



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney *LG B*
Allan T. Motzny, Assistant City Attorney *ATM*
DATE: August 17, 2010
SUBJECT: City of Troy v. BG's L.L.C.

As part of the Rochester Road Improvement Project, the City needed to acquire property owned by BG's L.L.C. (3545 Rochester Road). This case involves a total take of the entire parcel and included a 1,280 square foot building that was used as a hair salon. 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.

City Administration recommends approval of the attached consent judgment. 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. 2010-107043- CC
Hon. Michael Warren

BG'S L.L.C., a Michigan Limited
Liability Company aka B. Gaye's L.L.C.;
COUNTY OF OAKLAND; and MICHIGAN
BELL TELEPHONE COMPANY, n/k/a SBC,
Defendants.

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CONSENT JUDGMENT

At a session of said Court held in the Courthouse in
the City of Pontiac, Oakland County, MI

on: _____
PRESENT: HONORABLE MICHAEL WARREN, CIRCUIT JUDGE

In this cause, the parties have stipulated to entry of this Consent Judgment;

IT IS ORDERED:

1. Title to the property described in the Declaration of Taking entered by
this Court on January 19, 2010 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 \$346,000. Plaintiff is entitled to a credit in the amount of \$271,420 for the initial estimated just compensation which was previously paid in this matter, leaving a payment due in the amount of \$74,580 for additional just compensation. In addition to Just Compensation, Plaintiff shall pay to Defendant BG's L.L.C. \$3,260.64 in 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 to Defendant BG's L.L.C. in the amount of \$ 77,840.64 for additional just compensation and interest. This amount shall be paid in a check payable to BG's L.L.C.

4. Plaintiff shall also pay to Defendant BG's L.L.C. the amount of \$25,964.88 for statutory reimbursement of attorney fees, and the amount of \$12,983.01 for expert witness fees and costs pursuant to the Uniform Condemnation Procedures Act, MCL 213.51 et seq. The attorney fees and all other fees and costs shall be paid with a check payable to Ackerman and Ackerman P.C. Client Fund Account.

5. 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 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.

6. Oakland County's easement in the subject property that is described in the Complaint and its attachments is preserved. Michigan Bell Telephone Company's easement(s) in the subject property is preserved and should any of Michigan Bell Telephone Company's facilities need to be relocated the City of Troy shall pay for all relocation expenses.

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

Honorable Michael Warren
Oakland County Circuit Judge

I stipulate to entry of the above order:

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