



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** January 25, 2007  
**SUBJECT:** Karagiannakis and Garrett Family Ltd. v. City of Troy, et. al.

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On January 16, 2007, the Honorable Edward Sosnick entered a Stipulation and Order for Dismissal Without Prejudice and Without Cost in the case of *Karagiannakis, et. al. v. City of Troy, et. al.* (Oakland County Circuit Court Case No. 06-077072-CZ). Enclosed please find the final order that dismisses this case in its entirety.

The Plaintiffs, Nick and Leslie Karagiannakis, are owners of property that is designated as "Outlot B" in the Troy Villas Subdivision No. 1 (north of Square Lake Road, west of Rochester Road). The Co-Plaintiff, Garrett Family Limited Partnership (hereinafter "Garrett") has a purchase agreement with the Karagiannakis family for the approximate 6 acres of property, and proposes to build a 12-unit site condominium on this parcel, which is currently landlocked and is located behind several homes that front on Ottawa and Donaldson. Such a development would require a public roadway. However, the underlying subdivision plat does not expressly designate a public roadway easement that would allow for a public roadway to be constructed over the property owned by the Co-Defendants Arthur and Delphine Lubiarez (480 Ottawa). The plat grants only a 43-foot private easement over the Lubiarez property, which has been used as a private driveway for the Karagiannakis home.

The Plaintiffs have voluntarily dismissed the lawsuit, after the City filed a Motion for Summary Disposition. In this Motion, we argued that the requested declaratory relief was not appropriate in this case, and that a separate lawsuit to amend the plat was required in order for the development to be viable. The plat amendment would necessarily amend the plat to provide a public roadway easement. The Plaintiffs will likely elect to file a lawsuit to amend the plat in the immediate future. Under the Michigan Subdivision Control Act, such a lawsuit requires Plaintiffs to name all owners of property in the plat and property owners within 300 feet of the property as Defendants, as well as the City of Troy, Oakland County Drain Commissioner, Road Commission for Oakland County, all utility companies and the State of Michigan.

Please let us know if we can provide you with additional information.

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE  
COUNTY OF OAKLAND

Nick Karagiannakis and Leslie Karagiannakis  
husband and wife, and  
Garrett Family Limited Partnership,  
a Michigan Limited Partnership,

Plaintiffs,

06-077072-CZ



CHALLENGE JUDGE EDWARD SOSNICK  
COUNTY KARAGIANNAKIS V TROY CITY

Case No. 06-077072-CZ

v.

City of Troy, Michigan, a Michigan Municipal Corporation,  
Arthur S. Lubiarez and Delphine J. Lubiarez, husband and wife  
and James E. Smith and Cynthia A. Smith, husband and wife

Defendants

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HUTSON, SAWYER, REILLY, RUPP & SCHROEDER  
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Attorneys for Plaintiffs

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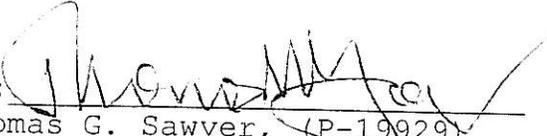
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Attorneys for Defendants Arthur S. Lubiarez  
and Delphine J. Lubiarez  
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Sterling Heights, MI 48313  
(586) 726-1000

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STIPULATION AND ORDER FOR DISMISSAL  
WITHOUT PREJUDICE AND WITHOUT COSTS

IT IS HEREBY STIPULATED AND AGREED by the attorneys of record in this cause that the Case shall be Dismissed Without Prejudice and Without Costs.

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RUPP & SCHROEDER

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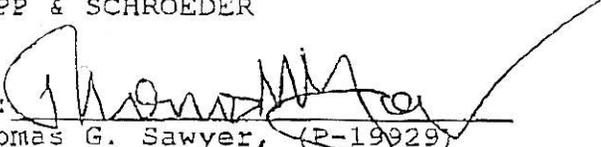
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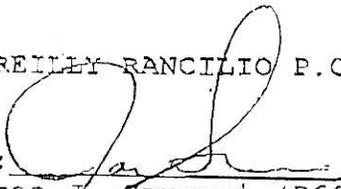
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ORDER FOR DISMISSAL  
WITHOUT PREJUDICE AND WITHOUT COSTS

At a session of the  
Circuit Court held on  
EDWARD SOSNICK  
~~CIRCUIT JUDGE~~  
Present: Honorable Edward Sosnick,  
Circuit Judge

This matter having come or to be heard on the  
Stipulation and Agreement of the parties, by their  
respective Counsel, and the Court being fully advised in  
the premises,

IT IS HEREBY ORDERED that this case be Dismissed  
Without Prejudice and Without Costs.

EDWARD SOSNICK  
CIRCUIT JUDGE  

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CIRCUIT JUDGE

A TRUE COPY  
RUTH JOHNSON  
Oakland County Clerk - Register of Deeds  
By [Signature]  
DEPUTY