

# Oakland County One~Fifteen News

Independent local news, features, events, & investigative reporting.

<http://oaklandcounty115.com/2016/10/27/michigan-supreme-court-rules-phoenix-center-cannot-be-condemned/>

## Michigan Supreme Court Rules Phoenix Center Cannot be Condemned



### Michigan Supreme Court Rules Phoenix Center Cannot be Condemned

(Maddin Hauser, Roth & Heller PC, Oct. 27, 2016)

Pontiac, MI –Southfield, Michigan-based multi-specialty law firm, Maddin, Hauser, Roth & Heller, P.C., today announced that the Michigan Supreme Court denied the City of Pontiac's application for leave to appeal the March 15, 2016 decision of the Michigan Court of Appeals in favor of Maddin Hauser client Ottawa Towers, LLC in the City of Pontiac's effort to demolish the Phoenix Center.

This protracted legal battle began in July 2012 when the City of Pontiac attempted to unilaterally condemn and demolish the Phoenix Center Parking Garage and Plaza in Pontiac, Michigan, even though Ottawa Towers held recorded easement rights in, and its buildings are physically attached to, the Phoenix Center. After several court rulings in favor of Ottawa Towers' rights, the City of Pontiac commenced condemnation proceedings against Ottawa Towers in an attempt to seize Ottawa Towers' rights. Ottawa Towers obtained a dismissal of the City's condemnation action when the trial court ruled that City of Pontiac had not met the minimum requirements to condemn property rights because it failed to make a good faith offer to Ottawa Towers for their vested property rights in the Phoenix Center. After the City appealed the ruling, the Michigan Court of Appeals affirmed the trial court's ruling in favor of Ottawa Towers. The City then continued to litigate, and sought leave to appeal to the Michigan Supreme Court. In its October 26, 2016 order, the Michigan Court of Appeals rejected the

City's application for leave to appeal.

Subsequent rulings have been in favor of Ottawa Towers, which has invested more than \$1,000,000 in repairs and maintenance to the parking garage and has offered to assume the repair, maintenance and operational obligations for the Phoenix Center.

“It has been our honor and privilege to represent Ottawa Towers’ owner, Chuck Stephens, a principled gentleman-businessman, who, in exchange for his substantial investment in our community, demanded nothing but fair treatment. Local governmental leaders should have lauded him and his investment in Pontiac (at a time when no one was investing in Pontiac),

but instead they waged a war to ruin his business, based upon the big lie that the Phoenix Center was a dangerous structure whose demolition would save the City of Pontiac millions of dollars,” said Maddin Hauser President and CEO Steven D. Sallen.

The structure not only provides parking for Ottawa Towers’ hundreds of employees, but for other local businesses and their customers.

*With more than 90 years of legal expertise concentrating on representation of business enterprises, as well as the real estate, insurance, and financial services industries, Maddin, Hauser, Roth & Heller, P.C., delivers result-focused legal services founded upon a responsive, expert, cost-effective and “no-nonsense” practical approach. For additional information, please visit [maddinhauser.com](http://maddinhauser.com).*

NOTE: This post is a press release from Maddin, Hauser, Roth & Heller, P.C. and it will be updated with more information from other sources as available.