



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

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Legislative File No: 2008-0093

TO: Mayor and City Council Members

FROM: John D. Staran, City Attorney

DATE: March 5, 2008

SUBJECT: Consideration of Resolution to Adopt Attorney's Recommendation Regarding Case Evaluation in *Rochester Hills v Amazing Grace Properties*, Oakland County Circuit Court Case No. 07-080232-CC

REQUEST:

City Council is asked to decide whether to accept or reject the City's Attorney's recommendation concerning the case evaluation award in *Rochester Hills v Amazing Grace Properties*, Oakland Circuit Court Case No. 07-080232-CC.

BACKGROUND:

In connection with the Adams Road realignment project, the City acquired additional right-of-way and temporary grading easements from abutting property owners, including Adams Road parcel 11, owned by Amazing Grace Properties, also known as 2731 S. Adams. The property is zoned O-1 and is improved with a 2 story office building and paved parking lot.

The City acquired possession of the additional right-of-way through a possession and use agreement entered into with the property owner in October, 2005. The agreement provided that if the parties were unable to successfully reach an agreement as to compensation within a prescribed time, the City would file a condemnation lawsuit to adjudicate compensation. The City ultimately filed suit and the case proceeded to a case evaluation hearing, on February 25, 2008, resulting in a case evaluation award which the parties have 28 days (i.e, on or before March 24) to accept or reject. Special legal counsel Larry Dloski, who has represented the City in this case, provided a privileged, written communication explaining the case evaluation and containing his recommendation. This privileged communication was discussed with City Council in closed session.

RECOMMENDATION:

That the City Council decide whether to accept the City's Attorney's recommendation relative to case evaluation. A proposed resolution authorizing the City's Attorney to proceed in accordance with his recommendation is provided.