By Amy Sylvestri

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A lawsuit has been filed against the San Leandro School District, seeking to invalidate Measure L, the parcel tax that passed in November.

Williams Properties – which owns several commercial buildings on Williams Street – filed the suit in Alameda County Superior Court, claiming the way the tax is assessed is illegal.

Measure L is a “split roll tax,” which means that homes, apartments, and businesses are all taxed at different rates

Measure L passed by a margin of less than 1 percent. It will collect $2.4 million annually for the

school district's general fund. The parcel tax is assessed at $39 per single-family home, $19 per unit for apartments with five or more units, and 2 cents per square foot of land for commercial properties.

The lawyer representing Williams Properties, David Brillant, says that the way that the tax is assessed is unfair and potentially illegal.

The issue of split roll taxes has been in question since 2008, when the Alameda School District passed a similar tax. A lawsuit was filed over that tax in Alameda County Superior Court by property owner George Borikas.

In that case, the school district won, but Borikas appealed to the state court of appeals and successfully had the original decision overturned.

Now, the Alameda school district intends to appeal to the Californian Supreme Court.

“The San Leandro lawsuit will be directly impacted by the decision in the Borikas case,” Brillant said. “So long as Borikas remains law, the district’s tax is invalid, which is why the suit was filed.”

The tax has not yet been assessed, so no monetary value is on the lawsuit, though it could be added later, Brillant said.

Superintendent Cindy Cathey said the school board and its lawyers are handling the lawsuit and she didn’t want to comment further.

“Right now we are just doing our best to defend Measure L,” said Cathey.