



500 West Big Beaver
Troy, MI 48084
troymi.gov



Date: October 14, 2025

To: Honorable Mayor and Troy City Council Members

From: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney

Subject: City of Troy v 4770 Rochester Holdings, LLC

As part of the Rochester Road Improvement Project, the City needed to acquire a utility easement from an office building property owned by 4770 Rochester Holdings, LLC.. The City initially offered to pay \$36,834 for the easement, based on an appraisal performed by the City's independent appraiser Michael Kurschat. Since the property owner wasn't willing to accept the amount of this good faith offer, the City necessarily initiated a condemnation in Oakland County Circuit Court.

After the lawsuit was filed, the City was able to negotiate an agreement to obtain immediate possession of the easement, as required for MDOT grant eligibility purposes. The parties stipulated to an interim order, requiring the City to pay an estimated just compensation of \$36,834. The stipulated order of possession also included sign specifications for the property. As a result of this order, the only remaining issue in the case is the total amount of just compensation to be paid for the acquisition.

The parties subsequently engaged in settlement negotiations, resulting in the attached proposed consent judgment. If approved, the City would pay 4770 Rochester Holdings, LLC a total just compensation of \$70,000 (inclusive of the \$36,834 previously paid, leaving a balance of \$33,166). Under the Uniform Condemnation Procedures Act, there is a provision allowing attorney fees, which in this case are negotiated at \$11,055.33, based on 1/3 of the difference between the good faith offer and the final just compensation. Entry of the consent judgment would conclude the litigation.

Proceeding to trial will result in additional costs for the City, since there would need to be an updated appraisal, witness fees, and facilitation/mediation fees. Also, there are risks inherent in proceeding to a jury trial. Also, if the jury verdict after trial exceeds the amount of the good faith offer, the City would be required to pay all of the property owner's costs, including appraisal and attorney fees. In light of all of this, we recommend approval of this early negotiated consent judgment, which would finalize this condemnation case. The majority of the costs for this settlement will come from federal funds, since this is a federally funded project. The payment would come from General Ledger Account Number 401.449.202.989.022065.

Please let us know if you have any questions concerning this matter.

STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY,

Plaintiff,

v.

4770 ROCHESTER HOLDINGS, LLC,

Defendant.

Case No. 25-214450-CC
Hon. Mary Ellen Brennan

Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
CITY OF TROY
500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-3320
Attorneys for Plaintiff

Jerome P. Pesick (P29039)
Jason C. Long (P59244)
WILLIAMS WILLIAMS RATTNER
& PLUNKETT, PC
380 N. Old Woodward Ave., Ste. 300
Birmingham, MI 48009
(248) 642-0333
Attorneys for Defendant 4770 Rochester
Holdings, LLC

Consent Judgment

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

on _____.

Present: Hon. Mary Ellen Brennan
Circuit Court Judge

This action is before the Court on the parties' Stipulation, set forth below. The Court is advised and takes notice of the following:

(A). This is a condemnation action that Plaintiff filed to exercise eminent domain and acquire certain easement rights in property owned by Defendant.

(B). Plaintiff acquired the easement by operation of law, as provided in this Court's June 12, 2025 Stipulated Order for Payment of Estimated Compensation and Surrender of Possession and Vesting of Title (the "Title Order").

(C). The issue remaining was the amount that Plaintiff is required to pay to Defendant as “just compensation” for the easement. The parties have agreed on an amount that represents “just compensation” and on other relief, and request that the Court enter this Consent Judgment to implement and memorialize their agreement and close this case.

The Court, being so advised, and based on the case file and applicable law, therefore **ORDERS** and **ADJUDGES** as follows:

1. The Title Order is incorporated by reference into this Consent Judgment, shall survive this Consent Judgment, and shall continue in effect.

2. Within 21 days of the date of this Consent Judgment, Plaintiff shall deliver a check to counsel for Defendant, payable to “4770 Rochester Holdings, LLC,” in the amount of \$33,166.00, representing total just compensation of \$70,000.00, less the \$36,834.00 paid as estimated compensation pursuant to the Title Order.

3. Within 21 days of the date of this Consent Judgment, Plaintiff shall deliver a check to counsel for Defendant, payable to “WWRP, PC,” in the amount of \$11,055.33, representing reimbursement of Defendants’ attorney fees as provided under the Uniform Condemnation Procedures Act, MCL 213.51 *et seq.*

5. This is a **FINAL ORDER** that resolves the last pending claim and closes this case.

Hon. Mary Ellen Brennan
Judge, Oakland County Circuit Court

The parties’ Stipulation is provided on the following page

Stipulation

The parties agree and stipulate to entry of the foregoing Consent Judgment.

Allan T. Motzny (P37580)
Attorney for Plaintiff

Jerome P. Pesick (P29039)
Attorney for Defendant