



## Neighbors for East Bank Livability Scores Victory

*Minneapolis, Minnesota, May 24, 2017*

This afternoon, Neighbors for East Bank Livability (NEBL) successfully posted security with the district court as a condition of the stay granted last Thursday by Judge Daniel Moreno. The stay is a significant victory for NEBL because it prevents the demolition of the St. Anthony Commercial Club while NEBL's appeal is pending in the Minnesota Court of Appeals.

Throughout the case, NEBL has argued, based on substantial evidence, that the St. Anthony Commercial Club is a contributing historical resource to the St. Anthony Falls Historic District.

In granting the stay, Judge Moreno concluded that NEBL would suffer irreparable harm in the absence of a stay because the Commercial Club would be destroyed by the developer. The judge also concluded that the harm to NEBL -- loss of an irreplaceable building -- would be greater than the harm to the developer, Alatus, because the developer only stood to be harmed financially.

While the court acknowledged that the City may be harmed at some point with respect to the potential loss of property tax revenue, the court concluded that the loss of the Commercial Club is the greater harm.

Last week, Judge Moreno ordered NEBL to post \$100,000 in security with the court as a condition of the stay, in the face of arguments by the developer and the City that NEBL should be forced to post nearly six million dollars in security. The judge reasoned that since NEBL had sued under a public policy-based statute, the Minnesota Environmental Rights Act (MERA), it would be inappropriate to require NEBL as a party seeking to enforce environmental protections to post an exorbitant bond.

NEBL's appeal with the Minnesota Court of Appeals will challenge the district court's dismissal of its claims under MERA. MERA gives citizens the right to challenge destruction of state resources, including historic resources.

Both these actions taken today by NEBL, underscore the resolve of residents living in the neighborhood and throughout the city of Minneapolis to preserve the integrity of the St. Anthony Falls Historic District, a district on the National Register of Historic Places.