



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: February 8, 2010
SUBJECT: City of Troy v. Picano Land Limited Partnership

For the Rochester Road Improvement Project, the City needed to acquire right of way and a public utility easement from the vacant property which is owned by Picano Limited Land Partnership and is used for overflow parking on the west side of Rochester Road, north of Big Beaver Road. A condemnation lawsuit was initiated, since we were unable to agree with the property owners for a voluntary sale. The only remaining issue is the amount of just compensation to be paid for the property. The case was recently submitted to case evaluation. Subsequently, we were able to negotiate a proposed consent judgment, which would finalize this case for the amount of the case evaluation, plus statutory costs and fees.

We recommend approval of the proposed consent judgment. 80% of the amount will be paid with federal funds, and the City is responsible for paying 20%, under the Rochester Road Improvement Project contract. Please let us know if you have any questions about this matter.

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

v

Case No.09-097975-CC
Hon. Edward Sosnick

Picano Land Limited Partnership, Warren Bank;
County of Oakland; Michigan Bell Telephone
Company, n/k/a SBC; Oakland County
Department of Public Works; Consumers Power
Company, n/k/a Consumers Energy
Company,

Defendants.

City of Troy – City Attorney's Office
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**CONSENT JUDGMENT AS TO DEFENDANT, PICANO LAND LIMITED
PARTNERSHIP**

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

on _____

PRESENT: _____
HON. EDWARD SOSNICK
Oakland County Circuit Court Judge

This matter is before the Court upon Stipulation of the City of Troy ("Plaintiff") and Picano Land Limited Partnership ("Defendant"), subsequent to the case evaluation process, where both parties accepted the case evaluation award.

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Title to the property described in the Declaration of Taking entered by this Court on February 5, 2009 has vested in Plaintiff by virtue of filing the Complaint and Declaration of Taking, depositing the estimated just compensation and recording a copy of a Declaration of Taking with the Register of Deeds of Oakland County.

2. Total and Final Just Compensation for the taking in this matter is determined to be \$45,000 (Forty Five Thousand Dollars). Plaintiff is entitled to a credit in the amount of \$27,300 (Twenty Seven Thousand Three Hundred Dollars), for the initial estimated just compensation which was previously paid in this matter, leaving a payment due in the amount of \$17,700 (Seventeen Thousand Seven Hundred Dollars) for additional just compensation. In addition to Just Compensation, Plaintiff shall pay to Defendant \$778.00 (Seven Hundred Seventy Eight Dollars) in statutory interest on the additional just compensation due pursuant to the Uniform Condemnation Procedures Act, MCL 213.51 et seq.

3. As set forth in paragraph 2, Plaintiff shall make a payment to Defendant in the amount of \$18,478.00 for additional just compensation and interest. This amount shall be paid in a check payable to Picano Land Limited Partnership and Warren Bank.

4. Plaintiff shall also pay to Defendant the amount of \$9,819.00 (Nine Thousand Eight Hundred Nineteen Dollars) for statutory reimbursement of attorney fees, expert fees and costs pursuant to the Uniform Condemnation Procedures Act, MCL 213.51 et seq. This amount shall be paid in a check payable to Picano Land Limited Partnership, LLC and Ackerman and Ackerman Client Fund Account.

5. The payments required pursuant to this Consent Judgment are made and accepted in compromise and settlement of any and all claims of Defendant against Plaintiff for just compensation for any of the property described in the Declaration of Taking or otherwise arising out of the taking for public purposes of the property described in the Declaration of Taking.

6. Subject to the enforcement of the terms herein, this Consent Judgment constitutes a final disposition of this case.

HON. EDWARD SOSNICK
Oakland County Circuit Court Judge

**STIPULATED TO AND APPROVED
AS TO FORM AND CONTENT:**

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