



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: May 11, 2010
SUBJECT: Troy v Ibrahim

The City needed to acquire a public utility easement from the property at 1131 E. Wattles Road for the Wattles 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
OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

v

Case No. 09-098157-CC
Hon. Rudy J. Nichols

FIRAS I. IBRAHIM; REETA IBRAHIM; and
JP MORGAN CHASE BANK, N.A.,

Defendants.

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
motznyat@troymi.gov

Marshal A. Garmo, (P37394)
Matthew M. Bieber (P71309)
Attorneys for Firas I. Ibrahim and
Reeta Ibrahim
28230 Orchard Lake Rd. #220
Farmington Hills, MI 48334
(248) 932-1700
matt.bieber423@gmail.com

CONSENT JUDGMENT

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

PRESENT: _____
HON. RUDY J. NICHOLS
Oakland County Circuit Court Judge

This matter is before the Court upon Stipulation of the City of Troy ("Plaintiff") and
Defendants Firas I. Ibrahim and Reeta Ibrahim.

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 11, 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 \$3,050. Plaintiff, pursuant to statute, sent a check to Defendants in the amount of \$2,800. Defendants acknowledge receipt of that check. Defendants never cashed that check, and Plaintiff acknowledges its destruction.

3. As set forth in paragraph 2, Plaintiff shall make a payment in the amount of \$3,050 in a check payable to Defendants Counsel's Trust Account, "Marshal A. Garmo, PC."

4. Plaintiff shall also pay to Defendant the amount of \$83.33 for statutory reimbursement of attorney fees, pursuant to MCL 213.66. This amount shall be paid in a check payable to Defendants Counsel's Trust Account, "Marshal A. Garmo, PC."

5. Plaintiff shall also reimburse Defendants in the amount of \$2,800 for expert real estate appraisal fees pursuant to MCL 213.66. This amount shall be paid in a check payable to Defendants Counsel's Trust Account, "Marshal A. Garmo, PC."

6. The payments required pursuant to this consent judgment are made and accepted in compromise and settlement of any and all claims of Defendants against Plaintiff arising out of the taking for public purposes of the property described in the Declaration of Taking.

7. This judgment resolves the last pending claim and closes the case.

HON. RUDY J. NICHOLS
Oakland County Circuit Court Judge

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

Allan T. Motzny (P37580)
Lori Grigg Bluhm (P46908)
Attorneys for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320
motznyat@troymi.gov

Matthew M. Bieber (P71309)
Marshal A. Garmo (P37394)
Attorneys for Defendants
28230 Orchard Lake Rd. #220
Farmington Hills, MI 48334
(248) 932-1700
matt.bieber423@gmail.com