

PONTIAC

Ottawa Towers contest condemnation of Phoenix Center

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PONTIAC » The Ottawa Towers office buildings are turning down a \$183,440 offer for their easement rights to the Phoenix Center and are contesting the condemnation of the downtown parking garage as part of the city's demolition plans for the structure.

The Ottawa Towers are the primary defendant in a lawsuit filed by the city in Oakland County Circuit Court in March that seeks to condemn the Phoenix Center using the eminent domain process.

The Ottawa Towers have asked for a review of the necessity for a condemnation of the Phoenix Center, stating in court filings that former Emergency Manager Lou Schimmel, City Admin-

istrator Joseph Sobota, and the Receivership Transition Advisory Board are agents of the state and don't have authority to condemn or demolish the parking garage.

"No. 1, we're opposing the project," Jerry Pesick, an attorney for the Ottawa Towers, said after a Wednesday court hearing. "We don't believe the city has authority to proceed on the project. No. 2, the offer is woefully inadequate."

Attorney Boris Yakima, who's representing the City of Pontiac, said the Ottawa Towers' challenge to the condemnation is a "shotgun response — we'll try anything we can."

One filing by the Ottawa Towers in the condemnation case ran to 1,325 pages, including exhibits and briefs.

"From the city's standpoint, the end goal is to eventually demolish the Phoenix

Center and stop the bleeding," Yakima said.

When Schimmel first announced plans to demolish the parking garage in 2012, he cited \$8.1 million in repairs and upkeep being needed on the structure in the next decade and annual losses of \$175,000 as rationale for the teardown.

Oakland County Circuit Judge Michael Warren has, as the condemnation is litigated, stayed an earlier, long-running lawsuit filed by the Ottawa Towers to prevent demolition of the Phoenix Center.

That earlier lawsuit contends a demolition would take away the Ottawa Towers' parking, violate easement rights and damage the office buildings. The lawsuit asks for \$9 million in damages if a demolition were to take place.



TIM THOMPSON — THE OAKLAND PRESS

Michelle Harell, left, and Jerry Pesick, center, attorneys representing Ottawa Towers, are seen during a court hearing Wednesday with Boris Yakima, right, who represents the City of Pontiac.