



City of Rochester

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FOR IMMEDIATE RELEASE

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CITY OF ROCHESTER RESOLVES LAWSUIT

Rochester, MI – April 24, 2018 – The City of Rochester has settled the 209-211 Walnut Leonor Dental Litigation and the case has been dismissed. The case began four years ago, and after numerous attempts to find relief, the parties agreed to terms and the case was dismissed on April 17, 2018. The settlement agreement is for \$2.5 million to be paid by the City of Rochester (\$1.2 million) and the City's Insurance Provider (\$1.3 million).

The lawsuit involved a dispute between the City and the property owner pertaining to certain commitments that were made to the City regarding historic preservation. Preservation of historic structures is a very high priority to the City. When approving the project, the City incentivized the property owner to retain and preserve the front portion of the building in exchange for a waiver of onsite parking that would normally be required for a dentist office use. Unfortunately, the result fell well short of the City's expectations. The Planning Commission tried to work towards a resolution, but instead the property owner elected to file an eight-count complaint against the City. Claims included equal protection violations, civil rights violations, due process violations and breach of contract.

“The City takes its fiscal responsibility and stewardship of the public’s money very seriously,” stated Rochester City Manager Blaine Wing. “The City has many wonderful things going on with new housing, huge developments coming in, and a great amount of momentum and civic pride. To continue with litigation, spend more City employee and leadership time and resources, and risk additional public dollars with a potentially bad decision based on matters that occurred over four years ago is not productive and contrary to how the City wants to move forward with such things as development, infrastructure and other community enhancements. It was unfortunate that that City was dragged into this litigation on the cusp of the property owner obtaining approval, but City Council looks forward to concluding this matter.”

For more information, contact City Manager Blaine Wing at 248/651-9061.