

S T A T E O F M I C H I G A N

C O U R T O F A P P E A L S

CITY OF TROY,

Plaintiff-Appellant,

v

RCU INDEPENDENCE, INC. and SENTRY,
INC.,

Defendants-Appellees,

and

CONSUMERS POWER COMPANY a/k/a
CONSUMERS ENERGY COMPANY,

Defendant.

UNPUBLISHED

October 28, 2010

No. 292686

Oakland Circuit Court

LC No. 2009-098176-CC

Before: BORRELLO, P.J., and CAVANAGH and OWENS, JJ.

MEMORANDUM.

Plaintiff appeals as of right the dismissal of its condemnation action. Because we conclude that the sole issue raised on appeal is moot, this appeal is dismissed.

Plaintiff's condemnation action against defendants was dismissed by the trial court on the ground that plaintiff had not complied with the Uniform Condemnation Procedures Act (UCPA), MCL 213.51 *et seq.* Subsequently, plaintiff acquired the subject property through a settlement agreement reached in another legal proceeding.

On appeal, defendants argue that the case is moot and plaintiff agrees, but plaintiff claims that this Court should, nevertheless, review the issue on appeal. We disagree. Generally, an appellate court will not review a moot issue. *City of Jackson v Thompson-McCully Co, LLC*, 239 Mich App 482, 493; 608 NW2d 531 (2000). An issue is moot if an event has occurred which renders it impossible for the court to grant relief. *Id.* A court will review a moot issue only if it is "publicly significant and is likely to recur, yet is likely to evade judicial review." *Attorney Gen v Mich Pub Serv Comm*, 269 Mich App 473, 485; 713 NW2d 290 (2005).

Here, it is undisputed that plaintiff has acquired the property at issue in its condemnation proceeding; thus, further relief cannot be granted and the sole issue on appeal is moot. And,

appellate review of this moot case is not appropriate. Even if publicly significant, we are not persuaded that the issue “is likely to recur, yet is likely to evade judicial review.” *Id.*

Dismissed as moot.

/s/ Stephen L. Borrello
/s/ Mark J. Cavanagh
/s/ Donald S. Owens