, 817 N.W.2d at 729 (quotation omitted). Section 282.241, subdivision 1, provides that the board can permit repurchase only after it determines that doing so would correct an injustice or hardship, or promote the public interest. There is no evidence that allowing RKL to repurchase the property would correct any hardship. Further, the board properly considered whether it was in the public interest to allow RKL to repurchase the property, ultimately determined

it was not, and denied RKL's request to repurchase the property based on the history of nuisance and public health concerns. During RKL's ownership of the property, it was "the subject of excessive citizen complaints . . . for garbage, graffiti, snow removal, tall grass and weeds, unsecured premises and an unsafe structural exterior condition," and RKL "failed to respond to the city's repeated requests to address the complaints forcing the city to take corrective actions to abate the nuisance conditions using city crews." Because of the nuisance issues, the City of St. Paul condemned and ordered repair or removal of the structure, but RKL did not respond, forcing the city to remove the property to abate the nuisances.

Finally, RKL compares the current case to *Radke*, in which this court reversed a county board's denial of the relator's attempted repurchase of his property. 558 N.W.2d at 284-86. But in *Radke*, the board legally erred when it considered whether allowing repurchase of the property would cause hardship to the county, rather than correct a hardship to the relator or be in the best interest of the public. *Id.* at 285. Moreover, in *Radke* this court concluded that allowing the repurchase would prevent hardship or injustice because the relator was mentally ill, and the relator's mental illness led to the property being forfeited. *Id.* In contrast, RKL's willful inaction led to the forfeiture of the property: it failed to resolve numerous issues, failed to pay its property taxes, and failed to follow the county's requests that it repair the property.

Affirmed.