



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** February 15, 2012  
**SUBJECT:** Milano Development Company, Inc. v. City of Troy et. al.

---

Several years ago, a lawsuit to vacate a plat was initiated in order to make way for a proposed new residential development on John R. Road near Long Lake Road. This lawsuit was filed by Milano Development Company Inc. (Milano) to vacate a portion of the Square Acres Subdivision Plat. As required by state law, it was filed against the City of Troy, Troy School District, Road Commission for Oakland County, the Oakland County Drain Commissioner, the State of Michigan and all neighboring property owners within 300 feet. The lawsuit sought a vacation of 43-foot easements which were originally set aside for roadway purposes. This lawsuit was settled with the February 5, 2008 entry of a Consent Judgment, which was unanimously approved by Council on January 28, 2008.

Most of the work for the re-plat was completed in accordance with the Consent Judgment. However, Milano Development could not complete the project due to the downturn of the economy. The property was been recently purchased by David and Linda Purvis, who are successors in interest to Milano Development Company, Inc.. On January 26, 2012, Mr. and Mrs. Purvis entered into a Land Contract with Athens Parc Developers, LLC, for the sale of the property. Athens Parc Developers, LLC proposes to complete a residential development that is very similar to the one previously proposed. Both of the proposals require the vacation of the 43 foot roadway easements.

City Council has already taken several actions to allow for this proposed residential development, including the abandonment and transfer of utility easements on January 9, 2012, and the approval of the Contract for Installation of Municipal Improvements on February 12, 2012. However, the previous property owner failed to timely complete the re-plat process, and to submit it to the City of Troy Administration, as required by the Consent Judgment.

Paragraph 4 of the Consent Judgment allows for the property owners and the City and the State to agree to an extension of time to obtain official approvals and to submit a new plat to the City and the State of Michigan. If there is agreement, then the developer could avoid having to initiate a new re-plat lawsuit.

The proposed resolutions would grant the City's approval to extend the time for the submission of the plat, and also approve the plat that was submitted. City Administration has reviewed and approved the revised plat, which is attached.

Please let us know if you have any questions concerning this matter.



