

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

**CITY OF DETROIT**, A municipal corporation,

Plaintiff,

v

**PATRICIA KENT and MURRAY D. WIKOL**,  
Personally,

**4445 LAWTON** Detroit, Michigan, 48208, and

**CAN-AM INTERNATIONAL TRADE  
CROSSING**, A Michigan Limited Liability  
Company,

Defendants.

Case No.           -CH  
Hon. Patricia P. Fresard

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**CITY OF DETROIT LAW DEPARTMENT**

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*There is no other pending or resolved civil action in Court arising out of the transaction or occurrence alleged in this Verified Complaint.*

*In accordance with the Third Judicial Circuit Court of Michigan Docket Directives 2018-03 (effective February 5, 2018), the Plaintiff respectfully requests that the above-captioned case, involving Blight and a Public Nuisance be assigned to Chief Judge Patricia P. Fresard.*

**CITY OF DETROIT’S VERIFIED COMPLAINT**

NOW COMES, the Plaintiff, City of Detroit, a Municipal Corporation, by and through its Attorneys, THE CITY OF DETROIT LAW DEPARTMENT and the CORPORATION COUNSEL (Conrad L. Mallett), Lorinda Lindsay and Jason H. Harrison and hereby files its Complaint and states as follows:

**PARTIES, JURISDICTION AND VENUE**

Plaintiff, City of Detroit, by and through its attorneys, for its Verified Complaint states:

1. The Plaintiff is a Michigan Municipal Corporation vested with local authority to protect the health, safety, and general welfare of the general public in the City of Detroit, State of Michigan.
2. Defendants, CAN-AM INTERNATIONAL TRADE CROSSING, a Michigan Domestic Limited Liability Company, PATRICIA KENT, and MURRAY D. WIKOL are the owners of real property described as 4445 Lawton located in Detroit, Michigan. (See **Exhibit 1, State of Michigan Licensing and Regulatory Affairs, hereinafter “LARA”**).
3. 4445 LAWTON, Detroit, Michigan, is the property owned by Defendants, CAN-AM INTERNATIONAL TRADE CROSSING, a Michigan Domestic Limited Liability Company, PATRICIA KENT, and MURRAY D. WIKOL, is the Subject Property in this lawsuit (hereinafter referred to as “Subject Property”).
4. Upon information and belief, and pursuant to the records of the Wayne County Register of Deeds, Defendants, CAN-AM INTERNATIONAL TRADE

CROSSING, LLC, PATRICIA KENT, and MURRAY D. WIKOL, have maintained a legal or equitable ownership interest in the Subject Property.

5. That Plaintiff's claim(s) arise out of property owned and/or managed by Defendants that is located in the City of Detroit and that this court has equitable jurisdiction by virtue of MCL § 600.2940 *et seq.*
6. Venue is appropriate pursuant to MCL § 600.1621 *et. seq.* since the Subject Property is located in the County of Wayne, City of Detroit.

### FACTS

7. Plaintiff incorporates by reference paragraphs 1 through 6 of this Verified Complaint as if fully restated herein.
8. To date, the Subject Property is classified and zoned as a "vacant lot", yet the Defendants improperly use it as an "Outside Storage Illegal Dumping of Solid Waste and Recycling Transfer Station."
9. As of the date hereof, the Subject Property is a public nuisance.
10. As of the date hereof, the Subject Property remains blighted, illegally occupied, unsafe and/or dangerous as a public nuisance and danger to the safety and welfare of the public based on the following factors:
  - a. On or about January 20, 2023, inspections were completed at the Subject Property by City of Detroit Buildings, Safety Engineering, and Environmental Department (BSEED). (See **Exhibit 2, BSEED Correction Order dated January 20, 2023**).
  - b. Upon arriving at the Subject Property, Inspector observed concrete debris, outside storage of solid waste, and an electrified fence. (See **Exhibit 2**);

- c. The driveway and public right of ways are in disrepair;
  - d. The property is covered with large mounds of dirt, concrete debris, and other solid waste.
  - e. Due to the condition and the blowing dust from the property and huge mounds of debris, Plaintiff informed Defendant it needs to obtain a Fugitive Dust Action Plan and a Geotechnical Report;
  - f. To date, Defendant has not provided the same to Plaintiff;
  - g. The Subject Property is an attractive nuisance due to its dilapidated conditions and may be susceptible to criminal activity;
  - h. The Subject Property has numerous property violations and is blighted; (See **Exhibit 2**);
  - i. The Subject Property is in disrepair;
11. The Plaintiff asserts that the current condition of the Subject Property warrants immediate remediation because of the conditions discussed above.
12. Plaintiff further asserts, Defendant(s) are required to request a change of use application and discontinue current illegal use as Defendants are in violation of Section 50-4-24 *et seq* and Section 8-15-38 *et seq* of the Detroit City Code.
13. As of the date hereof, Defendant(s) has/have failed to repair the Subject Property in accordance with the Detroit City Code (including § 8-15-1 *et seq* governing Property Maintenance).
14. Defendant(s) has/have failed to abate, correct, repair, or remove the public nuisance and blight at the Subject Property so that the debris is removed, the property maintenance violations are corrected, and the Subject Property is brought into

compliance with the Detroit City Code governing Property Maintenance (§ 8-15-1 *et seq*).

**COUNT ONE**  
**COMMON LAW PUBLIC NUISANCE**

15. Plaintiff incorporates by reference paragraphs 1 through 14 of this Verified Complaint as if fully restated herein.
16. The public has an interest in the abatement of public nuisances affecting health, safety, the environment, and the protection of a public property right or interest.
17. The Subject Property is a blight on the community and presents an imminent threat to the health, safety, and welfare of the public. The condition of the property directly threatens the health, safety, and welfare of neighboring residents and those who must pass the property when using public sidewalks and streets, in addition to constituting a common law public nuisance.
18. Upon information and belief, the condition of the Subject Property is in plain view so that the Defendant(s) is/are fully aware of the urgent need to abate each and every nuisance at Subject Property including:
  - a. The securing of a Certificate of Compliance;
  - b. The removal of concrete from the premises;
  - c. The removal of debris and large dirt mounds that are throughout the Subject Property;
  - d. The submission of a Fugitive Dust Action Plan as blowing dust permeates the residential area near the Subject Property;

- e. The submission of a Geotechnical Report explaining the physical properties of soil earthworks and identifying the stability of subsurface conditions for the proposed use of the Subject Property;
- f. The restoration and repair of all driveways, parking spaces, sidewalks, and walkways;
- g. Submission of specifications and/or other reports showing the electrified fence is safe and not a danger to community residents; and
- h. Abate the Property Maintenance violations.

That the present condition of the Subject Property is a common law public nuisance and the Defendant(s) failed to abate the common law public nuisance, thereby resulting in a dangerous condition to exist that can have a permanent and significant injury to the general public and more specifically, the residents of the City of Detroit. (See **Exhibit 2, BSEED Correction Order dated January 20, 2023**).

19. The Plaintiff is entitled to abatement of the common law nuisance created by or condoned by the Defendant(s), as owners and/or interest holders of the Subject Property.

**COUNT TWO**  
**NUISANCE ABATEMENT**

20. Plaintiff incorporates by reference paragraphs 1 through 19 of this Verified Complaint as if fully restated herein.
21. The Defendant(s'), as owners and/or interest holders of the Subject Property, failure, neglect, and/or refusal to remedy the conditions that exist on their property continues to threaten the health, safety, and welfare of the City of Detroit residents living near the Subject Property.

22. Unless ordered by this Honorable Court, the Defendant(s), as owners and/or interest holders of the Subject Property, will continue to maintain this nuisance to the substantial and irreparable damage of the City of Detroit and its residents.
23. That pursuant to MCL § 600.2940, Plaintiff is entitled to an Order requiring Defendant(s) to abate the nuisance at the Subject Property at Defendant(s)' sole expense.
24. That the Subject Property is in violation of the Detroit City Code, and the Subject Property is in violation of the laws of the State of Michigan including: MCL § 600.3801 et seq., MCL § 600.3810, MCL § 600.3815 and MCL § 600.3825.
25. That the Defendants are in violation of Detroit City Ordinance Chapter 8, Article XVII, Division 3, which makes it unlawful for any owner or agent thereof to keep or maintain any property or part thereof, in an unsafe and dangerous condition. That the City of Detroit is authorized to bring an action against the owner and/or interest holders of the Subject Property to make it safe. See Detroit City Code §8-15-12, MCL § 600.2940. *et seq.*

**COUNT THREE**  
**DECLARATORY JUDGMENT PURSUANT TO MCR 2.605(A)(1)**

26. Plaintiff incorporates by reference paragraphs 1 through 25 of this Verified Complaint as if fully restated herein.
27. That in accordance with the laws of the State of Michigan, if the Defendant(s) do not immediately abate and remove the nuisance then the Plaintiff is entitled to a court order declaring the immediate clean-up, remediation, and abatement of the nuisance and blight at the Subject Property and a judgment lien that is a first priority lien on the property or in the alternative that the ownership of the Subject

Property be transferred to the Plaintiff, free and clear of all liens, interests, and encumbrances.

28. Plaintiff seeks to have the interests of the Defendant(s) subject to a first priority judgment lien for Plaintiff to cover the costs, expenses, and fines related to the cleanup, removal of debris, and remediation of the Subject Property and a first priority personal judgment against the Defendant(s) who are the fee simple title owners of the Subject Property or in the alternative to have ownership of the Subject Property transferred to the Plaintiff free and clear of all interests, liens, and encumbrances.

29. An actual case and controversy exists between and among the parties and the Plaintiff seeks a Declaratory Judgment that requires the Defendant(s) to immediately abate the nuisances at the Subject Property by taking all necessary action to have the Subject Property inspected by City of Detroit Officials for compliance and blight remediation.

**COUNT FOUR**  
**INJUNCTION PURSUANT TO MCR 3.310 -- EQUITABLE RELIEF &**  
**APPOINTMENT OF A RECEIVER – MCL § 600.2926**

30. Plaintiff incorporates by reference paragraphs 1 through 29 of this Verified Complaint as if fully restated herein.

31. That Defendant(s) has/ have allowed a nuisance to exist at the Subject Property that is causing irreparable harm, immediate danger, and blight to exist. That there is a likelihood of success on the merits by the Plaintiff due to the Defendant(s)' actions or omissions causing a nuisance and blight with and of the building at the Subject Property. That an equitable remedy is necessary to order the Defendant(s)



to abate the nuisance and blight so that solely a legal remedy is not sufficient in the instant case.

32. That Plaintiff is entitled to the immediate abatement of the nuisance and blight and immediate remediation of the Subject Property so that it is no longer a danger to the community, general health, safety, and general welfare of the public.

33. That Defendant(s') failure to immediately abate, remove and/or remediate the nuisance and blight at the Subject Property shall result in the immediate appointment of a Receiver to immediately take steps to demolish/remove any structure on the Subject Property, clean-up the premises, remove the debris/asbestos/contaminants, all at the cost(s) to be incurred by the Defendant(s).

34. That Defendant(s) will be unjustly enriched by the Plaintiff's clean-up and mitigation efforts to the Subject Property without fully compensating the City of Detroit for the clean-up costs at Subject Property and expenses so that, if necessary, the appointment of a Receiver in accordance with MCL § 600.2926, who is authorized to sell the Subject Property to cover the aforementioned costs and expenses related to the Subject Property including the cost/expenses of the Receiver.

35. Plaintiff respectfully requests the waiver of Security in accordance with Michigan Court Rule(s) 3.310(D)(2).

36. That as of the date hereof, the Defendants have not abated the public nuisances and blight on the Subject Property.

37. Attached herewith is **Exhibit 2 (BSEED Correction Order dated January 20, 2023)** and **Exhibit 3 (Pictures of Subject Property dated January 6, 2023)**, which are incorporated by reference into this Verified Complaint.

**COUNT FIVE**  
**PERSONAL LIABILITY OF OWNER, MURRAY D. WIKOL,**  
**FOR PUBLIC NUISANCES, MCL § 117.1 et. seq.,**  
**DETROIT CITY CODE, §§ 8-15-12, 8-15-19**

38. Plaintiff incorporates by reference paragraphs 1 through 37 of this Verified Complaint as if fully stated herein.

39. Upon information and belief, the individual Defendant, Mr. MURRAY D. WIKOL (hereinafter “Mr. Wikol”), owns the Subject Property. (See **Exhibit 1, State of Michigan, LARA Report**).

40. That, upon information and belief, Mr. Wikol had and continues to have full knowledge of any and all public nuisances and compliance violations at the Subject Property.

41. That, upon information and belief, Mr. Wikol has failed to facilitate the complete abatement of all public nuisances at the Subject Property, both, before and subsequent to the issuance of the Correction Order. (See **Exhibit 2, BSEED Correction Order**).

42. That Mr. Wikol has, both, facilitated and perpetuated the public nuisances at the Subject Property contrary to the requirements of the Detroit City Code and, further, has created conditions that constitute a danger to the public health and safety of Detroit residents.

43. That Mr. Wikol is personally liable for any and all public nuisances at said property, including any and all costs associated with the lack of compliance, abatement, and any other costs and penalties assessed by this Honorable Court.
44. The Home Rule Cities Act allows a municipality to determine the means for pursuing a legal action against an individual for tortious behavior and the resulting damages suffered by a city. MCL § 117.1 *et. seq.*
45. That the Plaintiff, City of Detroit, a Home Rule city, can institute an *in personam* proceeding in equity in this Court to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, to stop an illegal act, and can undertake said action by any available means under state law, the Charter, or the Detroit City Code. (Detroit City Code, § 8-15-12).
46. Further, that the Plaintiff, City of Detroit, a Home Rule city, can institute an *in personam* proceeding in equity against a landowner, individually, wherein the landowner can be held liable for any and all damages suffered by Plaintiff, the City of Detroit, including any damages caused by the existence of multiple public nuisances at the Subject Property.

**COUNT SIX**  
**PERSONAL LIABILITY OF MEMBER, PATRICIA KENT,**  
**FOR PUBLIC NUISANCES, MCL § 117.1 et. seq.,**  
**DETROIT CITY CODE, §§ 8-15-12, 8-15-19**

47. Plaintiff incorporates by reference paragraphs 1 through 46 of this Verified Complaint as if fully stated herein.
48. Upon information and belief, the individual Defendant, Ms. Patricia Kent (hereinafter “Ms. Kent”), owns the Subject Property. (See **Exhibit 1, State of Michigan, LARA Report**).

49. That, upon information and belief, Ms. Kent had and continues to have full knowledge of any and all public nuisances and compliance violations at the Subject Property.
50. That, upon information and belief, Ms. Kent has failed to facilitate the complete abatement of all public nuisances at the Subject Property, both, before and subsequent to the issuance of the Correction Order. (See **Exhibit 2, BSEED Correction Order**).
51. That Ms. Kent has, both, facilitated and perpetuated the public nuisances at the Subject Property contrary to the requirements of the Detroit City Code and, further, has created conditions that constitute a danger to the public health and safety of Detroit residents.
52. That Ms. Kent is personally liable for any and all public nuisances at said property, including any and all costs associated with the lack of compliance, abatement, and any other costs and penalties assessed by this Honorable Court.
53. The Home Rule Cities Act allows a municipality to determine the means for pursuing a legal action against an individual for tortious behavior and the resulting damages suffered by a city. MCL § 117.1 *et. seq.*
54. That the Plaintiff, City of Detroit, a Home Rule city, can institute an *in personam* proceeding in equity in this Court to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, to stop an illegal act, and can undertake said action by any available means under state law, the Charter, or the Detroit City Code. (Detroit City Code, § 8-15-12).

55. Further, that the Plaintiff, City of Detroit, a Home Rule city, can institute an *in personam* proceeding in equity against a landowner, individually, wherein the landowner can be held liable for any and all damages suffered by Plaintiff, the City of Detroit, including any damages caused by the existence of multiple public nuisances at the Subject Property.

**REQUEST FOR RELIEF**

**THEREFORE**, the Plaintiff, City of Detroit, respectfully seeks the following relief from this Honorable Court:

- A. Declare the Subject Property a public nuisance, a blight and common law nuisance per se; and an unreasonable interference with a common right enjoyed by the general public by significantly threatening the public's health, safety, peace, comfort and convenience;
- B. Order the Defendant(s) to immediately abate the nuisance by:
  - 1. Immediately abate all nuisances and immediately clean-up the entire Subject Property in accordance with the Detroit City Code (§ 8-15-1 *et seq*) and the Detroit City Building Code (§ 8-17-1 *et seq*) and all applicable rules and regulations;
  - 2. Remove all debris at the Defendants' expense; and
  - 3. Cooperate fully with officials of the City of Detroit to ensure that remediation of the nuisance is in accordance with applicable environmental, and other laws, ordinances and regulations, including but not limited to clean-up of the Subject Property, and removal of the blight from the premises.

- C. In the event that the Defendants are unable to immediately abate the nuisances at the Subject Property, to allow the Plaintiff to enter the Subject Property to immediately eliminate the nuisances at the Subject Property, at the full cost and expense to the Defendants; or
- D. Upon Defendants' failure to abate the nuisances within the time specified by order, grant the Plaintiff such additional and further injunctive/equitable relief or money damages as necessary and appropriate in the circumstances, including but not limited to the issuance of a first priority judgment lien and/or monetary judgment against the Defendants and/or transfer of ownership of the property to the City of Detroit, free and clear of all liens and encumbrances and/or appointment of a Receiver to complete the aforementioned tasks, including the sale of the Subject Property to cover all of the aforementioned expenses and the fees of the Receiver or transfer of title to the Subject Property, free and clear of all legal and equitable interests, liens and encumbrances;
- E. To appoint a Special Master for Discovery purposes and to make recommendations to this Honorable Court regarding Discovery matters, Facilitation and/or Settlement;
- F. For the Defendants to pay all outstanding real property taxes to the City of Detroit or County of Wayne immediately or as said taxes become due;
- G. Cooperate fully with Officials of the City of Detroit to ensure that remediation of the nuisance is in accordance with applicable criminal laws, public nuisance laws, environmental, and other laws, ordinances and

regulations, including but not limited to abating the nuisances or the demolition and clean-up of the Subject Property in accordance with the local ordinances in the City of Detroit and the State of Michigan regulations and statutes;

- H. Provide that this Honorable Court shall retain jurisdiction until such time as the Honorable Court's order is fully complied with by the Defendants; and
- I. Such further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted,

CITY OF DETROIT LAW DEPARTMENT

/s/Lorinda Lindsay

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**VERIFICATION**

INSPECTOR MELISSA OWSIANY, being first duly sworn, deposes and says that she has read the foregoing Facts in the Verified Complaint and that the Facts in the Verified Complaint are true to the best of her knowledge, information, and belief.

  
\_\_\_\_\_  
**Name:** Melissa Owsiany  
**Title:** Building Inspector  
**Department:** Buildings, Safety  
Engineering, and Environmental Dept.

Subscribed and sworn to before me  
this 4 day of April, 2023.

/s/  
Notary Public, Wayne County  
My Commission

MELINDA ALLEN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Feb 10, 2028  
ACTING IN COUNTY OF Wayne