



**TO:** The Mayor and Members of City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** November 25, 2009  
**SUBJECT:** Troy v Century Plaza

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The Rochester Road Improvement Project, from Torpey north to Barclay, required the City to acquire a 32 foot strip of property from Century Plaza, LLC., which is a shopping center north of Big Beaver Road on the east side of Rochester Road (3614 -3674 Rochester Road). The City also needed to obtain a public utility easement. The City filed its complaint for acquisition on February 5, 2009, and has already acquired possession. The only remaining issue is the total amount of compensation. At a mandatory case evaluation held on November 4, 2009, three independent attorneys reviewed the case, and valued the property at \$299,000. The City can settle the case for this amount, plus all statutorily required costs and fees, if City Council approves the attached proposed Consent Judgment.

City Administration recommends approval of the attached Consent Judgment. Please let us know if you have any additional questions.

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR OAKLAND COUNTY**

**CITY OF TROY,**

**Plaintiff,**  
**vs.**

**Case No. 09-097978-CC**  
**Hon. Leo Bowman**

**CENTURY PLAZA, L.L.C., ET AL.,**

**Defendants.**

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**CITY OF TROY**  
**By: Lori Grigg Bluhm (P46908)**  
**Allan T. Motzny (P37580)**  
**500 W. Big Beaver Road**  
**Troy, Michigan 48084**  
**(248) 524-3320**  
**Attorneys for Plaintiff**

**STEINHARDT PESICK & COHEN**  
**Professional Corporation**  
**By: Jerome P. Pesick (P29039)**  
**Jason C. Long (P59244)**  
**380 N. Old Woodward Ave., Ste. 120**  
**Birmingham, Michigan 48009**  
**(248) 646-0888**  
**Attorneys for Defendant Century**  
**Plaza, L.L.C.**

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**CONSENT JUDGMENT**

At a session of the Oakland County Circuit Court held  
in the City of Pontiac, Michigan,

on: \_\_\_\_\_  
Present: the Hon. Leo Bowman

This matter is before the Court on the parties' Stipulation. The Court is advised that a case evaluation hearing was held in this matter on November 4, 2009. Plaintiff (the "City") and Defendant ("Century Plaza") have both accepted the case evaluation award, and the parties have requested that the Court enter this Consent Judgment to resolve all outstanding issues in this case. Having been so advised, and being otherwise fully advised in the premises, this Court therefore **ORDERS** and **ADJUDGES** as follows:

1. The City shall pay to Century Plaza final just compensation in the amount of \$299,000.00, less compensation previously paid in the amount of \$218,100.00, resulting in increased just compensation totaling \$80,900.00 (the "Increased Compensation").

2. Pursuant to MCL 213.65, the City shall pay interest on the Increased Compensation to Century Plaza from March 19, 2009 through the date of payment (the "Interest").

3. Pursuant to MCL 213.66, the City shall reimburse Century Plaza for expert real estate appraisal fees in the amount of \$5,500.00 (the "Appraisal Reimbursement").

4. The City shall pay the Increased Compensation, the Interest, and the Appraisal Reimbursement to Century Plaza in the form of a check payable to Century Plaza.

5. Pursuant to MCL 213.66, the City shall reimburse Century Plaza for attorney fees incurred in an amount equaling the sum of (a) \$26,966.67, plus (b) an amount equaling one-third of the Interest (the "Attorney Fee Reimbursement").

6. The City shall pay the Attorney Fee Reimbursement to Century Plaza in the form of a check payable to Steinhardt Pesick & Cohen, Professional Corporation.

7. All payments set forth in the Judgment shall be delivered by the City to

Steinhardt Pesick & Cohen, Professional Corporation, within 21 days of the date of this Judgment.

This Judgment resolves the last pending claim and closes this case.

\_\_\_\_\_  
Hon. Leo Bowman

**Stipulation for Entry of Consent Judgment**

On behalf of the parties, we hereby stipulate and agree to entry of the foregoing Consent Judgment.

TROY CITY ATTORNEY

STEINHARDT PESICK & COHEN  
Professional Corporation

By: \_\_\_\_\_  
Lori Grigg Bluhm (P46908)  
Allan T. Motzny (P37580)  
Attorneys for Plaintiff

By: \_\_\_\_\_  
Jerome P. Pesick (P29039)  
Jason C. Long (P59244)  
Attorneys for Defendant

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_