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## Ruling on Novi condemnation could rewrite rules

By ANDREW DIETDERICH

The city of Novi's attempts to take land from the Novi Expo Center for a ring road - a case soon to be in front of the state Court of Appeals - could redefine the reasons for which governments may condemn property.

H. Adam Cohen, the attorney for the Adell Children Funded Trust, which owns the Novi Expo Center, said a ruling in favor of the city could set a dangerous precedent because two neighboring businesses would benefit more than the public. Cohen is a partner with Southfield-based Steinhardt, Pesick & Cohen P.C.

But Tony Nowicki, Novi's director of public services, said city attorneys have been authorized to continue pursuing the 1-acre chunk of land through condemnation in the state court. Cohen said he expects the case to come up within two months.

The city wants to take the land in the eastern part of the center's 24-acre site to complete a ring road that would begin on Crescent Boulevard and go east to Town Center Drive, south across Grand River Avenue to Market Street, then to Main Street across Novi Road and on to Flint Street.

The road cuts through the Novi Town Center and Novi's Main Street area and could promote development on the west side of Novi Road, said Greg Capote, the city's economic development director. The road would be publicly owned.

Novi is continuing the effort to get the land despite a 1999 ruling by Oakland County Circuit Judge Jessica Cooper that the city's condemnation of the property was unconstitutional because the public

benefit of the ring road and accompanying industrial spur was not clear and significant.

Cohen said that although the land in question is small, the stakes are large.

"The law clearly states property can only be taken without consent for inclusion in public projects," he said. "Once government officials try to take for the benefit of private owners, it's time to be concerned."

Cohen said his clients don't think they should have to give up their land for a purpose that primarily benefits other businesses.

"The city is entitled to condemn for a public purpose, and in this case we feel the city seeks to condemn for a fundamentally private purpose," Cohen said.

Nowicki, the city's public services director, said the ring-road plan includes an industrial access road for two neighboring businesses, General Filters Inc. and Progressive Tool & Industries Co. Nowicki said the spur is needed to eliminate a dangerous driveway entrance and exit on Grand River.

However, Judge Cooper said the spur only benefits the two companies on its route and ruled against the city's plan to condemn the land.

The ring road and industrial spur are part of the city's master plan, which goes back to at least 1993. Nowicki said the congested intersection of Novi Road and Grand River south of I-96 dictates a need for the road.

Capote, the city's development director, said the ring road is badly needed and about half completed. Planning of the western part of the road is contingent on the city's getting the land from the expo center.

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