

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 14, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Mrs. Ruth David.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Liquor License Transfer Request – Racquets Downtown Grill, 446 W. Western Ave. CITY CLERK
 - C. Liquor License Transfer Request – H & J, Inc., 939 E. Laketon. CITY CLERK
 - D. Sale of Buildable Vacant Lot at 1361 Albert Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. SECOND READING: Zoning Ordinance Amendment – Planning Commission Notice Mailing Area. PLANNING & ECONOMIC DEVELOPMENT
 - F. SECOND READING: Zoning Ordinance Amendment – Aggrieved Parties Language. PLANNING & ECONOMIC DEVELOPMENT
 - G. SECOND READING: Zoning Ordinance Amendment – Zoning Board of Appeals Newspaper Public Notice. PLANNING & ECONOMIC DEVELOPMENT
 - H. Resolution of Support for Muskegon Area Sustainability Coalition. PLANNING & ECONOMIC DEVELOPMENT
 - I. Budgeted Vehicle Purchases. PUBLIC WORKS

J. Replacement Sodium Hypochlorite Application Pumps. WATER
FILTRATION

K. Accept Resignations and Make Appointments to Various Boards and
Committees. CITY CLERK

❑ PUBLIC HEARINGS:

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

A. Consideration of Bids: Fifth Street Landscaping, Merrill Avenue to
Western Avenue. ENGINEERING

B. Parking Ramp Purchase Agreement. CITY MANAGER

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Fill out a request to speak form attached to the agenda or located in the back of the room.
- Submit the form to the City Clerk.
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ ADJOURNMENT:

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT LINDA POTTER, ACTING CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Whereas, on behalf of our community, we wish to record our deep sorrow over the passing of Ruth Augusta David, better known as "Gussie", on October 17, 2006 at the age of 96; and

Whereas, Gussie's service was given with such devotion to the Marsh Field baseball through her and her families management of the City's concession stand for over 45 years, which still continues today, and that devotion earned the respect, admiration, and friendship of all baseball participants at Marsh Field; and

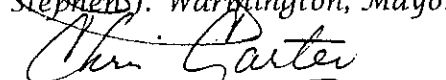
Whereas, the giving of one's service empowers the giver and the recipient; and urges all citizens to be cognizant of the importance of organized sports in the development of our most valuable assets- our youth; and

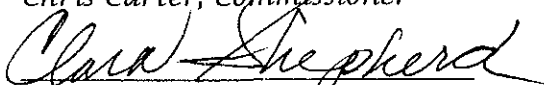
Whereas, Gussie's life was dedicated to the best interests of her community; and

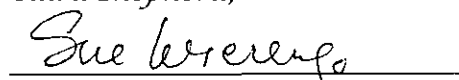
Now, therefore, I Stephen Warmington by virtue of the authority vested in me as Mayor, and on behalf of the City Commission and community, in recognition of Ruth's contributions to our community and its citizens; we hereby express our deep appreciation for her service to our community and extend to her family our sincere sympathy upon her passing.

IN WITNESS WHEREOF, I have hereunto set our hands and cause the seal of the City of Muskegon to be affixed this 14th day of November 2006.

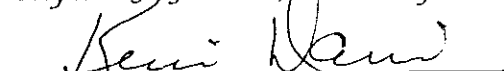

Stephen J. Warmington, Mayor

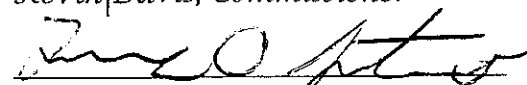

Chris Carter, Commissioner


Clara Shepherd, Commissioner


Sue Wierengo, Commissioner


Stephen J. Gawron, Vice Mayor


Kevin Davis, Commissioner


Lawrence O. Spataro, Commissioner



Date: November 14, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 24, 2006.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 14, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, November 14, 2006.

Mayor Warmington opened the meeting with a prayer from Reverend Michael Borgert from the First Christian Reformed Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

Absent: Commissioner Kevin Davis (Excused)

2006-90 HONORS AND AWARDS:

A. Mrs. Ruth David. Mayor Warmington presented Mrs. Ruth David's family with a resolution in honor of her contributions to the City. They were also given her reserved-parking sign.

Mayor Warmington sent condolences to Gerald Moore and family on the death of the former City Treasurer Shirley Moore.

2006-91 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 24, 2006.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Transfer Request – Racquets Downtown Grill, 446 W. Western Ave. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Downtown Pinnacle Properties, LLC, to transfer ownership of the 2006 Class C-SDM licensed business with Dance-Entertainment permit from Southbound, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

C. Liquor License Transfer Request – H & J, Inc., 939 E. Laketon. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Sung Jung to transfer ownership of the SDM licensed business located at 939 E. Laketon from H & J, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

D. Sale of Buildable Vacant Lot at 1361 Albert Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1361 Albert Avenue (Parcel #24-611-000-0291-00) to Terence Sykes. The lot is 100 x 140 ft. and is being offered to Mr. Sykes for \$8,000. A single family home will be constructed. The home will have a two stall attached garage, four bedrooms, and two bathrooms. The square footage of the home will be approximately 1810 square feet.

FINANCIAL IMPACT: The sale of this lot for the construction of a single family home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign the resolution and deed.

E. SECOND READING: Zoning Ordinance Amendment – Planning Commission Notice Mailing Area. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV (Administration and Enforcement) regarding the 300 foot notice mailing area for Planning Commission public hearings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language for Planning Commission public hearing notices.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 12th meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

F. SECOND READING: Zoning Ordinance Amendment – Aggrieved Parties Language. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) regarding "aggrieved parties" language.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language for "aggrieved parties".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 12th meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

G. SECOND READING: Zoning Ordinance Amendment – Zoning Board of Appeals Newspaper Public Notice. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding newspaper notice of Zoning Board of Appeals public hearings.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 12th meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

J. Replacement Sodium Hypochlorite Application Pumps. WATER FILTRATION

SUMMARY OF REQUEST: To replace the existing sodium hypochlorite (disinfectant) pumps at the Water Filtration Plant.

FINANCIAL IMPACT: The replacement of two chemical application pumps at a

cost of \$10,812.

BUDGET ACTION REQUIRED: None, the replacement of these pumps is budgeted.

STAFF RECOMMENDATION: Staff recommends purchasing the replacement sodium hypochlorite pumps from Mattoon & Lee at a cost of \$10,812.

K. Accept Resignations and Make Appointments to Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To accept resignations from Cara Taylor – District Library Board; and Brett Sova – Citizen's Police Review Board. To appoint Craig Brown – District Library Board; and Kari Tyler – Citizen's Police Review Board (contingent upon background check).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The Community Relations Committee recommended approval at their November 13th meeting.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Consent Agenda as read less items H and I.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Gawron, and Shepherd.

Nays: None

MOTION PASSES

2006-92 ITEMS REMOVED FROM THE CONSENT AGENDA:

H. Resolution of Support for Muskegon Area Sustainability Coalition.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the "Resolution of Support for Muskegon Area Sustainability Coalition". The resolution states that the City of Muskegon endorses the "Coalition" and "embraces the development of sustainability planning on a best effort basis".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: The Commission discussed the efforts of the Coalition at their October 9th Work Session and requested that a resolution of support be prepared.

Motion by Commissioner Wierengo, second by Commissioner Carter to approve

the "Resolution of Support for Muskegon Area Sustainability Coalition".

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

I. Budgeted Vehicle Purchases. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two Ford Focus 4-door wagons from Great Lakes Ford.

FINANCIAL IMPACT: Total cost \$27,320.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the purchase of two Ford Focus four-door wagons from Great Lakes Ford.

ROLL VOTE: Ayes: Wierengo, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2006-93 NEW BUSINESS:

A. Consideration of Bids: Fifth Street Landscaping, Merrill Avenue to Western Avenue. ENGINEERING

SUMMARY OF REQUEST: Award the contract for landscaping and installation of the customized concrete sidewalk along Fifth Street from Merrill Avenue to Western Avenue to Muskegon Quality Builders, Inc. of Muskegon Heights, MI since they were the lowest responsible bidder with a bid price of \$47,859.82.

FINANCIAL IMPACT: The construction cost \$47,859.82 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Muskegon Quality Builders, Inc.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to award the contract for the Fifth Street landscaping of Merrill Avenue to Western Avenue to Muskegon Quality Builders, Inc.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

B. Parking Ramp Purchase Agreement. CITY MANAGER

SUMMARY OF REQUEST: To enter into a new purchase agreement with Press's Development, LLC, for the purchase of the Clay Street Parking Ramp. This agreement will supersede the previous agreement to purchase the ramp. The price remains the same, but the actual property conveyance will not occur until the ramp is demolished.

FINANCIAL IMPACT: \$100,000 to the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement.

COMMITTEE RECOMMENDATION: The City Commission has previously approved the sale of the ramp.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the new purchase agreement with Press's Development, LLC, for the purchase of the Clay Street Parking Ramp.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington announced that Commissioner Spataro represented the City at a summit reference the homeless situation and received a leadership award on behalf of the City for our ten year plan to abolish homelessness.

Also mentioned was the condition of streets at Hartford and Peck and Spring and Apple.

ADJOURNMENT: The City Commission Meeting adjourned at 5:53 p.m.

Respectfully submitted,



Linda Potter, CMC
Acting City Clerk

Date: November 14, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Transfer Request
Racquets Downtown Grill, 446 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Downtown Pinnacle Properties, LLC, to transfer ownership of the 2006 Class C-SDM licensed business with Dance-Entertainment permit from Southbound, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

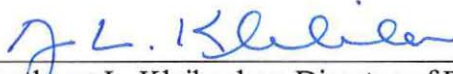
980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

October 30, 2006

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 446 W. Western (Racquets Downtown Grill) Transfer of 2006 Class C-SDM Licensed Business with Dance-Entertainment Permit

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Downtown Pinnacle Properties, LLC, comprised of Ronald Madison of 2105 Lake Avenue, North Muskegon, MI. 49445.

Downtown Pinnacle Properties, LLC requests to transfer ownership of 2006 Class C-SDM licensed business with Dance-Entertainment located at 446 W. Western from Southbound, Inc. Mr. Madison has limited experience in the alcohol service industry and has been made aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/kd

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 10-30-06

Re: Liquor License Transfer

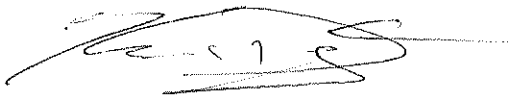
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Downtown Pinnacle Properties, LLC of 446 W. Western, Muskegon, MI. 49440. Downtown Pinnacle Properties, LLC is comprised of Ronald Madison of 2105 Lake Avenue, North Muskegon, MI. 49445.

Downtown Pinnacle Properties, LLC is requesting to transfer ownership of 2006 Class C-SDM licensed business with Dance-Entertainment, located at 446 W. Western, Muskegon, MI 49440 from Southbound, Inc. Mr. Madison has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a stylized flourish at the end.

Det. Kurt Dykman

data/common/liquor/Raquets_06



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 nmd

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
RONALD R. MADISON, 2105 LAKE AVENUE, NORTH MUSKEGON, MI 49445
H(231)750-4610/B(231)726-4007

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 366-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

Request ID #

365647

10-19-06 TTH

2006-91(b)
RESOLUTION

At a Regular meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on November 14, 2006 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Gawron

That the request to TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 446 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM SOUTHBOUND, INC. TO DOWNTOWN PINNACLE PROPERTIES, LLC.

be considered for Approval
(Approval or Disapproval)

APPROVAL

Yeas: 6

Nays: 0

Absent: 1

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of Muskegon _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on November 14, 2006
(Date)

SEAL

(Signed) Linda Potter
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 THH

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

DOWNTOWN PINNACLE PROPERTIES, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 446 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM SOUTHBOUND, INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1:

RONALD R. MADISON – MEMBER
2105 LAKE AVENUE
NORTH MUSKEGON, MI 49445
H(231)750-4610/B(231)726-4007

APPLICANT #2:

DATE FINGERPRINTED: 10-23-06

DATE OF BIRTH: 8-28-74

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

DATE FINGERPRINTED:

DATE OF BIRTH:

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

****Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission****

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?

☐ No ☒ Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

[Signature]
Signature (Sheriff or Chief of Police)

10-30-06
Date

MUSKEGON POLICE DEPARTMENT



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 TWT

September 28, 2006

TO:

Re: DOWNTOWN PINNACLE PROPERTIES, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M. _____

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M. _____

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ENTERTAINMENT PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

365647
10-19-06 - Muf

☐ OUTDOOR SERVICE

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

Anthony L. Kleiber *Director of Public Safety*
Signature and Title

ANTHONY L. KLEIBER *DIRECTOR OF PUBLIC SAFETY*
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: _____



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

365647
10-19-06 THT

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

September 28, 2006

MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 365647

Applicant:

DOWNTOWN PINNACLE PROPERTIES, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 446 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM SOUTHBOUND, INC.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

365647
10-19-06 TMB

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

September 28, 2006

MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 365647

Applicant:

DOWNTOWN PINNACLE PROPERTIES, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 446 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM SOUTHBOUND, INC.

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sfs

LIQUOR LICENSE REVIEW FORM

Business Name: Downtown Pinnacle Properties, LLC

AKA Business Name (if applicable): Racquets

Operator/Manager's Name: Ronald R. Madison

Business Address: 446 W Western

Muskegon, MI

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☒

Denied ☐

Remaining Defects ☐

Department Signature

Gail A. Kunding

Please return to the City Clerk's Office

Gail A. Kunding,

Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

10-19-06 *nmf*

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
RONALD R. MADISON, 2105 LAKE AVENUE, NORTH MUSKEGON, MI 49445
H(231)750-4610/B(231)726-4007

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 366-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

LIQUOR LICENSE REVIEW FORM

Business Name: Downtown Pinnacle Properties, LLC

AKA Business Name (if applicable): Racquets

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Business Address: 446 W Western

Muskegon, MI

Reason for Review:

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature J. L. Bleblen 10-30-06

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 *MLC*

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
RONALD R. MADISON, 2105 LAKE AVENUE, NORTH MUSKEGON, MI 49445
H(231)750-4610/B(231)726-4007

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Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Kenner

Please return to the City Clerk's Office

Gail A. Kunding,

Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

10-19-06 *mtf*

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
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Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature] 10/31/06

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 *mtm*

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
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Amount: _____

Treasurer

Approved ☐

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Amount: _____

Zoning

Approved ☒

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Paul J. Carver

Please return to the City Clerk's Office

Gail A. Kunding,

Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 *nmf*

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

10-19-06 NMA

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
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Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunder, Jr.
Liquor License Coordinator



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 365647

Business ID # 175792

10-19-06 *MLCC*

September 28, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

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Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE
[Authorized by MCL 436.1501]

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10-19-06 NAT

September 28, 2006

TO: MUSKEGON CITY COMMISSION
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APPLICANT: DOWNTOWN PINNACLE PROPERTIES, LLC

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TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

Request ID #

365647

10-19-06 BT4

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 446 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM SOUTHBOUND, INC. TO DOWNTOWN PINNACLE PROPERTIES, LLC.

be considered for _____
(Approval or Disapproval)

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
(231)724-6724
FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Department
(231)724-6792
FAX: (231)724-6985

Income Tax
(231)724-6770
FAX: (231)724-6768

Inspection Services
(231)724-6715
FAX: (231)728-4371

Leisure Services
(231)724-6704
FAX: (231)724-1196

Mayor's Office
(231)724-6701
FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Department
(231)724-6750
FAX: (231)722-5140

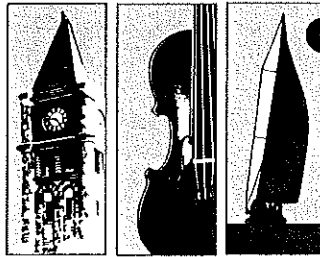
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

November 9, 2006

Mr. Ronald R. Madison
2105 Lake Avenue
North Muskegon, MI 49445

Dear Mr. Madison:

This letter is to inform you that your request to transfer ownership of the Class C licensed business with dance-entertainment permit, located at 446 W. Western, from Southbound, Inc., will be presented to the City Commission on November 14, 2006. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Acting Clerk

Affirm
(231)
FAX
YOUR RECEIPT
THANK YOU
CALL AGAIN
LIQUOR 250.00
ITEM CT 1
CHECK
250.00
08-30-2006 11-15-2006
6701 LINDA

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
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FAX: (231)727-6904

Finance Dept.
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Leisure Services
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FAX: (231)724-1196

Mayor's Office
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FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Department
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FAX: (231)722-5140

Public Works Dept.
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Treasurer's Office
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FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Liquor Control Commission

7150 Harris

P.O. Box 30005

Lansing, MI 48909-7505

2. Article Number

7006 0100 0004 8340 7015

(Transfer from service)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

JEREMY HALL

C. Date of Delivery

NOV 17 2006

Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3. Service

☒ Certified Mail ☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

November 15, 2006

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: Req ID #365647
Downtown Pinnacle Properties, LLC
446 W. Western Avenue
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, Form LC-1800, Law Enforcement Recommendation, print card and check for Downtown Pinnacle Properties, LLC. This was recommended for approval by the City Commission at their November 14, 2006, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Acting Clerk

enc.

Date: November 14, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Transfer Request
H & J, Inc., 939 E. Laketon

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Sung Jung to transfer ownership of the SDM licensed business located at 939 E. Laketon from H & J, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

At a Regular 2006-91(c) meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on November 14, 2006 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Gawron

That the request from Sung Mi Jung to transfer ownership of 2004 SDM licensed business from H & J, Inc., 939 E. Laketon, Muskegon, MI 49442, Muskegon County

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 6

Yeas: _____

Nays: 0

Nays: _____

Absent: 1

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on November 14, 2006.
(Date)

SEAL

(Signed) Linda Potter
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

278720
STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION 3-18-05
DEPARTMENT OF LABOR & ECONOMIC GROWTH THH
DAVID C. HOLLISTER, DIRECTOR

lkw

RID: 278720

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code) Sung Mi Jung
939 E Laketon, Muskegon, MI 49442, Muskegon County

REQUEST FOR: transfer ownership of 2004 SDM licensed business from H & J, Inc.

NO FINGERPRINTS NEEDED.

Section 1. APPLICANT INFORMATION

APPLICANT #1: Sung Mi Jung APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER: HOME ADDRESS AND AREA CODE/PHONE NUMBER:

6904 Wildwood

Fruitport, MI 49415

Telephone: (231) 865-7471

DATE OF BIRTH: 6-7-65

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?

☒ Yes ☐ No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No

2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No

3. Should the Commission grant this request? ☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

* R. L. Klobb
Signature (Sheriff or Chief of Police)
Muskegon Police Department

4-8-05
Date

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 04-1-05

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Sung Jung of 939 E. Laketon Street, Muskegon, MI. 49441.

Sung Jung is requesting to transfer ownership of 2004 SDM licensed business located at 939 E. Laketon, Muskegon, MI 49442 from J&J Inc. Sung Jung has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/Jung

Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
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FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
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FAX: (231)724-4178

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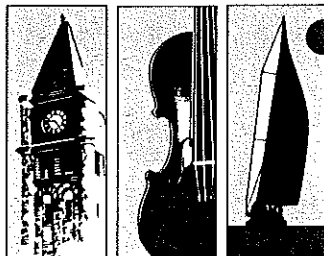
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FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

November 9, 2006

Ms. Jacqueline Vines, President
East Muskegon Neighborhood Alliance
1335 Amity
Muskegon, MI 49442

Dear Ms. Vines:

We have received a letter from the Liquor Control Commission reference a request from Sung Jung to transfer ownership of the SDM licensed business located at 939 E. Laketon. A SDM license permits the sale of beer and wine for consumption off the premises only. On Tuesday, November 14, 2006, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on November 14, 2006, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Acting Clerk

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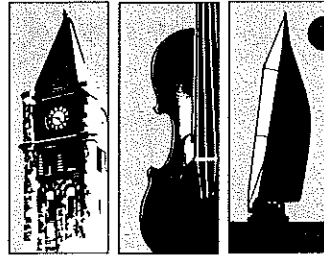
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FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

November 9, 2006

Sung Mi Jung
6904 Wildwood
Fruitport, MI 49415

Dear Sung Mi Jung:

This letter is to inform you that your request to transfer the SDM licensed business from H & J, Inc., 939 E. Laketon will be presented to the City Commission on November 14, 2006. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the East Muskegon Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Acting Clerk

Affirmative Action
(231)724-6703
FAX: (231)722-1214

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(231)724-6708
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(231)724-4106
FAX: (231)755-5290



October 30, 2006

Sung Mi Jung
6904 Wildwood
Fruitport, MI 49415

Dear Sung Mi Jung:

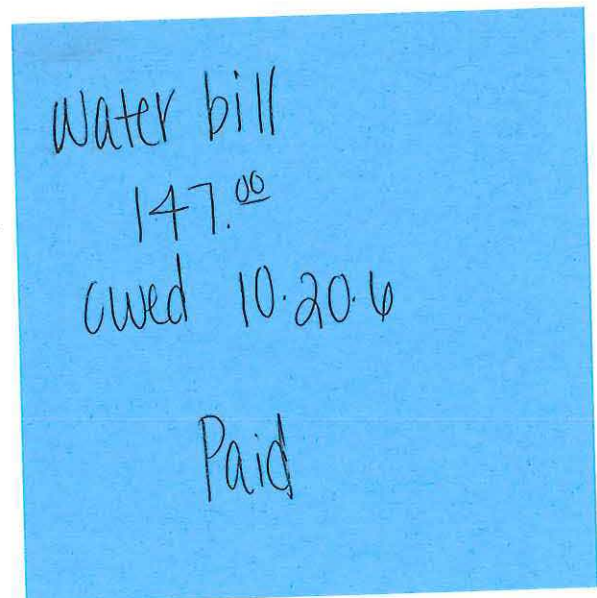
This letter is in reference to your request for a transfer of ownership of the SDM licensed business from H & J, Inc., 939 E. Laketon. I still have not received the \$250 transfer fee. There is also money owed the City Treasurer for a water bill, and we need a copy of the occupancy permit. Please respond by November 9, 2006, so I can contact the State Liquor Control Commission.

Sincerely,

Linda Potter

Linda Potter
Acting City Clerk

c: Attorney Harold Hermanson





JENNIFER M.
GRANHOLM
GOVERNOR

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

3-18-05
JAH
278720
NIDA R. SAMONA
CHAIRPERSON

05-05

POLICE INVESTIGATION REQUEST
(Authorized by MCL 436.1(4))

February 14, 2005

Muskegon Police Department
Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536

Request ID # 278720

Chief Law Enforcement Officer

Applicant: Sung Mi Jung, requests transfer ownership of 2004 SDM licensed business located at 939 E Laketon, Muskegon, MI 49442, Muskegon County from H & J, Inc.

Attorney: Harold Hermanson, 880 First, Ste 201, Muskegon, MI 49440; (231) 727-8058

Please make an investigation of this application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

(na) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400.

tkw

LC-1972 Rev 01/02
4880-1658

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

February 14, 2005

Muskegon City Commission
Attn: Clerk
933 Terrace
PO Box 536
Muskegon MI 49443

Request ID # 278720

The Liquor Control Commission has received an application from: Sung Mi Jung, requesting transfer 2004 SDM licensed business located at 939 E Laketon, Muskegon, MI 49442, Muskegon County from H & J, Inc.

Applicant: Sung Mi Jung, 6904 Wildwood, Fruitport, MI 49415; (231) 865-7471

Attorney: Harold Hermanson, 880 First, Ste 201, Muskegon, MI 49440; (231) 727-8058

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
tkw

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
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Treasurer
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Water Billing
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FAX (231)724-6768

Water Filtration
(231)724-4106
FAX (231)755-5290



July 15, 2005

Sung Mi Jung
6904 Wildwood
Fruitport, MI 49415

Dear Sung Mi Jung:

I will be presenting your request for a transfer of ownership of the 2004 SDM licensed business from H & J, Inc., 939 E. Laketon, to the City Commission for their recommendation. At this time, the Fire Department is recommending denial due to remaining defects, there is a small balance owed to the City Treasurer, and the \$250 transfer fee has not been received.

If you have any questions, please call me at 724-6915.

Thank you,

Linda Potter
Deputy Clerk

cc: Attorney Harold Hermanson

LIQUOR LICENSE REVIEW FORM

2-18-05

Business Name: H & J

AKA Business Name (if applicable): _____

Operator/Manager's Name: Sung Mi Jung

Business Address: 939 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

2-18-05

Business Name: H & J

AKA Business Name (if applicable): _____

Operator/Manager's Name: Sung Mi Jung

Business Address: 939 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☒ Remaining Defects ☒

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunderger,
Liquor License Coordinator

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

February 14, 2005

Muskegon City Commission
Attn: Clerk
933 Terrace
PO Box 536
Muskegon MI 49443

Request ID # 278720

The Liquor Control Commission has received an application from: Sung Mi Jung, requesting transfer 2004 SDM licensed business located at 939 E Laketon, Muskegon, MI 49442, Muskegon County from H & J, Inc.

Applicant: Sung Mi Jung, 6904 Wildwood, Fruitport, MI 49415; (231) 865-7471

Attorney: Harold Hermanson, 880 First, Ste 201, Muskegon, MI 49440; (231) 727-8058

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For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

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All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
tkw

LIQUOR LICENSE REVIEW FORM

2-18-05

RECEIVED

FEB 21 2005

CITY OF MUSKOGEE
PLANNING DEPARTMENT

Business Name: H & J

AKA Business Name (if applicable): _____

Operator/Manager's Name: Sung Mi Jung

Business Address: 939 E Laketon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☒

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Phil L. Carson

Please return to the City Clerk's Office

Gail A. Kunderer,

Liquor License Coordinator

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

February 14, 2005

Muskegon City Commission
Attn: Clerk
933 Terrace
PO Box 536
Muskegon MI 49443

Request ID # 278720

The Liquor Control Commission has received an application from: Sung Mi Jung, requesting transfer 2004 SDM licensed business located at 939 E Laketon, Muskegon, MI 49442, Muskegon County from H & J, Inc.

Applicant: Sung Mi Jung, 6904 Wildwood, Fruitport, MI 49415; (231) 865-7471

Attorney: Harold Hermanson, 880 First, Ste 201, Muskegon, MI 49440; (231) 727-8058

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PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
tkw

LIQUOR LICENSE REVIEW FORM

2-18-05

Business Name: H & J

AKA Business Name (if applicable): _____

Operator/Manager's Name: Sung Mi Jung

Business Address: 939 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

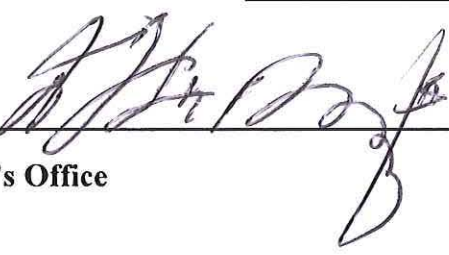
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature 

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

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Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
tkw

LIQUOR LICENSE REVIEW FORM

2-18-05

Business Name: H & J

AKA Business Name (if applicable): _____

Operator/Manager's Name: Sung Mi Jung

Business Address: 939 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
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Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

RECEIVED

FEB 21 2005

Muskegon Police Dept.

Department Signature [Signature] 2-18-05

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
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Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☒ Amount: 1,155.04

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

personal property & water bill

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunderinger,
Liquor License Coordinator

965/49
water
50.48
8.82
late
fee

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☒ Remaining Defects ☒

Due to Contact

Fire Dept Concerning Violations

Department Signature

[Signature]

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
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Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
tkw

Inspection for Liquor License Renewal

Name H & J MARKET

Address 939 LAKEVIEW

- ☒ Use of extension cords not permitted
- ☐ ~~Light fixture in cooler incomplete~~
- ☒ Light fixtures in _____ incomplete. *EXPOSED WIRES IN REAR STOCK RM.*
- ☒ Storage not permitted in front of electrical equipment
- ☒ Repair or replace exit and emergency lighting *ER LTS. OUT OVER FRNT. DOOR + EXIT LT. OUT OVER EAST DOOR.*
- ☒ Repair or replace exposed wiring
- ☐ ~~Exit blocked~~
- ☐ ~~Exit locked~~
- ☐ ~~Compressed gas cylinders must be secured~~
- ☐ ~~Missing fire extinguisher(s)~~
- ☒ Fire extinguisher inspection overdue
- ☒ Address not visible from street
- ☐ ~~Glazing (glass) broken and must be replaced~~
- ☐ ~~Door hardware must be in good working condition~~
- ☐ ~~Must maintain minimum 3 ft isle width~~
- ☐ ~~Occupant load must be posted~~
- ☐ ~~Exterior of building in poor condition i.e. rotted or missing siding~~
- ☐ ~~Lock box missing~~
- ☐ ~~Is keno machine on separate circuit? Permit issued?~~
- ☒ Additional Comments on back of page *NO HEAT!*

Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
(231)724-6724
FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Department
(231)724-6792
FAX: (231)724-6985

Income Tax
(231)724-6770
FAX: (231)724-6768

Inspection Services
(231)724-6715
FAX: (231)728-4371

Leisure Services
(231)724-6704
FAX: (231)724-1196

Mayor's Office
(231)724-6701
FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Department
(231)724-6750
FAX: (231)722-5140

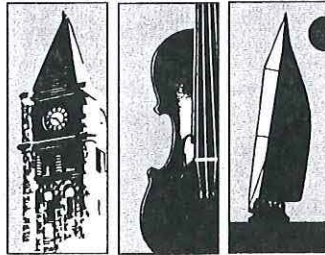
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

7006-0100-0004-
8340-7015

November 15, 2006

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: Req ID #278720
Sung Mi Jung
939 E. Laketon Avenue
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is a Resolution and Form LC-1800 which was recommended for approval by the City Commission at their November 14, 2006, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Acting Clerk

enc.

Commission Meeting Date: November 14, 2006

Date: November 2, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot at 1361 Albert Ave.

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1361 Albert Avenue (Parcel #24-611-000-0291-00) to Terence Sykes. The lot is 100 x 140 ft. and is being offered to Mr. Sykes for \$8,000. A single family home will be constructed. The home will have a two stall attached garage, four bedrooms, and two bathrooms. The square footage of the home will be approximately 1810 square feet.

FINANCIAL IMPACT:

The sale of this lot for the construction of a single family home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2006-91(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1361 ALBERT AVENUE IN MARQUETTE NEIGHBORHOOD FOR \$8,000.

WHEREAS, Terence Sykes be allowed to purchase the parcel designated as parcel number 24-611-000-0291-00, located at 1361 Albert Avenue for \$8,000; and

WHEREAS, the price for parcel number 24-611-000-0291-00 is set by the City at \$8,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs; and

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-611-000-0291-00, located at 1361 Albert Avenue be sold to Terence Sykes for \$8,000.

**CITY OF MUSKEGON URBAN RENEWAL PLAT NO 2 LOT 290 EX E 35 FT
TH'OF & ALL OF LOT 291**

Adopted November 14, 2006.

Ayes: Spataro, Warmington, Wierengo, Carter, Gawron, and Shepherd

Nays: None

Absent: Davis

By: 

Stephen J. Warmington
Mayor

Attest: 

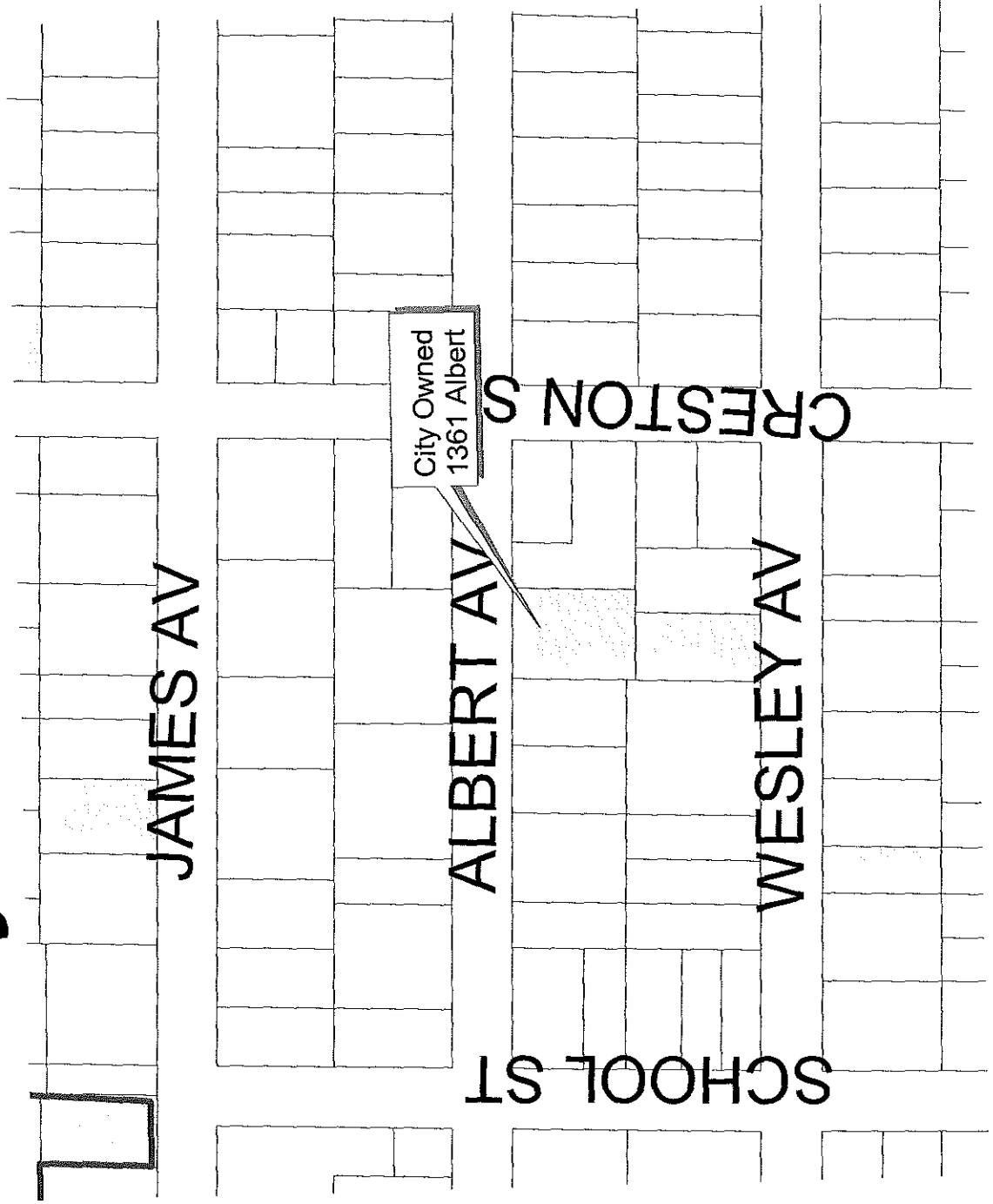
Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on November 14, 2006.

By: Linda Potter
Linda Potter, Acting City Clerk

City-Owned Property to Sell



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **TERENCE SYKES**, a married man, of 840 Orchard, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOT 290, EXCEPT
THE EAST 35 FEET THEREOF AND ALL OF LOT 291

for the sum of Eight Thousand Dollars (\$8,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the City issues a certificate of occupancy. These covenants and conditions shall run with the land.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20 day of November, 2006.

Signed in the presence of:

Jo Ann M. Krutkowski
Jo Ann M. Krutkowski

Irene Dempsey
Irene Dempsey

STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Linda S. Potter
Linda S. Potter, Acting Clerk

Signed and sworn to before me in Muskegon County, Michigan, on November, 2006, by STEPHEN J. WARMINGTON and LINDA S. POTTER, the Mayor and Acting Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
601 Terrace Street/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Jo Ann M. Krutkowski
Jo Ann M. Krutkowski, Notary Public
Acting in the County of Muskegon, MI
Muskegon County, Michigan
My Comm. Expires: 05-13-2012

WHEN RECORDED RETURN TO: Grantee
SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made November 14, 2006 ("Effective Date"), by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **TERENCE SYKES**, a married man, of 840 Orchard, Muskegon, Michigan 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, the real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOT 290, EXCEPT
THE EAST 35 FEET THEREOF AND ALL OF LOT 291

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Eight Thousand Dollars (\$8,000.00), payable in cash at the closing. The parties acknowledge that Buyer has already given a \$400.00 earnest money deposit to the Seller ("Deposit"). The Deposit shall be applied to the purchase price at closing. If the Closing, as defined in paragraph 8, does not occur as scheduled due to default by the Buyer, the Deposit shall be forfeited to the Seller and will not be refunded.

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Seller agrees to deliver to Buyer, on or before the closing date, a commitment for title insurance, issued by Metropolitan Title Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Buyer closes on the Premises, any objections to the title are deemed waived. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises one (1) single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within eighteen (18) months and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer, and free of all liens. Buyer further covenants that the home shall be owner occupied for five (5) years after the City issues a certificate of occupancy. The covenants in this paragraph shall survive the closing and run with the land.

6. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

8. **Closing.** The closing date of this sale shall be on or before 90 days after the Effective Date ("Closing"). The Closing shall be conducted at Metropolitan Title Company, 3044 Glade Street, Muskegon, Michigan 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

9. **Delivery of Deed.** Seller shall execute and deliver a quitclaim deed to Buyer at Closing for the Premises.

10. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

11. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

12. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement. Buyer shall pay for the cost of recording the deed to be delivered at Closing.

13. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement on the date written below their names, to be effective as of the day and year first above written.

WITNESSES:

Jo Ann M. Krukowski
Jo Ann M Krukowski

Irene Dempsey
Irene Dempsey

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor
Date: 11-16-06

Linda S. Potter
Linda S. Potter, Acting Clerk
Date: 11-17-06

BUYER:

[Signature]

Terence Sykes
Name: Terence Sykes
SS#: 379-88-1109
Date: 11-3-06

209231



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C - All Parties Pkg



- A L L P K G -

Property Address: 1361 Albert Ave.

Buyer/Borrower: Terence Sykes

Seller: City of Muskegon

Description: Documents Common to All Parties

May include the following docs:

- ☐ Disclosure and Acknowledgement
- ☐ Owners Affidavit-Seller
- ☐ Owners Affidavit-Buyer
- ☐ Broker Fee Statement
- ☐ Property Transfer Affidavit
- ☐ Property Transfer Acknowledgement
- ☐ Inspections
- ☐ Closing Agreement

Copies to: Buyer/Borrower, Seller, Selling Agent, Listing Agent, Lender, Title Company, Buyer's Attorney, Seller's Attorney

Policy or Policies issued pursuant to this commitment are underwritten by:

First American Title Insurance Company

SCHEDULE A

Commitment No.: 209231
2202
December 08, 2006

1. Commitment Date: November 16, 2006 @ 8:00 AM

2. Policy or Policies to be issued: Policy Amount
(a) Residential Title Insurance Policy \$8,000.00

Proposed Insured:
Terence Sykes

Policy or Policies to be issued: Policy Amount
(b) ALTA Loan Policy (10-17-92)

Proposed Insured:

3. The Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
City of Muskegon

4. The land referred to in this Commitment, situated in the County of Muskegon, City of Muskegon, State of Michigan, is described as follows:

Lot 290, except the East 35 feet thereof and all of Lot 291 of Muskegon Urban Renewal Plat No. 2 according to the plat thereof recorded in Liber 19 of Plats, Page 13 of Muskegon County Records.

1361 Albert Avenue Muskegon MI 49442



Issuing Agent: Metropolitan Title Company
America's Premier Title Agency

For questions regarding this commitment contact your local
Metropolitan Title Company (231)733-6201 or fax to (231)733-5418
3044 Glade St., Muskegon, MI 49444

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section I REQUIREMENTS

Commitment No.: 209231

General Requirements

The following requirements must be met:

- (a) Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
- (b) Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
- (c) Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- (d) Pay us the premiums, fees and charges for the policy.
- (e) You must tell us in writing the name of anyone not referred to in this Commitment who will receive an interest in the land or who will make a loan on the land. We may make additional requirements or exceptions.
- (f) Submit completed Owner's Estoppel/Affidavit/ALTA Statement on the form provided by this company and signed by or on behalf of all owners.

Specific Requirements

1. RECORD WARRANTY DEED FROM OWNER NAMED ON SCHEDULE A TO TERENCE SYKES.

2. SUBMIT CERTIFICATE OF GOOD STANDING FOR CITY OF MUSKEGON TO METROPOLITAN TITLE COMPANY.

3. SUBMIT A COPY OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF CITY OF MUSKEGON, AUTHORIZING THE CONVEYANCE AND IDENTIFYING THE INDIVIDUAL(S) AUTHORIZED TO EXECUTE THE PROPOSED CONVEYANCE ON BEHALF OF THE CORPORATION.

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Schedule B – Section II EXCEPTIONS

Commitment No.: 209231

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens encumbrances adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

General Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown on the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.

Specific Exceptions

1. Terms and Conditions contained in Urban Renewal Plan as disclosed by instrument recorded in Liber 730, page 657 and amended in Liber 808, page 123 and revised in Liber 920, page 388.
2. Terms and Conditions contained in Contract for disposition of land for private-redevelopment, as disclosed by instrument recorded in Liber 903, page 527 and amended in Liber 903, page 547.
Taxes checked on: December 6, 2006.
3. Taxes are exempt. Tax Item No. 61-24-611-000-0291-00
State Equalized Value (S.E.V.) for 2006: \$0
Taxable: \$0

School District: Muskegon

Special Assessment: None

NOTE: If subject property is connected to public/community water or sewer, furnish a copy of the current bill to Metropolitan Title Company showing that all charges have been paid to date or the Policy to be issued will include an exception on Schedule B for water and sewer charges which became a lien prior to the date of the Policy.

NOTE: Tax information obtained from the local taxing authority discloses that the 2006 taxes were assessed as 0% Homestead property. Any questions regarding the current homestead status of the property should be directed to the local taxing authority.

Commitment for Title Insurance

FIRST AMERICAN TITLE INSURANCE COMPANY.

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A
- The Requirements in Schedule B-Section I.
- The Exceptions in Schedule B-Section II.
- The Conditions below.

This Commitment is not valid without Schedule A and Sections I and II of Schedule B.

Conditions:

1. Definitions:

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state statutes where the land is located.

2. Later Defects

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all the Requirements (a) and (c) of Schedule B- Section I are met. We shall have no liability to you because of this amendment.

3. Existing Defects

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. Limitation of Our Liability

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

- comply with the Requirements shown in Schedule B - Section I OR
- eliminate with our written consent any Exceptions shown in Schedule B - Section II

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. Claims must be based on this Commitment

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.

Issued by: **First American Title Insurance Company** through its agent:

Metropolitan Title Company

3044 Glade St.

Muskegon, Michigan 49444

Ph: (231)733-6201 or Fax to: (231)733-5418



Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444
Phone: (231)733-6201 / Fax: (231)733-5418

PR: METRO

Ofc: 2202 (2802)

Invoice

To: City of Muskegon
933 Terrace St.
Muskegon, MI 49443

Invoice No.: 28021443
Date: 12/04/2006
Our File No.: 209231
Title Officer: /
Escrow Officer: Vicki Anderson / VIANDERSON
Customer ID: 60615

Attention: Hope Mitchell

Your Reference No.:

RE: Property:
1361 Albert Avenue, Muskegon, MI 49442

Liability Amounts
Owners: \$8,000.00
Lenders:

Buyers: Terence Sykes
Sellers: City of Muskegon

Description of Charge	Invoice Amount
Owners Premium	\$245.00
Tax Fee	\$15.00

INVOICE TOTAL **\$260.00**

Comments:

Thank you for your business!

*To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department*

DISCLOSURE AND ACKNOWLEDGMENT

Date: December 13, 2006

Property Address: 1361 Albert Avenue, Muskegon, MI 49442

By signing this statement the undersigned acknowledge the following:

1. That all closing documents prepared by Metropolitan Title Company are prepared at the direction and request of all parties to the transaction, their real estate agent(s)/broker(s) or attorney(s).
2. That **Metropolitan Title Company is not acting as my agent, attorney, representative or fiduciary**, at this real estate closing.
3. That Metropolitan Title Company's employee who has attended this closing represents only Metropolitan Title Company.
4. That Metropolitan Title Company's employee who has identified certain documents to me as he/she has presented them to me for signing, but **has not given me legal advice as to the meaning or effect of the documents**. I understand that any of his/her statements about the documents are not legal advice to me. If I have an attorney, that attorney is my only attorney in this transaction.
5. That I have either read all of the closing documents or am responsible for my own failure to have read them. **I understand that Metropolitan Title Company is not responsible for explaining to me the effect of the documents I have signed.**
6. That the title policy, when issued, will contain all of the exceptions noted on the commitment, unless such exceptions are removed to the satisfaction of Metropolitan Title Company at closing.
7. **That I have read this statement and understand it.**

Seller(s):

Dore Mitchell

Buyer(s)/Borrower(s):

Terru Syke



Metropolitan Title Company
America's Premier Title Agency

File Number: 209231

OWNER'S AFFIDAVIT/COMPLIANCE AGREEMENT

File Number: 209231
Date: December 13, 2006
Reference: Sykes /
Property Address: 1361 Albert Avenue, Muskegon, MI 49442

Forwarding Address:

(To be executed by all parties shown as vested owners in the commitment for title insurance.)

Affiant makes the representations contained herein to induce the purchaser to consummate the transaction referenced in the commitment, to obtain the proceeds of the sale, and to induce Metropolitan Title Company to issue a policy(s) of title insurance on behalf of the underwriter named in the commitment. Affiant further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility and obligation of the Affiant, that the Affiant shall pay any and all amounts so charged and shall provide proof of payment of same to Metropolitan Title Company. Affiant further agrees and covenants, if requested by Metropolitan Title Company, to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

The undersigned, being first duly sworn, deposes and says as follows:

1. That Affiant is 18 years of age or older, is a citizen of the United States, has not married or divorced since purchasing the real estate, and has not used or been known by any other name;
2. That Affiant is the owner of certain premises described in Commitment No. 209231, and has not filed, nor is subject to any bankruptcy, receivership, or insolvency proceedings;
3. That the Affiant is in the possession of said property and there are no other parties in possession or claiming rights of possession; (NONE, unless noted)
4. That Affiant has no knowledge of any unrecorded water, mineral, gas or oil rights unrecorded easements or claims of easements, boundary line disputes or claims of such grants or rights relative thereto; (NONE, unless noted)
5. That there are no proceedings instituted or undertaken by anyone which will result in a lien or special assessment upon the premises. There are no delinquent taxes, special assessments, (including but not limited to any Barrett Law Assessments if property is located in the State of Indiana), water bills, sewer bills and assessments, weed cutting bills, board-up fees, tap-in fees, utility bills, or Homeowner's Association fees covering subject property; (NONE, unless noted)
6. That there have been no improvements made nor labor or materials furnished to the premises within the last 90 days; (NONE, unless noted)
7. That Affiant has no knowledge of any other matters affecting the title including but not limited to: mortgages, liens, land contracts, options or other encumbrances other than those which are being paid from the loan proceeds. (NONE, unless noted)

Subscribed and sworn to before me this December 13, 2006.

Vested Owner(s):

Notary Public:

Notary County/State: / V. ANDERSON
County Acting In: Notary Public, Muskegon County, MI
Commission Expires: My Commission Expires 11-15-2013
Acting In Muskegon County

[Signature]



Metropolitan Title Company
America's Premier Title Agency

File Number: 209231

OWNER'S AFFIDAVIT/COMPLIANCE AGREEMENT - *continued*

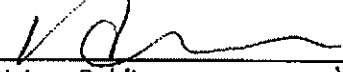
(To be executed by the Purchasers)

The undersigned makes the representations contained herein to induce Metropolitan Title Company to issue a policy(s) of title insurance on behalf of the underwriter named in the commitment. The undersigned further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility and obligation of the undersigned, that the undersigned shall pay any and all amounts so charged and shall provide proof of payment of same to Metropolitan Title Company .

The undersigned further agrees and covenants, if requested by Metropolitan Title Company, to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

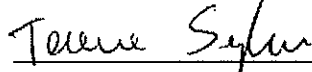
The undersigned further certify that they are 18 years of age or older.

Subscribed and sworn to before me this December 13, 2006.



Notary Public: V. ANDERSON
Notary County/State: Notary Public, Muskegon County, MI
County Acting In: My Commission Expires 11-15-2013
Commission Expires: Acting In Muskegon County

Purchaser(s):





NOTICE OF YOUR FINANCIAL PRIVACY RIGHTS

We want you to know that the privacy and confidentiality of your personal information is very important to Metropolitan Title Company. We value your business and we want to retain your trust. In the course of providing products and services to you, we may obtain nonpublic personal information about you. We are required by law to provide you with this notice in order to inform you how Metropolitan Title Company collects, uses and safeguards your nonpublic personal information. This notice also tells you how you can limit our disclosure of personal information about you.

What Information Do We Collect

We may obtain nonpublic personal information about you from the following sources:

- Information we receive from you from applications or other forms;
 - Information about your transaction with us from our files or from our affiliates;
 - Information about your transaction with nonaffiliated third parties such as your real estate agent or lender;
- The information we obtain includes, but is not limited to, your name, address, social security number, employer, income, account information from financial institutions, parties to a transaction and credit card usage.

What Information Do We Disclose

To meet your needs with quality products and services we may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

AFFILIATES

Our affiliates are the family of companies controlled by Metropolitan Title Company or under common control with another company. We may share the types of information described above, as permitted by law, with our affiliates for purposes of marketing or market research.

NON-AFFILIATES

Nonaffiliated third parties are those not part of the family of companies controlled by Metropolitan Title Company or not under common control with another company.

Service Providers, Contractors

Any service providers or contractors used by Metropolitan Title Company are required to follow the terms of our Privacy Policy. Access to your nonpublic personal information by a service provider or contractor is restricted to the purpose for which they have been retained by Metropolitan Title Company.

Joint Marketing

We may disclose your personal information to a nonaffiliated third party that we have an agreement with to perform joint marketing of products or services that we feel may interest you.

Other Non-Affiliates

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

METROPOLITAN TITLE COMPANY DOES NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT THEIR CUSTOMERS OR FORMER CUSTOMERS EXCEPT, AS PERMITTED OR REQUIRED BY LAW.

The Confidentiality and Security of Your Nonpublic Personal Information

Metropolitan Title Company restricts the access to your nonpublic personal information to those employees who need to know the information in order to provide products and/or services to you. Our employees are required to maintain the confidentiality and privacy of our customers. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Changes to this policy

We may amend this policy at any time, and we will inform you of any changes as required by law.

Your Privacy Choices

The law allows us to share with our affiliates your personal information and information about our transactions or experiences with you. The law also allows us to share your personal information with our contractors and service providers.

If you prefer that we not disclose information about you to nonaffiliated third parties, you may direct us not to share this information by calling the Corporate Office at 1-800-848-5375 or by writing to us at 622 East Grand River, Howell, Michigan 48843. Please provide your name, address including city and state of the property and our file number.



CLOSING AGREEMENT

File Number: 209231
Date: December 13, 2006
Property Address: 1361 Albert Avenue, Muskegon, MI 49442

It is agreed, between the Purchaser(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, dated 11-14-06 have been met or are hereby resolved or removed to the satisfaction of the parties concerned.

Purchaser(s) understand and acknowledged that he/she/they are buying the property in an "As Is" condition and that neither the Seller(s) nor Realtor(s) make any warranties as to the land and structure purchased or the condition.

Seller(s):

Wade Mitchell

Purchaser(s):

Terene Sykes



Metropolitan Title Company
America's Premier Title Agency

File Number: 209231

PROPERTY TRANSFER AFFIDAVIT

*This form issued under authority of
P.A. 415 of 1994. Filing is mandatory.*

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct **taxable value**. It must be filed by the new owner with the **assessor for the city or township** where the property is located within **45 days** of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property 1361 Albert Avenue, Muskegon, MI 49442	2. County Muskegon	4. Date of Transfer (or land contract was signed) December 13, 2006
3. City/Township/Village of Real Estate City of Muskegon ☒ City ☐ Township ☐ Village		5. Purchase Price of Real Estate \$8,000.00
6. Property Identification Number (PIN). If you don't have a pin, attach legal description. PIN: 61-24-611-000-0291-00		PIN . This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.

7. Seller's (Transferor) Name City of Muskegon	8. Buyer's (Transferee) Name and Mailing Address Terence Sykes
---	---

Items 9 – 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in business. See the back for a complete list.

9. Type of Transfer ☐ Land Contract ☒ Deed	☐ Lease ☐ Other (specify) _____
--	--

10. Is the transfer between related persons?	☐ Yes ☒ No
--	--

11. Amount Of Down Payment

12. If you financed the purchase, did you pay market rate of interest?	☐ Yes ☐ No
--	---

13. Amount Financed (Borrowed)

Exemptions

The Michigan Constitution limits how much a property's **taxable value** can increase while it is owned by the same person. Once the property is transferred, the **taxable value** must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-n). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ transfer from one spouse to the other spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer of that portion of a property subject to a life lease or life estate (**until** the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the settler or the settler's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer between entities under common control or among members of an affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed
- ☐ other, specify:

Certification

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature <i>Terence Sykes</i>	Date 12/13/2006
Daytime Phone Number 231-777-3677	

If signer is other than the owner, print name and title.
Email Address

PROPERTY TRANSFER AFFIDAVIT ACKNOWLEDGMENT

File Number: 209231
Date: December 13, 2006
Reference: Terence Sykes / City of Muskegon
Property Address: 1361 Albert Avenue, Muskegon, MI 49442

I/We, the undersigned Purchaser, Grantee or Transferee, have been advised that under Act 415, P.A. of 1994, Form L-4260 (Rev. 1/06) **Property Transfer Affidavit** must be completed and received by the local assessor within **45 days** of the date of transfer.

I/We further understand that the failure to file is **punishable by penalty of \$5.00 a day up to a maximum of \$200.00.**

I/We have received from Metropolitan Title Company on **December 13, 2006**, a **Property Transfer Affidavit**, Form L-4260 (Rev. 1/06), and accept responsibility for filing this form with our city/township assessor. I/We agree to hold **Metropolitan Title Company** harmless from any further liability and/or responsibility regarding this form.



I/We have requested that Metropolitan Title Company distribute this form by regular mail to the city/township assessor, and hold the title company harmless from any further liability and/or responsibility regarding this form.



That the Buyer(s) are unable to complete the Property Transfer Affidavit at this time and will undertake to distribute the form themselves; or have chosen to distribute the form themselves to the local tax collecting unit.

Purchaser(s):

Terence Sykes



Metropolitan Title Company
America's Premier Title Agency

File Number: 209231

Instructions

This form must be filed when there is a transfer of real property or of the following types of personal property:

- buildings on leased land.
- leasehold improvements (as defined in MCL Section 211.8 (h)).
- leasehold estates (as defined in MCL Section 211.8 (i) and (j)).

Transfer of ownership means the conveyance of title to or a present interest in property, including the beneficial use of the property. It includes, but is not limited to, the following conveyances:

- deed.
- land contract.
- transfer into a trust, *unless* the sole beneficiary is the settlor (creator of the trust), the settlor's spouse, or both.
- transfer from a trust, *unless* the distributee is the sole present beneficiary, the spouse of the sole present beneficiary, or both.
- changes in the sole present beneficiary of a trust, *unless* the change only adds or substitutes the spouse of the sole present beneficiary.
- distributions by a will or intestate succession, *unless* to the decedent's spouse.
- leases, if the total duration of the lease is more than 35 years, including the initial term and all options for renewal, or if the lease grants the lessee the right to purchase the property at the end of the lease for not more than 80 percent of the property's projected true cash value at the end of the lease.
- transfers of more than a 50 percent interest in the ownership of a business, *unless* the ownership is gained through the normal public trading of shares of stock.
- transfers of property held as a tenancy in common, except the portion of the property not subject to the ownership interest conveyed.

For complete descriptions of qualifying transfers, please refer to MCL Section 211.27a(6)(a-i).

Excerpts from Michigan Compiled Laws (MCL), Chapter 211

Section 211.27a(8)

"...the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission that states the parties of the transfer, the date of the transfer, the actual consideration for the transfer, and the property's parcel identification number or legal description."

Section 211.27(5)

"...Beginning December 31, 1994, the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred. In determining the true cash value of the transferred property, an assessing officer shall assess that property using the same valuation method used to value all other property of that same classification in the assessing jurisdiction."

209231



I - Recordings



Property Address: 1361 Albert Ave.

Buyer/Borrower: Terence Sykes

Seller: City of Muskegon

Description: Documents to be Recorded

May include the following docs: ☐ Deed

Copies to: Title Company, Buyer/Borrower, Seller, Selling Agent, Listing Agent, Mortgage Broker, Lender, Buyer's Attorney, Seller's Attorney

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **TERENCE SYKES**, a married man, of 840 Orchard, Muskegon, Michigan 49442, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOT 290, EXCEPT
THE EAST 35 FEET THEREOF AND ALL OF LOT 291

for the sum of Eight Thousand Dollars (\$8,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the City issues a certificate of occupancy. These covenants and conditions shall run with the land.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20 day of November, 2006.

Signed in the presence of:

CITY OF MUSKEGON

Jo Ann M. Krulikowski
Jo Ann M. Krulikowski

By [Signature]
Stephen J. Warmington, Jr. Mayor

Irene Dempsey
Irene Dempsey

and Linda S. Potter
Linda S. Potter, Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on November, 2006, by STEPHEN J. WARMINGTON and LINDA S. POTTER, the Mayor and Acting Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
601 Terrace Street/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Jo Ann M. Krulikowski
Jo Ann M. Krulikowski, Notary Public
Acting in the County of Muskegon, MI
Muskegon County, Michigan
My Comm. Expires: 05-13-2012

Commission Meeting Date: October 24, 2006

*Ind
Reading*

Date: October 13, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
**RE: Zoning Ordinance Amendment – Planning Commission
Notice Mailing Area**

SUMMARY OF REQUEST:

Request to amend Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV (Administration and Enforcement) regarding the 300 foot notice mailing area for Planning Commission public hearings.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the language for Planning Commission public hearing notices.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/12 meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 12, 2006

Hearing; Case 2006-47: Staff initiated request to amend the Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV, Administration and Enforcement, to meet the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006 regarding Planning Commission public notice mailings.

BACKGROUND

Earlier this year the Michigan Zoning Enabling Act of 2006 was passed. In order to bring our zoning ordinance into compliance with this Act, some amendments must be made. This case, and the two that follow, are a result of this Act. Other changes will be coming forward at future meetings.

This particular amendment requires notifications of requests to be send to residents as well as owners of property within 300 feet of the subject property in question. Although our present ordinance only requires a 200 foot notice area, zoning staff has been notifying all those properties within 300 feet for several years. This is just a correction of our ordinance language to bring the zoning ordinance into compliance with the Act.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**.

The Planning Commission shall hold a public hearing after notice, published in a newspaper of general circulation, and by mail or personal service to all owners **and residents** of property within ~~two~~ **three** hundred ~~(200)~~ **(300)** feet of the property. Such notice shall be served as required fifteen (15) days prior to the hearing.

DELIBERATION

I move that the amendment to Section 2405, paragraph #2, of Article XXIV, (Administration and Enforcement), of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2206

An ordinance to amend Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV (Administration and Enforcement) regarding the 300 foot mailing notice area requirement for Planning Commission public hearings.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV (Administration and Enforcement) is amended regarding the 300 foot notice mailing area requirement for Planning Commission public hearings, as follows:

Changes to Section 2405, (paragraph #2): Administration and Enforcement

The Planning Commission shall hold a public hearing after notice, published in a newspaper of general circulation, and by mail or personal service to all owners and residents of property within three hundred (300) feet of the property. Such notice shall be served as required fifteen (15) days prior to the hearing.

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Carter, Gawron, and Shepherd

Nays: None

Adoption Date: November 14, 2006

Effective Date: November 28, 2006

First Reading: October 24, 2006

Second Reading: November 14, 2006

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC, Acting City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14th of November 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 14, 2006.



Linda S. Potter, CMC
Acting Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 14, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV (Administration and Enforcement) regarding the 300 foot public notice mailing area for Planning Commission public hearings.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published November 18, 2006

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Commission Meeting Date: October 24, 2006

Ind Reading

Date: October 13, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Zoning Ordinance Amendment – Aggrieved Parties Language

SUMMARY OF REQUEST:

Request to amend Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) regarding “aggrieved parties” language.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the language for “aggrieved parties”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/12 meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 12, 2006

Hearing; Case 2006-48: Staff initiated request to amend Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) to meet the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006 regarding “aggrieved parties” language.

BACKGROUND

Once again, this is a amendment to our zoning ordinance so it meets the requirements of the new Michigan Zoning Enabling Act of 2006. It was reworded somewhat so the sentence makes sense. We must clarify the language to address “aggrieved parties” rather than “affected” parties.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**.

An application or appeal to the ZBA in cases in which it has original jurisdiction under the provisions of this ordinance or state law, may be taken by any **aggrieved parties, including**, property owner or tenant, or by a governmental office, department, board or bureau affected. Such application or appeal shall be filed with the Zoning Administrator, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the ZBA.

DELIBERATION

I move that the amendment to Section 2503, paragraph #1, of Article XXV, (Zoning Board of Appeals), of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2207

An ordinance to amend Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) regarding "aggrieved parties" language.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) is amended regarding "aggrieved parties" language, as follows:

Changes to Section 2503, (paragraph #1): Zoning Board of Appeals

An application or appeal to the ZBA in cases in which it has original jurisdiction under the provisions of this ordinance or state law, may be taken by any aggrieved parties, including, property owner or tenant, or by a governmental office, department, board or bureau. Such application or appeal shall be filed with the Zoning Administrator, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the ZBA.

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Carter, Gawron, and Shepherd

Nayes: None

Adoption Date: November 14, 2006

Effective Date: November 28, 2006

First Reading: October 24, 2006

Second Reading: November 14, 2006

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC, Acting City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14th of November 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 14, 2006.



Linda S. Potter, CMC

Acting Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on ~~November~~ 14, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) regarding the "aggrieved parties" language.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published November 18, 2006

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Commission Meeting Date: October 24, 2006

2nd Reading

Date: October 13, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CPB*
RE: Zoning Ordinance Amendment – ZBA Newspaper Public Notice

SUMMARY OF REQUEST:

Request to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the language regarding newspaper notice of ZBA public hearings.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/12 meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 12, 2006

Hearing; Case 2006-49: Staff initiated request to amend Section 2504 (Hearings Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) to meet the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006, regarding Zoning Board of Appeals newspaper public notice.

BACKGROUND

As with the prior two cases, this amendment is necessary due to the change in the Michigan Zoning Enabling Act of 2006. The Act now requires that all Zoning Board of Appeals cases be notified in the same manner as Planning Commission case. That means we must now not only mail notifications to all residents and property owners within 300 feet of the subject property, but also shall "publish notice of the request in a newspaper of general circulation in the local unit of government". All notices must be served at least 15 days prior to the day of the hearing. The old requirement was 10 days, but the zoning staff has been using the 15 day standard for several years.

NEW LANGUAGE

Deletions are crossed-out and additions are in **bold**.

1. When an application or appeal has been filed in proper form and with the required date, the Zoning Administrator shall immediately place said application or appeal upon the calendar for hearing and cause notices, stating the time, place, and purposes of the hearing being served. Such notices shall be **published in a newspaper of general circulation and** served personally or by mail at least ~~ten (10)~~ **fifteen (15)** days (excluding Saturdays, Sundays, and holidays) prior to the day of such hearing, upon the applicant or appellant, the Building Inspector, the owners of property and the occupants of single and two-family dwellings within three hundred (300) feet of the property in question. If the tenant's name is not known, the notice may be addressed to the occupant.

Any party may appear at such hearings in person or be represented by agents, attorneys, or both.

DELIBERATION

I move that the amendment to Section 2504, #1, of Article XXV, (Zoning Board of Appeals), of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2208

An ordinance to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) is amended regarding public notice for Zoning Board of Appeals public hearings, as follows:

Changes to Section 2504, (#1): Zoning Board of Appeals

1. When an application or appeal has been filed in proper form and with the required date, the Zoning Administrator shall immediately place said application or appeal upon the calendar for hearing and cause notices, stating the time, place, and purposes of the hearing being served. Such notices shall be published in a newspaper of general circulation and served personally or by mail at least fifteen (15) days (excluding Saturdays, Sundays, and holidays) prior to the day of such hearing, upon the applicant or appellant, the Building Inspector, the owners of property and the occupants of single and two-family dwellings within three hundred (300) feet of the property in question. If the tenant's name is not known, the notice may be addressed to the occupant.

Any party may appear at such hearings in person or be represented by agents, attorneys, or both.

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Carter, Gawron, and Shepherd

Nayes: None

Adoption Date: November 14, 2006

Effective Date: November 28, 2006

First Reading: October 24, 2006

Second Reading: November 14, 2006

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC, Acting City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14th of November 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 14, 2006.

Linda S. Potter

Linda S. Potter, CMC

Acting Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on ~~November~~ 14, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding the newspaper public notice for Zoning Board of Appeals public hearings.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published November 18, 2006

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Date: November 14, 2006
To: Honorable Mayor and City Commissioners
From: DPW – Water Filtration Plant
RE: Replacement sodium hypochlorite application pumps

SUMMARY OF REQUEST:

To replace the existing sodium hypochlorite (disinfectant) pumps at the Water Filtration Plant

FINANCIAL IMPACT:

The replacement of two chemical application pumps at a cost of \$10812.00.

BUDGET ACTION REQUIRED:

None. The replacement of these pumps is budgeted.

STAFF RECOMMENDATION:

Staff recommends purchasing the replacement sodium hypochlorite pumps from Mattoon & Lee at a cost of \$10812.00.

MEMORANDUM

11/7/06

**TO: M. AL-SHATEL, DEPUTY DPW
R. KUHN, DIRECTOR DPW**

FROM: R. VENEKLASEN, WATER FILTRATION PLANT

**RE: REPLACEMENT SODIUM HYPOCHLORITE PUMPS FOR WATER
DISINFECTION**

The Water Filtration Plant budgeted for replacement of two chemical application pumps for sodium hypochlorite, or "hypo". Sodium hypochlorite is the disinfectant for the water supply. It is usually referred to as "bleach" because it comes in that form, but at a much higher concentration.

It is the nature of hypochlorite to be aggressive toward most materials, especially metals. Hypochlorite also "off-gasses"; in other words release gas that pressurize the pump head and piping.

We currently apply the hypochlorite with a pulsafeeder brand pump that used a hydrotube coupled with check valves. Although the pump parts that come in contact with the hypochlorite are designed for this type of service they readily deteriorate. This deterioration requires preventative maintenance and parts replacement. These parts are largely specialty items so are quite costly.

We have been researching alternatives to the pulsafeeder pumps for quite some time. Watson Marlow/Bredel produces a peristaltic pump that is capable of the type of service duty we require for the sodium hypochlorite application. These peristaltic pumps have the advantage of utilizing a replaceable hose to move, or pump, the hypochlorite. The hose material is reasonably priced, readily available, and easily changed. Spare hose sections can be stocked nearby the pump and changed periodically to avoid any hypochlorite spills. This approach will significantly reduce the cost for replacement parts and reduce the labor required to perform the replacements.

We have requested pricing from two vendors of these pumps and find that Matoon & Lee offer the best price. It is my recommendation that we purchase two Watson Marlow/Bredel pumps and accessories from Matoon & Lee. The cost breakdown is as follows:

Pump (2)	\$4855.00 each	\$9710.00
Elements/hose (20)	\$41.50 each	\$830.00
Valves (2 per pump)	\$58.00	\$232.00
Shipping	\$20.00	\$40.00.

The total cost is: \$10812.00.

Date: November 14, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
**RE: Accept Resignations and Make Appointments to
Various Boards and Committees**

SUMMARY OF REQUEST: To accept resignations from:

Cara Taylor – District Library Board

Brett Sova – Citizen's Police Review Board

To make the following appointments:

Craig Brown – District Library Board

Kari Tyler – Citizen's Police Review Board (contingent on background check)

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Community Relations Committee recommended approval at their November 13th meeting.

Commission Meeting Date: November 14, 2006

Date: October 31, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *cbl*
RE: Resolution of Support for Muskegon Area
Sustainability Coalition

SUMMARY OF REQUEST: To approve the attached "Resolution of Support for Muskegon Area Sustainability Coalition". The resolution states that the City of Muskegon endorses the "Coalition" and "embraces the development of sustainability planning on a best effort basis".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: The Commission discussed the efforts of the Coalition at their October 9 Work Session and requested that a resolution of support be prepared.

2006-92(h)
RESOLUTION OF SUPPORT FOR
Muskegon Area Sustainability Coalition
City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 14th day of November, 2006, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Shepherd, Spataro, Warmington, Wierengo, Carter, and Gawron

ABSENT: Members

Davis

The following preamble and resolution were offered by Member Wierengo and supported by Member Carter:

WHEREAS, the focus of **Sustainability** is to enrich and secure the future of the Greater Muskegon Community by preserving our natural resources, providing economic vitality and fostering social justice; and

WHEREAS, the Muskegon Area Sustainability Coalition invites open participation by units of government, institutions, non-profit entities, business and industry in order to foster collaborations that will lead to a spirit of community entrepreneurship and systems oriented thinking; and

WHEREAS, emphasis is placed on the needs and interests of all citizens; and

WHEREAS, the Muskegon Area Sustainability Coalition acknowledges existing initiatives undertaken by both the private and public sectors that incorporate the values of **Sustainability**; and

WHEREAS, it is not the intent of the Coalition to duplicate any existing activities underway, but to strengthen such efforts by serving as a clearing house and discussion forum for activities, events and opportunities that advance principles and practices of **Sustainability** throughout the Muskegon region; and

WHEREAS, the following outcomes for the community can be expected:

- 1) Increased economic vitality in the region
- 2) Social justice and equity with more diverse representation
- 3) Reduction of environmental degradation
- 4) Improved quality of life for the overall community and region
- 5) Increased public understanding, awareness of, and engagement with sustainability efforts on a personal level

THEREFORE, BE IT RESOLVED that the **City of Muskegon** endorses the Muskegon Area Sustainability Coalition and embraces the development of sustainability planning on a best effort basis.

AYES: Members

Warmington, Wierengo, Carter, Gawron, Shepherd, and Spataro

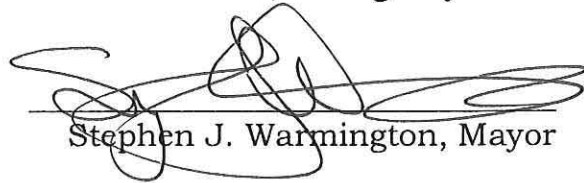
NAYS: Members

None

RESOLUTION DECLARED ADOPTED.



Linda S. Potter, Acting City Clerk



Stephen J. Warmington, Mayor

2006-92(h)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on November 14, 2006. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, Acting City Clerk

Date: 11/14/06
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Purchases

SUMMARY OF REQUEST: Approval to purchase (2) Ford Focus 4- door Wagons from Great Lakes Ford.

FINANCIAL IMPACT: Total Cost \$27,320.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 11/14/06

Re: Vehicle replacement

The Equipment Division had planed, and budgeted on replacing four (4) vehicles of our 1999 Sedans fleet in 2007. Two of those four were scheduled to be a Ford Focus wagon. Unfortunately, we were recently informed that the wagon model will no longer be available and thus we needed to act soon if we wanted that type of vehicle.

We have requested prices from area dealers as well as the statewide purchasing contracts. Attached is a summary of bids.

In accordance with established purchasing policy, I am requesting permission to purchase two Ford Focus Wagons from Great Lakes Ford.

Equipment Purchase - 2006

	<u>Signature Ford</u>	<u>Great Lakes Ford</u>	<u>Betten& Sons Ford</u>
	<u>P.O. Box 242</u>	<u>2469 E. Apple</u>	<u>3839 Plainfield N.E</u>
<u>Type of Vehicle</u>	<u>Central LakeMi</u>	<u>Muskegon Mi.</u>	<u>Grand Rapids Mi</u>
2 2007 Ford Focus	\$27,744.00	\$27,320.00	\$29,540.00
4-door wagons			
each	\$ 13,872.00	\$13,660.00	\$ 14,770.00

Date: November 17, 2006
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Fifth St. Landscaping, Merrill Ave. to Western Ave. (H-1621)

SUMMARY OF REQUEST:

Award the contract for landscaping and installation of the customized concrete sidewalk along Fifth St. from Merrill Ave. to Western Ave. to Muskegon Quality Builders, Inc. of Muskegon Heights, MI since they were the lowest responsible bidder with a bid price of \$47,859.82.

FINANCIAL IMPACT:

The construction cost \$47,859.82 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Muskegon Quality Builders, Inc.

COMMITTEE RECOMMENDATION:

**H-1621 FIFTH ST. LANDSCAPING, MERRILL AVE. TO WESTERN AVE.
BID TABULATION 10/24/06**

CONTRACTOR ADDRESS				ENGINEER'S		MUSKEGON QUALITY BUILDERS 2837 PECK ST		JARAN CONSTRUCTION 2745 ALYSSA LANE		DOUBLE L ENTERPRISES 5215 INDUSTRIAL PARK	
CITY/ST/ZIP				ESTIMATE		MUSKEGON HEIGHTS, MI 49444		ALLEGAN, MI 49010		MONTAGUE, MI 49437	
	ITEM OF WORK	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	AGGREGATE BASE, CONDITIONING	SYD	70	\$2.00	\$140.00	\$ 28.08	\$ 1,965.60	\$ 20.00	\$ 1,400.00	\$ 4.36	\$ 305.20
2	AGGREGATE BASE, LM	CYD	5	\$50.00	\$250.00	\$ 60.00	\$ 300.00	\$ 100.00	\$ 500.00	\$ 95.00	\$ 475.00
3	CONC CHEMICAL SURFACE STAINING	SFT	330	\$7.50	\$2,475.00	\$ 11.12	\$ 3,669.60	\$ 12.00	\$ 3,960.00	\$ 14.50	\$ 4,785.00
4	CONCRETE SURFACE TEXTURING	SFT	330	\$15.00	\$4,950.00	\$ 11.12	\$ 3,669.60	\$ 12.00	\$ 3,960.00	\$ 17.00	\$ 5,610.00
5	DECORATIVE TRAIL SIGN	EACH	5	\$1,000.00	\$5,000.00	\$ 1,116.00	\$ 5,580.00	\$ 1,100.00	\$ 5,500.00	\$ 1,300.00	\$ 6,500.00
6	FLAG CONTROL	LUMP	1	\$500.00	\$500.00	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00	\$ 2,200.00	\$ 2,200.00
7	FLAME AMUR MAPLE (ACER GINNALA, 'FLAME', 1.75 INCH)	EACH	17	\$300.00	\$5,100.00	\$ 250.71	\$ 4,262.07	\$ 280.00	\$ 4,760.00	\$ 135.70	\$ 2,306.90
8	ADAMS MAPLE (MALUS 'ADAMS', 1.75 INCH)	EACH	6	\$300.00	\$1,800.00	\$ 275.33	\$ 1,651.98	\$ 280.00	\$ 1,680.00	\$ 125.33	\$ 751.98
9	MINOR TRAF DEVICES	LUMP	1	\$500.00	\$500.00	\$ 400.00	\$ 400.00	\$ 2,500.00	\$ 2,500.00	\$ 2,950.00	\$ 2,950.00
10	MOBILIZATION, MAX. \$2500.00	LUMP	1	\$2,500.00	\$2,500.00	\$ 500.00	\$ 500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
11	PEAR (PYRUS CALLERYANA, 'CLEVELAND SELECT', 2 INCH)	EACH	16	\$300.00	\$4,800.00	\$ 250.00	\$ 4,000.00	\$ 320.00	\$ 5,120.00	\$ 146.06	\$ 2,336.96
12	SIDEWALK, CONC, 4 INCH	SFT	630	\$4.00	\$2,520.00	\$ 2.70	\$ 1,701.00	\$ 4.20	\$ 2,646.00	\$ 3.50	\$ 2,205.00
13	SIDEWALK, REM	SYD	70	\$5.00	\$350.00	\$ 44.50	\$ 3,115.00	\$ 5.00	\$ 350.00	\$ 18.50	\$ 1,295.00
14	SITE PREPARATION, MAX. \$5,250	LUMP	1	\$5,250.00	\$5,250.00	\$ 2,250.00	\$ 2,250.00	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00
15	SLOPE RESTORATION	SYD	100	\$5.00	\$500.00	\$ 1.14	\$ 114.00	\$ 5.00	\$ 500.00	\$ 4.20	\$ 420.00
16	JAPANESE LILAC(SYRINGA RETICULA, 'IVORY SILK', 1.75 INCH)	EACH	11	\$300.00	\$3,300.00	\$ 289.18	\$ 3,180.98	\$ 280.00	\$ 3,080.00	\$ 146.10	\$ 1,607.10
17	TREE, REM, 6 INCH TO 18 INCH	EACH	3	\$200.00	\$600.00	\$ 233.33	\$ 699.99	\$ 1,000.00	\$ 3,000.00	\$ 600.00	\$ 1,800.00
18	TREE, REM, 19 INCH TO 36 INCH	EACH	4	\$600.00	\$2,400.00	\$ 778.75	\$ 3,115.00	\$ 1,200.00	\$ 4,800.00	\$ 950.00	\$ 3,800.00
19	TREE, REM, 37 INCH OR LARGER	EACH	2	\$1,000.00	\$2,000.00	\$ 1,117.50	\$ 2,235.00	\$ 1,500.00	\$ 3,000.00	\$ 2,400.00	\$ 4,800.00
20	WATERING AND CULTIVATING, 1ST SEASON, MIN.\$2,550	LUMP	1	\$2,550.00	\$2,550.00	\$ 2,550.00	\$ 2,550.00	\$ 2,800.00	\$ 2,800.00	\$ 2,800.00	\$ 2,800.00
21	WATERING AND CULTIVATING, 2ND SEASON, MIN.\$2,400	LUMP	1	\$2,400.00	\$2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,600.00	\$ 2,600.00	\$ 2,800.00	\$ 2,800.00
				TOTAL			\$ 47,859.82		\$ 61,406.00		\$ 57,498.14

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: November 6, 2006

RE: Parking Ramp Purchase Agreement

SUMMARY OF REQUEST:

To enter into a new purchase agreement with Press's Development, LLC, for the purchase of the Clay Street Parking Ramp. This agreement will supersede the previous agreement to purchase the ramp. The price remains the same but the actual property conveyance will not occur until the ramp is demolished.

FINANCIAL IMPACT:

\$100,000 to the City.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached agreement.

COMMITTEE RECOMMENDATION:

The City Commission has previously approved the sale of the ramp.

PURCHASE AGREEMENT

This Agreement is made on November 14, 2006 between the **City of Muskegon**, a Michigan municipal corporation, with offices located at 933 Terrace Street, Muskegon, Michigan, 49440 ("City") and **Press's Development, LLC**, a Michigan limited liability company, of 8081 Holton Duck Lake Rd, Holton MI 49425 ("Buyer").

1. **Purchase Agreement dated July 11, 2006.** The Purchase Agreement executed by City and Buyer on or about July 11, 2006, is hereby terminated. Monies paid by Buyer to City and Buyer to Land America Transnation Title, pursuant to the July 11, 2006 Purchase Agreement shall be delivered to City as satisfaction for the purchase price for this Purchase Agreement.

2. **Purchase and Sale of Premises.** City shall sell and Buyer shall purchase on the conditions set forth in this Agreement the Premises, and all improvements thereon, with all beneficial easements, and with all of City's right, title and interest in all adjoining public ways, commonly known as the City of Muskegon Parking Ramp and legally described on **Exhibit A** ("Premises") subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are reasonably acceptable to Buyer upon disclosure and review of the same.

3. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be \$100,000, payable upon execution of this Purchase Agreement to City, by wire transfer, certified or cashier's check.

4. **Title Insurance.** City has provided to Buyer an owner's policy of title insurance ("Title Policy No. 1") issued by a mutually agreeable title company in the standard A.L.T.A. form, without the standard exceptions, certified to the date of closing, in the amount of the purchase price and Buyer waives any objections to the exceptions or encumbrances shown on Title Policy No. 1. City shall order an updated owner's policy prior to closing ("Title Policy No. 2"). If Buyer raises a title objection to an exception or encumbrance disclosed in Title Policy No. 2, which was not disclosed in Title Policy No. 1, Buyer shall not be required to close this transaction unless City cures the objection or Buyer waives its objection. Additionally, if Buyer raises a title objection to an exception or encumbrance disclosed in Title Policy No. 2, which was not disclosed in Title Policy No. 1, City shall have the right not to cure the objection; in which case this Agreement shall terminate and City shall return the Purchase Price to Buyer. If City elects to cure the objection, City shall take action to remove the exception or the encumbrance from the chain of title, in order to remove it from the commitment and the policy. The title insurance policy shall include a tax lien search certified to the date of closing that shows no tax liens against the Premises.

5. **Property Taxes and Assessments.** City shall be responsible for the payment of all real estate taxes and assessments that become due and payable prior to the date of closing. Buyer shall be responsible for the payment of all real estate taxes and assessments that become due and payable after the date of closing.

6. **Survey.** City has provided Buyer with copies of any surveys City has of the Premises. Buyer has had the opportunity to obtain its own survey. Buyer waives any encroachment or substantial variation from the presumed land boundaries or area and elects to purchase the Premises subject to said encroachment or variation.

7. **Inspection Period.** Buyer, and Buyer's agents, employees, contractors and consultants have conducted such inspections, investigations, appraisals, tests, feasibility studies, and determinations of the Premises as Buyer, in its sole discretion, shall desire. Buyer and City agree that it is the intent of the Buyer to demolish the parking structure currently existing on the Premises. The Due Diligence Investigation has been completed and Buyer has no objection.

8. **Representations, Covenants and Warranties of City.** City represents, covenants and warrants the following to be true:

a. **Organization and Standing of City.** City is a Michigan municipal corporation duly organized, validly existing and in good standing under the laws of the State of Michigan.

b. **Authority.** City has the power and authority to enter into and perform its obligations under this Agreement.

c. **Title to Purchased Assets.** City has good and marketable title to the Premises, except as set forth in this Agreement. The Premises are subject to no mortgage, pledge, lien, encumbrance, security interest, or charge except as will be set forth on the title insurance commitment.

9. **Representations, Covenants, and Warranties of Buyer.** Buyer represents, covenants, and warrants the following to be true:

a. **Status of Buyer.** Buyer is validly existing and in good standing under the laws of the State of Michigan.

b. **Authority.** Buyer has the power and authority to enter into and perform Buyer's obligation under this Agreement.

c. **"As-Is" Sale.** BUYER UNDERSTANDS AND AGREES THAT THERE SHALL BE NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES BETWEEN CITY AND BUYER, AND UPON CLOSING, BUYER WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES, AND ACCEPTS THE PROPERTY "AS IS," "WHERE IS," SUBJECT ONLY TO THE EXPRESS COVENANTS, CONDITIONS AND/OR WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. AT CLOSING, BUYER SHALL REPRESENT THAT IT HAS PERSONALLY INSPECTED THE PROPERTY AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION, AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF CITY

d. **Parking.** Buyer agrees to use the Premises solely as parking for five years after the date of closing. Such parking must be open to the general public, but Buyer may charge the public a commercially reasonable rate for parking. The parking spaces may be either surface parking or ramp parking, but if Buyer decides to construct a new parking ramp on the Premises, the parking ramp must be open and available for public parking.

10. **Pre-Closing Demolition.** Prior to Closing, Buyer may enter the Premises for the purpose of demolishing and removing any debris, cement pads, concrete, or parking ramp material. Buyer may commence demolition upon execution of this Purchase Agreement, but must commence demolition by January 20, 2007. Demolition, including removal of all concrete and parking ramp material, except for the floor and any below-grade improvements, shall be completed by June 20, 2007. If Buyer fails to commence demolition of the parking ramp by January 20, 2007, City may either:

- a. Terminate this Purchase Agreement by providing written notice to Buyer and returning \$30,000 of the Purchase Price; or
- b. Waive, in writing, the failure to commence demolition timely and permit Buyer to proceed with demolition and close on the acquisition of Premises.

If Buyer commences demolition of the Parking Ramp, but does not complete the demolition by August 1, 2007, City may either:

- a. Terminate the Purchase Agreement by providing written notice to Buyer and retain the \$100,000 previously paid by Buyer; or
- b. Waive, in writing, the failure to complete demolition and permit Buyer to complete the demolition and close on the acquisition of the Premises.

11. **Conditions Precedent.** This Agreement and all of the obligations of Buyer under this Agreement are, at Buyer's option, subject to the fulfillment, before or at the time of the Closing, of each of the following conditions:

- a. **Representations and Warranties True at the Closing.** The representations, covenants, and warranties of City contained in this Agreement shall be true in all material respects at the time of the Closing.
- b. **Performance.** The obligations, agreements, documents and conditions required to be signed and performed by City shall have been performed and complied with before or at the date of the Closing.

12. **Default.** Except as provided for in Paragraph 10, the following default provisions apply:

- a. **By Buyer.** In the event Buyer fails to comply with any or all of the obligations, covenants, warranties or agreements under this Agreement and such default is not cured within 10 days after receipt of notice, then City may terminate this Agreement, in which event both parties will be released from any further liability under this Agreement, or City may pursue its legal and/or equitable remedies against Buyer.

b. **By City.** In the event City fails to comply with any or all of the obligations, covenants, warranties or agreements under this Agreement, and such default is not cured within 10 days after receipt of notice, then Buyer may either terminate this Agreement, in which event both parties will be released from any further liability under this Agreement, or Buyer may pursue its legal and/or equitable remedies against City.

13. **Real Estate Commission.** Buyer and City both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and City both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

14. **Closing.**

a. **Date of Closing.** Unless the parties otherwise mutually agree, the closing shall be held after demolition of the parking ramp, but no later than August 15, 2007. The closing shall be held at a mutually convenient location.

b. **Costs.** The costs associated with this Agreement and the closing shall be paid as follows:

i. Buyer shall pay the premium for the owner's policy of title insurance.

ii. City shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the extent required by this Agreement.

iii. Buyer shall pay for the cost of recording the quit claim deed.

iv. City shall pay the cost associated the title company closing this transaction.

c. **Deliveries.** At closing, City shall deliver at its sole cost and expense the following documents in a form reasonably satisfactory to Buyer.

i. the quit claim deed to the Premises.

ii. such other documents as may be reasonably required by Buyer or the title company to effectuate the transaction contemplated by this Agreement.

15. **Possession.** Except as provided in Paragraph 10, possession of the Premises is to be delivered to Buyer by City at Closing.

16. **Risk of Loss.** Until the time of closing, risk of loss because of the damage to or destruction of any improvements located on the Premises shall be solely that of City, except to the extent that Buyer caused the damage or destruction. However, because it is the intent of the Buyer to demolish any improvements located on the Premises prior to Closing, any damage to or destruction of any improvements located on the Premises prior to closing shall not act to terminate this Agreement and the closing shall proceed as scheduled. In the event the improvements located on the Premises are damaged prior to the date of closing, the City shall retain any insurance proceeds to be received by City because of said damage or other destruction.

17. **Notice.** All notices and other deliveries required under this Agreement shall be made and given to the appropriate party, or the office of the party, at the address set forth above or at such other address as may hereafter be specified by such parties by written notice from time to time. Notices shall be effective on the date of receipt, if given by hand, express delivery or recognized courier service. Notices given by certified mail shall be deemed effective three business days after the date of deposit in an authorized postal facility, as shown by its receipt for certified mail. Either party may designate a telephone number to be used for fax notices to such party, in which event any notice transmitted to such number shall be effective on the date shown in the printed confirmation of such transmission, free of error, generated by the sender's machine.

18. **Miscellaneous.**

a. **Governing Law.** This Agreement is executed in accordance with, shall be governed by, and construed and interpreted in accordance with the laws of the State of Michigan.

b. **Entire Agreement.** This Agreement shall constitute the entire agreement, and shall supersede any other agreements, written or oral, , that may have been made or entered into, by and between the parties with respect to the subject matter of this Agreement and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought. Specifically being superseded is the Purchase Agreement between City and Buyer, dated July 11, 2006.

c. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of and be enforceable by, the parties and their respective legal representatives, permitted successors and assigns.

d. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. This Agreement shall become binding upon the parties when one or more counterparts, individually or taken together, shall bear the signatures of all parties.

d. **Non-Waiver.** No waiver by any party of any provision of this Agreement shall constitute a waiver by such party of such provision on any other occasion or a waiver by such party of any other provision of this Agreement.

e. **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

f. **Assignment or Delegation.** Except as otherwise specifically set forth in this Agreement, Buyer shall not assign all or any portion of their rights and obligations contained in this Agreement without the express prior written approval of City, which approval may be withheld in City's sole discretion.

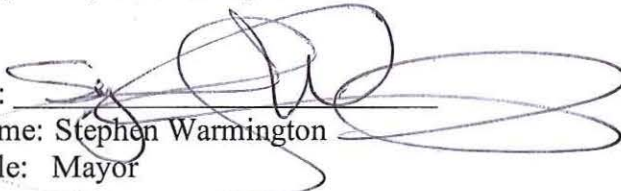
g. **Venue.** The parties agree that for purposes of any dispute in connection with this Agreement, the Muskegon County Circuit Court shall have exclusive personal and subject matter jurisdiction and venue.

h. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for in this Agreement shall survive the closing date and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

This Agreement is executed effective as of the date set forth above.

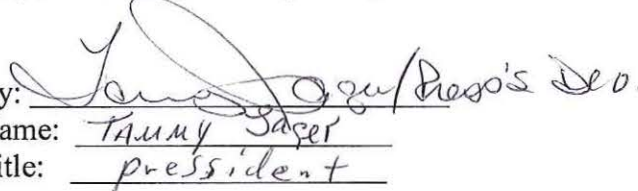
City - City of Muskegon

Buyer - Press's Development, LLC

By: 

Name: Stephen Warmington

Title: Mayor

By: 

Name: TAMMY SAGER

Title: president

Attest:



Name: Linda Potter

Title: Acting Clerk

Exhibit A
Legal Description

Exhibit A
Legal Description

Lots 1 - 3 and Lots 10 – 12 including the easterly 198 feet of vacated alley of Block 328 of the Revised Plat of 1903 in the City of Muskegon, Muskegon County, Michigan.

John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom
Eric R. Gielow
John C. Schrier
Christopher L. Kelly
Linda S. Kaare
James R. Scheuerle
William J. Meier
Keith L. McEvoy
Anna Urick Duggins
Scott M. Knowlton

PARMENTER O'TOOLE

Attorneys at Law

601 Terrace Street ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
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Thomas H. Thornhill

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Douglas J. Winkle

Of Counsel
Thomas J. O'Toole
Eric J. Fauri
Michael M. Knowlton

George A. Parmenter, 1903-1993

May 1, 2007

Ms. Tammy Jager
Press's Development, LLC
8081 Holton Duck Lake Road
Holton, MI 49425

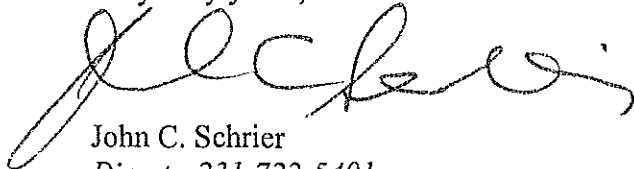
**Re: City of Muskegon –
Press' Development, LLC**

Dear Ms. Jager:

Enclosed please find the recorded Quit Claim Deed transferring ownership of the former mall parking ramp from the City of Muskegon to Press's Development, LLC.

If you have any questions, please feel free to contact me.

Very truly yours,



John C. Schrier
Direct: 231-722-5401
Fax: 231-722-7866
E-mail Address: jcs@parmenterlaw.com

Enclosure

Bryon Mazade
Ann Marie Becker



Mark Fairchild, Muskegon Co ROD D02

04/26/2007 10:37A
Page 1 of 1

Quit Claim Deed

City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"),

Conveys and Quit Claims To: **Press's Development, LLC**, a Michigan limited liability company, of 8081 Holton Duck Lake Road, Holton, Michigan, 49425

the parking facility property in the City of Muskegon, County of Muskegon, State of Michigan, which is legally described as follows:

LOTS 1-3 AND LOTS 10-12 INCLUDING THE EASTERLY 198 FEET OF VACATED ALLEY OF
BLOCK 328 OF THE REVISED PLAT OF 1903 IN THE CITY OF MUSKEGON, MUSKEGON
COUNTY, MICHIGAN.

for the sum of: One Hundred Thousand Dollars (\$100,000.00).

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated: Aug. 28, 2006

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and [Signature]
Linda Potter, Its Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28 day of August, 2006, by Stephen J. Warmington and Linda Potter, Mayor and Acting Clerk of the City of Muskegon, a municipal corporation.

[Signature]
JOHN M. KRUKOWSKI, Notary Public
Muskegon County, Michigan
My commission expires: 05-13-2012
Acting in Muskegon County, Michigan

Drafted by & when recorded return to:
John C. Schrier
PARMENTER O'TOOLE
175 West Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

Send subsequent tax bills to:
Press's Development, LLC
8081 Holton Duck Lake Road
Holton, Michigan, 49425