



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** March 26, 2010  
**SUBJECT:** City of Troy v. JMT Properties, LLC

---

For the Rochester Road Improvement Project, the City needed to acquire a permanent public utility easement from property which is owned by JMT Properties, LLC located at 3381 Rochester Road. A condemnation lawsuit was initiated, since we were unable to agree with the property owners for a voluntary sale. The only remaining issues are the amount of just compensation to be paid for the easement, removal of a sign, and payment of statutory costs and attorney fees.

A previous consent judgment was approved by City Council in November 2009. This consent judgment was never entered, however, due to some unanticipated issues with the sign relocation. This proposal includes the sign relocation, as well as the other items that were previously negotiated. If approved, the City will file a motion for entry of the judgment, which would also result in entry of a default against other parties who have an interest in the property but have failed to file an answer with the Court or otherwise appear in the case.

We recommend approval of the proposed consent judgment. Eighty percent of the amount will be paid with federal funds, and the City is responsible for paying twenty percent 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. 09-100948-CC  
Hon. Shalina Kumar

JMT PROPERTIES, LLC, a Michigan Limited  
Liability Company; ALIF CORPORATION, a  
Michigan Corporation; and BANK OF AUBURN  
HILLS,

Defendants.

---

City of Troy – City Attorney's Office  
Lori Grigg Bluhm (P46908)  
Allan T. Motzny (P37580)  
Attorneys for Plaintiff  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320

H. Adam Cohen (P47202)  
Steinhardt, Pesick & Cohen  
Attorney for Defendant  
JMT Properties, LLC  
380 North Old Woodward Ave. Ste 120  
Birmingham, MI 48009  
(248) 646-0888

---

**CONSENT JUDGMENT**

At a session of said Court held  
In the Courthouse in the  
City of Pontiac, Oakland County, MI  
on: \_\_\_\_\_

PRESENT: HONORABLE SHALINA KUMAR  
OAKLAND COUNTY CIRCUIT COURT JUDGE

In this cause, Plaintiff and Defendant JMT Properties, LLC (“JMT”), through  
their counsel, have stipulated to entry of this Consent Judgment; all other named

Defendants have failed to answer or otherwise appear; and the Court being fully advised in the premises;

**IT IS ORDERED:**

1. The City of Troy has previously acquired a permanent public utility easement as fully described in the Complaint for Acquisition and the Declaration of Taking filed with this Court on May 20, 2009 by virtue of said filing and the entry by this Court on June 17, 2009 of the Order for Payment of Estimated Just Compensation and Surrender of Possession.
2. As required in the Order for Payment of Estimated Just Compensation and Surrender of Possession, the Plaintiff previously paid the estimated just compensation in the amount of \$1,100.
3. Plaintiff shall pay to JMT the additional sum of \$14,361.67 in compromise and settlement of any and all claims JMT has against Plaintiff for the acquisition of the permanent public utility easement described in the Complaint for Acquisition of Property and Declaration of Taking. The payee in all instruments drawn pursuant to this paragraph shall be JMT Properties, LLC.
4. Pursuant to the provisions of MCL 213.291, any amounts due as delinquent taxes or assessments, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 3.
5. Pursuant to MCL 213.66(3), Plaintiff shall reimburse JMT for attorney fees in the amount of \$4,787.22 in the form of a check payable to Steinhardt, Pesick & Cohen, P.C.

6. All payments set forth in this Judgment shall be delivered by Plaintiff to Steinhardt, Pesick & Cohen, P.C., within 21 days of the date of this Judgment.
7. Plaintiff shall not be obligated to pay any costs, appraisal fees, or any other sums except as set forth above.
8. The Default of Defendants Alif Corporation and Bank of Auburn Hills is hereby entered for failure to appear or otherwise defend.
9. Defendant JMT shall remove the sign on the subject property from its current location within 7 days of receipt of the sums set forth in paragraph 3 and relocate a new sign to an approved location outside the easement area after the new sign is fabricated.
10. This Judgment resolves the last pending claim and closes the case.

\_\_\_\_\_  
Hon. Shalina Kumar , Circuit Judge

I stipulate to entry of this Judgment:

\_\_\_\_\_  
Allan T. Motzny (P37580)  
Attorney for Plaintiff

\_\_\_\_\_  
H. Adam Cohen (P47202)  
Attorney for Defendant JMT Properties, LLC