



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.
Rochester Hills, MI 48309
248.656.4630
www.rochesterhills.org**

Legislative File No: 2006-0828, 0829, 0830

TO: Mayor and City Council Members
FROM: John D. Staran, City Attorney
DATE: November 10, 2006
SUBJECT: Acquisition of Right-of-Way for Adams Road Reconstruction

Recommendation:

City Council is requested to adopt Resolutions of Necessity re Reconstruction of Adams Road concerning Adams Road parcel nos. 1 (Heinrich), 11 (Amazing Grace) and 12 (Barton).

Background Information:

As was explained in the recent confidential communications to City Council, and related discussion with Council, the City entered into Possession and Use Agreements with the owners of Adams Road parcels 1, 11 and 12. Pursuant to those Agreements, the City paid the respective owners the City's good faith estimated just compensation (based on appraisals), and the owners granted to the City irrevocable rights to possession and use of the rights-of-way and related easements needed for the Adams Road reconstruction project. The Agreements provided the City would engage in good faith negotiations with the owners to settle the owners' claims for additional compensation, and if negotiations were unsuccessful, the City must file condemnation proceedings in court to resolve the issue. Negotiations have not resulted in settlement with the owners of the 3 parcels; therefore, it is necessary to file condemnation suits to resolve the compensation issue. The rights-of-way are secured and the road construction will not be affected. The only issue to be litigated is whether the owners are entitled to additional compensation beyond the appraised value the City has already paid. To commence condemnation proceedings, it is necessary for the City Council to adopt the proposed resolutions determining necessity and authorizing court proceedings.

Budget and Staff Impact:

Special counsel Lawrence Dloski will be compensated for his services at his hourly rate previously approved by Council, and it is possible that condemnation proceedings may result in judgments or settlements for additional amounts. However, the owners have not provided any support, to date, for additional amounts, and the City's appraised values (which the City has already paid) for the partial property interests acquired are \$22,000; \$30,200; and \$22,700, respectively, so the amount of additional compensation that may be demanded or required is not expected to be exorbitant.

Summary:

City Council is asked to adopt the proposed Resolutions of Necessity authorizing the commencement of condemnation proceeding to resolve compensation issues relative to Adams Road parcels 1, 11 and 12.

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		

I:\City Council\Holding File for Legistar Documents\2006\111506\0828 Agenda Summary.doc