



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** February 8, 2010  
**SUBJECT:** City of Troy v. Rochester Square Associates

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As part of the Rochester Road Improvement Project, the City needed to acquire right of way and a public utility easement from the property at 3946 Rochester Road (Mr. B's/ Dolly's Pizza/ TCBY/ etc.). 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. 09-097971-CC  
Hon. Edward Sosnick

Rochester Square Associates, a  
Michigan Co-Partnership; Canada Life  
Assurance Company, a corporation  
organized and existing under the laws of  
Canada; and Consumers Power  
Company, n/k/a Consumers Energy  
Company,

Defendants.

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City of Troy – City Attorney's Office  
Lori Grigg Bluhm (P46908)  
Attorneys for Plaintiff  
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(248) 524-3320

Alan T. Ackerman (P10025)  
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**CONSENT JUDGMENT AS TO DEFENDANT, ROCHESTER SQUARE  
ASSOCIATES**

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 Rochester Square Associates ("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 \$270,000.00 (Two Hundred Seventy Thousand Dollars). Plaintiff is entitled to a credit in the amount of \$160,415.00 (One Hundred Sixty Thousand Four Hundred Fifteen Dollars), for the initial estimated just compensation which was previously paid in this matter, leaving a payment due in the amount of \$ 109,585.00 (One Hundred Nine Thousand Five Hundred Eighty Five Dollars) for additional just compensation. In addition to Just Compensation, Plaintiff shall pay to Defendant \$4,821.00 (Four Thousand Eight Hundred Twenty One 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 \$114,406.00 (One Hundred Fourteen Thousand Four Hundred Six Dollars) for additional just compensation and interest. This amount shall be paid in a check payable to Rochester Square Associates and Canada Life Assurance Company.

4. Plaintiff shall also pay to Defendant the amount of \$47,383.00 (Forty Seven Thousand Three Hundred Eighty Three 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 Rochester Square Associates and Ackerman and Ackerman P.C. 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.

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**HON. EDWARD SOSNICK**  
**Oakland County Circuit Court Judge**

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

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