



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: April 12, 2010
SUBJECT: City of Troy v. Diajeff, LLC, et. al.

The City needed an additional 32 feet of right of way (6,330 square feet) and a 4 foot wide public utility easement (933 square feet) from the property at 3754 Rochester Road (Fifth Third Bank) for the Rochester Road Reconstruction project. 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
IN THE CIRCUIT COURT FOR OAKLAND COUNTY

CITY OF TROY,
Plaintiff,
vs.

Case No. 09-097973-CC
Hon. Daniel P. O'Brien

DIAJEFF, L.L.C., *et al.*,
Defendant.

CITY OF TROY ATTORNEY'S OFFICE
By: Lori Grigg Bluhm (P46908)
Susan M. Lancaster (P33168)
500 West Big Beaver Road
Troy, Michigan 48084
(248) 524-3320
Attorneys for Plaintiff

STEINHARDT PESICK & COHEN
Professional Corporation
By: H. Adam Cohen (P47202)
Jason C. Long (P59244)
380 N. Old Woodward, Ste. 120
Birmingham, Michigan 48009
(248) 646-0888
Attorneys for Defendant Diajeff, L.L.C.

CONSENT JUDGMENT

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

on: _____
Present: the Hon. Daniel P. O'Brien

A case evaluation hearing was held in this action on March 3, 2010. Plaintiff City of Troy (the "City") and Defendant Diajeff, L.L.C. ("Diajeff") 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. Being fully advised, this Court **ORDERS** and **ADJUDGES** as follows:

1. The City shall pay to Diajeff final principal just compensation in the amount of \$150,000, less estimated just compensation previously paid in the amount of \$91,800, resulting in increased just compensation totaling \$58,200 (the

“Increased Compensation”), plus statutory interest thereon pursuant to MCL 213.65 in the amount of \$2,678.79 (the “Interest”).

2. Pursuant to MCL 213.66, the City shall reimburse Diajeff for expert real estate appraisal fees in the amount of \$7,500 (the “Expert Reimbursement”).

3. The City shall pay the Increased Compensation, the Interest, and the Expert Reimbursement to Diajeff in the form of a check payable to “Diajeff, L.L.C. ”

4. Pursuant to MCL 213.66, the City shall reimburse Diajeff for attorney fees incurred in the amount of \$20,292.93 (the “Attorney Fee Reimbursement”). The City shall pay the Attorney Fee Reimbursement to Diajeff in the form of a check payable to “Steinhardt Pesick & Cohen, Professional Corporation.”

5. All payments set forth in this Judgment shall be delivered by the City to Steinhardt Pesick & Cohen, Professional Corporation, within 14 days of the date of this Judgment.

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

Hon. Daniel P. O’Brien

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)
Susan M. Lancaster (P33168)
Attorneys for Plaintiff

By: _____
H. Adam Cohen (P29039)
Jason C. Long (P59244)
Attorney for Diajeff, L.L.C.

Dated: _____

Dated: _____