



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney *LG*
Allan T. Motzny, Assistant City Attorney *ATM*
DATE: March 30, 2011
SUBJECT: City of Troy v Sentry, Inc., et al.

For the Rochester Road Improvement Project, the City needed to acquire right of way and a public utility easement from property located at 3875 Rochester Road, which is owned by RCU Independence and Sentry, Inc. The property is used as a gasoline station and a car wash facility. 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 facilitation. Subsequently, we were able to negotiate a proposed consent judgment, which would finalize this case for the amount of the facilitation award, plus statutory costs and fees.

We recommend approval of the proposed consent judgment. Please let us know if you have any questions about this matter.

Proposed Resolution:

RESOLVED that the City of Troy City Council approves the proposed Consent Judgment in the condemnation case of *City of Troy v Sentry, Inc.; et al.*, Oakland County Circuit Court Case No. 09-101400-CC, and authorizes payment in the amounts stated therein, and further authorizes the City Attorney's Office to execute the document on behalf of the City of Troy, and a copy is to be attached to the original minutes of this meeting.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

v

Case No. 09-101400-CC
Hon. Nanci J. Grant

SENTRY, INC. a Michigan Corporation;
RCU INDEPENDENCE, INC., a
Michigan Corporation;
COMERICA BANK- DETROIT, n/k/a COMERICA
BANK; INNOVATIVE ENVIRONMENTAL
SOLUTIONS, INC.; and COUNTY OF
OAKLAND,

Defendants.

City of Troy
City Attorney's Office
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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 NANCI GRANT
OAKLAND COUNTY CIRCUIT COURT JUDGE

This matter is before the Court upon Stipulation of the City of Troy ("Plaintiff")
and Defendants SENTRY, INC. and RCU INDEPENDENCE, INC. ("Defendants").

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Title to the property described in the Declaration of Taking entered by this Court on June 8, 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 \$1,400,000.00. Plaintiff is entitled to a credit in the amount of \$538,000.00 for estimated just compensation which was previously paid in this matter, leaving a payment due in the amount of \$862,000 for additional just compensation. In addition to Just Compensation, Plaintiff shall pay to Defendants \$62,382.94 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 Defendants in the amount of \$924,382.94 for additional just compensation and interest. This amount shall be paid in a check payable to Sentry, Inc.

4. Pursuant to the Uniform Condemnation Procedures Act, MCL 213.51 et seq., Plaintiff shall also pay to Defendants the amount of \$452,033.00 for statutory reimbursement of attorney fees, plus 1/3 of the interest payable on the total additional just compensation paid to Defendants, which sum is \$20,794.31 for a total attorney fee reimbursement of \$472,827.31. This amount shall be paid in a check payable to Ackerman, Ackerman & Dynkowski.

5. Plaintiff shall also pay to Defendants the amount of \$20,000 for statutory reimbursement of expert fees and costs pursuant to the Uniform

Condemnation Procedures Act, MCL 213.51 et seq. This amount should be paid in a check payable to Sentry, Inc.

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

Hon. Nanci Grant, Circuit Judge

I stipulate to entry of the above order:

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