



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 P/G Equities Cort Limited Partnership

The City needed an additional 15 feet of right of way and a public utility easement from the property at 3921 Rochester Road (P/G Equities Cort Limited Partnership) 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. In addition to setting forth the total just compensation, this proposed consent judgment also requires the property owner to move their sign out of the right of way area prior to June 1, 2010, to minimize any delay to the Road Improvement Project.

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. 09-097983-CC
Hon. Shalina Kumar

P/G Equities Cort Limited Partnership, a
Michigan Partnership and National City Bank of
Michigan/ Illinois,

Defendants.

_____/

City of Troy – City Attorney’s Office
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Attorney for Defendant P/G Equities Cort Limited Partnership
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_____/

CONSENT JUDGMENT

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

PRESENT: _____
HON. SHALINA KUMAR
Oakland County Circuit Court Judge

This matter is before the Court upon Stipulation of the City of Troy ("Plaintiff") and Defendant P/G Equities Cort Limited Partnership, subsequent to the case evaluation process, where all participating 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 \$43,500. Plaintiff is entitled to a credit in the amount of \$16,800 for the estimated compensation that was previously paid in this matter, leaving a payment due in the amount of \$26,700 for additional just compensation. In addition to Just Compensation, Plaintiff shall pay to Defendant 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 in the amount of \$26,700 plus statutory interest in a check payable to Defendant P/G Equities Cort Limited Partnership.

4. Plaintiff shall also pay to Defendant the amount of \$9,333.33 for statutory reimbursement of attorney fees, pursuant to MCL 213.66. This amount shall be paid in a check payable to Ackerman Ackerman & Dynkowski, P.C.

5. Plaintiff shall also reimburse Defendant P/G Equities Cort Limited Partnership, in the amount of \$12,425.00 for expert real estate appraisal fees and other

expert witness fees, pursuant to MCL 213.66. This amount shall be paid in a check payable to Alan T. Ackerman – Costs.

6. 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.

7. Defendant P/G Equities Cort Limited Partnership shall remove the existing sign on the subject property from its current location by June 1, 2010. The existing sign or any new sign shall be placed in a location outside of the easement on the subject property. Defendant P/G Equities Cort Limited Partnership shall be responsible for all costs related to the removal and relocation of the sign.

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

HON. SHALINA KUMAR
Oakland County Circuit Court Judge

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

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