



TO: The Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: April 12, 2010
SUBJECT: Troy v Troywood Shops

The Rochester Road Improvement Project, from Torpey north to Barclay, required the City to acquire a 32 foot strip of property from Troywood Shops, L.L.C., which is a shopping center north of Big Beaver Road on the east side of Rochester Road (3718 -3736 Rochester Road). The City also needed to obtain a public utility easement and a temporary re-grading/construction easement. Since we were not able to voluntarily purchase the property, the City filed this condemnation lawsuit. The only remaining issue is the total amount of compensation. At a mandatory case evaluation held on March 3, 2010, three independent attorneys reviewed the case and entered an award based on their determination of value. The City can settle the case for the amount of this award, plus all statutorily required costs and fees, if City Council approves the attached proposed Consent Judgment. Under the Rochester Road Improvement Project contract, the City is responsible for 20%, and federal funds cover 80% of the amount.

We recommend 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.

Hon. D. Langford Morris

Case No. 09-097976-CC

TROYWOOD SHOPS, L.L.C.,

Defendant.

_____ /

CITY OF TROY ATTORNEY'S OFFICE
By: Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
500 W. Big Beaver Rd.
Troy, MI 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, MI 48009
(248) 646-0888
Attorneys for Defendant

_____ /

CONSENT JUDGMENT

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

on _____

PRESENT: Hon. _____
Circuit Court Judge

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 March 3, 2010. Plaintiff, City of Troy (the "City") and Defendant Troywood Shops, L.L.C. ("Troywood") 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 in the premises, this Court therefore **ORDERS** and **ADJUDGES** as follows:

1. The City shall pay to Troywood final just compensation in the amount of \$199,000.00 less compensation previously paid in the amount of \$140,102.00, resulting in additional increased just compensation totaling \$58,898.00 (the "Increased Compensation").

2. Pursuant to MCL 213.65, the City shall pay interest on the Increased Compensation to Troywood from March 11, 2009 through the date of payment (the "Interest").

3. Pursuant to MCL 213.66, the City shall reimburse Troywood 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 in the form of a check payable to Troywood.

5. Pursuant to MCL 213.66, the City shall reimburse Troywood for attorney fees incurred in an amount equaling the sum of (a) \$23,227.00, plus (b) an amount equaling one-third of the Interest (the "Attorney Fee Reimbursement").

6. The City shall pay the Attorney Fee Reimbursement to Troywood 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.

Circuit Court Judge

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

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

CITY OF TROY

STEINHARDT PESICK & COHEN,
Professional Corporation

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

By: _____
Jerome P. Pesick (P29039)
Attorneys for Defendant