



CITY of NOVI CITY COUNCIL

Agenda Item J
June 19, 2017

SUBJECT: Approval of submission of order extending temporary easements in connection with the Adell property.

SUBMITTING DEPARTMENT:

CITY MANAGER APPROVAL:

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EXPENDITURE REQUIRED	\$ 48,885.34
AMOUNT BUDGETED	\$ 49,000 (FY 2017-18 Budget)
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	204-204.00-910.001

BACKGROUND INFORMATION:

The City acquired temporary easements in connection with the potential construction of a "Ring Road" on the northwest quadrant of the Grand River Avenue and Novi Road intersection. The City and the property owner have extended the easement every two years since the initial payment by the City (2009-2017). The attached order will be submitted to the court to extend the temporary easement an additional two years, to July 11, 2019, with the same payment as previously approved.

RECOMMENDED ACTION: Approval of submission of order extending temporary easements in connection with the Adell property.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF NOVI, a Michigan
municipal corporation,

Plaintiff

Case No. 98-008863-CC

v

Hon. Cheryl A. Matthews

ROBERT ADELL CHILDRENS FUNDED
TRUST, FRANKLIN ADELL CHILDRENS
FUNDED TRUST, and MARVIN ADELL
CHILDRENS FUNDED TRUST,

Defendants.

JOHNSON, ROSATI, SCHULTZ & JOPPICH, PC
THOMAS R. SCHULTZ (P 42111)
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STEINHARDT PESICK & COHEN
H. ADAM COHEN (P 47202)
Attorney for Defendants Adell
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ORDER EXTENDING TEMPORARY EASEMENTS

At a session of said Court, held in the City of
Pontiac, County of Oakland, and State of Michigan
on _____, 2017

PRESENT: HON. _____
Circuit Court Judge

The parties having stipulated to entering the following order, the Court being otherwise
fully informed in the premises:

1. On July 12, 2006, this Court entered a Stipulated Order Transferring Property
and Disbursing Estimated Just Compensation for various property interests in this condemnation
case, including temporary construction easement areas;

2. On June 6, 2007, the Court entered a stipulated order for payment of updated estimated just compensation, which stated:

It is further ordered that, if Plaintiff's use of the temporary easements extends beyond July 11, 2009 then Plaintiff shall pay additional just compensation therefore as required by law. . . .

3. In 2009, the City and Defendants agreed to extensions of the easements for two years based upon a payment of \$18,332 per annum and corresponding reimbursement of Defendants' attorneys' fees;

4. In 2011, the City and Defendants agreed to extensions of the easements for two years based upon a payment of \$18,332 per annum and corresponding reimbursement of Defendants' attorneys' fees;

5. In 2013, the City and Defendants agreed to extensions of the easements for two years based upon a payment of \$18,332 per annum and corresponding reimbursement of Defendants' attorneys' fees.

6. In 2015, the City and Defendants agreed to extensions of the easements for two years based upon an additional payment \$18,332 per year and corresponding reimbursement of Defendants' attorneys' fees.

7. The extension is currently set to expire on July 11, 2017;

8. The parties have agreed to an additional payment of \$18,332 per year, plus reimbursement of Defendants' attorneys' fees in the amount of \$6,110.67 per year;

9. In February 2015, title to the Property was acquired by Kevin Adell and STM Com. Inc.

NOW, THEREFORE, IT IS ORDERED that pursuant to agreement of the parties, the temporary easements described above shall be extended an additional two years, until July 11, 2019, as of the date of entry of this Order. The City shall, within five (5) days of the date

hereof make a payment of \$36,664 to Kevin Adell and STN Com, Inc., and separate payment of \$12,221.34 to Steinhardt Pesick and Cohen, representing reimbursement of Defendants' attorneys' fees.

CIRCUIT COURT JUDGE

Stipulated for Entry, Notice of Hearing Waived:

THOMAS R. SCHULTZ (P 42111)
Attorney for Plaintiff

H. ADAM COHEN (P 47202)
Attorney for Defendants Adell