

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 13, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Request, Wood Street Market. CITY CLERK
 - c. Liquor License Request, Cuti's Sports Bar & Grill. CITY CLERK
 - d. Liquor License Request, MK Party Store LLC. CITY CLERK
 - e. FIRST READING, Ordinance adopting the 2000 Edition of the International Fire Code. FIRE
 - f. 2002 Police Patrol Car Purchase. DPW
 - g. Purchase of 425 West Delano Street, Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT
 - h. Purchase of 2001 Park Street Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT
 - i. Request for Encroachment Agreement @ 851 W. Laketon. ENGINEERING
- ❑ PUBLIC HEARINGS:
 - a. Spreading the Special Assessment Roll for Barclay, Sherman to Hackley. ENGINEERING
 - b. Spreading the Special Assessment roll for Sherman, Glenside to Lincoln. ENGINEERING
 - c. DDA Plan Amendment Ordinance. PLANNING & ECONOMIC DEVELOPMENT
- ❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

- a. Consumers Energy Memorandum of Understanding. LEISURE SERVICES

❑ NEW BUSINESS:

- d. Cobb Plant Sewer Settlement. FINANCE
- b. Selection of Agent of Record for Health Insurance. FINANCE
- c. Resolution Establishing SmartZone LDFA District. PLANNING & ECONOMIC DEVELOPMENT
- d. Resolution Establishing Seaway Business Park LDFA District. PLANNING & ECONOMIC DEVELOPMENT
- e. Concurrence with Housing Board of Appeals Notice and Order to Demolish for the following:
- 1) 1420 Getty Street (garage only)
 - 2) 896 Pine Street
 - 3) 1113 Williams
 - 4) 2463 Lakeshore
 - 5) 181 E. Walton

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

❑ CLOSED SESSION:

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- 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 GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: November 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 23, 2001; and the Commission Worksession that was held on Monday, November 5, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 13, 2001

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 13, 2001.

Mayor Nielsen opened the meeting with a prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J. Nielsen; Vice-Mayor Clara Shepherd; Commissioners Lawrence Spataro, John Aslakson, Jone Wortelboer-Benedict, Karen Buie, and Robert Schweifler; City Manager Bryon Mazade; City Attorney Thomas Johnson, and City Clerk Gail Kunding.

2001-129 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 23, 2001; and the Commission Worksession that was held on Monday, November 5, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

c. Liquor License Request, Cuti's Sports Bar & Grill. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Cuti's Sports Bar & Grill, Inc., 677 W. Laketon, Muskegon, to transfer ownership of 2001 Class C-SDM licensed business with Dance-Entertainment Permit from Main Event of Muskegon, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All Departments are recommending approval.

d. Liquor License Request, MK Party Store, LLC. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from MK Party Store L.L.C. to transfer ownership of the 2001 SDD-SDM license from Star Five, Inc. (previously Tom's Drink All).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All Departments are recommending approval.

e. FIRST READING, Ordinance adopting the 2000 Edition of the International Fire Code. FIRE

SUMMARY OF REQUEST: To approve the proposed ordinance adopting the International Fire Code.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

f. 2002 Police Patrol Car Purchase. DPW

SUMMARY OF REQUEST: Purchase 10 Ford Crown Victoria patrol cars from Vollman Ford, state purchasing contract, at \$20,942.00 each for a total of \$209,420.00.

FINANCIAL IMPACT: \$209,420 (Equipment Fund)

BUDGET ACTION REQUIRED: \$205,250 is budgeted for this purchase. The additional \$3,170 will be adjusted from other budgeted equipment purchases for 2002.

STAFF RECOMMENDATION: Purchase of ten (10) patrol cars from Vollman Ford for a total of \$209,420, to replace existing units.

2000 State Purchasing Contract/per unit - \$20,515

2001 State Purchasing Contract/per unit - \$20,942

2002 State Purchasing Contract/per unit - \$20,942

**g. Purchase of 425 West Delano Street, Seaway Industrial Park.
PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To purchase property at 425 W. Delano Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Marie Thompson, 425 W. Delano Street, Muskegon, Michigan on October 18, 2001. The purchase price is \$49,225.

FINANCIAL IMPACT: State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To grant approval of the resolution consenting to the purchase of 425 W. Delano Street for the development of the Seaway Industrial Park.

h. Purchase of 2001 Park Street, Seaway Industrial Park.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To purchase property located at 2001 Park Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Carina James, 2001 Park Street, Muskegon, Michigan on October 23, 2001. The purchase price is \$38,283.

FINANCIAL IMPACT: State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To grant approval of the resolution consenting to the purchase of 2001 Park Street for the development of the Seaway Industrial Park.

i. Request for Encroachment Agreement @ 851 W. Laketon.

ENGINEERING

SUMMARY OF REQUEST: Mr. Barteau, owner of 851 W. Laketon, has submitted the attached encroachment agreement form requesting permission to install an awning on the Laketon Ave. side of the aforementioned building.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement.

Motion by Commissioner Schweifler, second by Commissioner Benedict to approve the Consent Agenda with the exception of item b.

ROLL VOTE: Ayes: Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

2001-130 ITEM REMOVED FROM THE CONSENT AGENDA:

b. Liquor License Request, Wood Street Market. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Steven Cornell to transfer ownership of the 2001 SDM license from deceased Janice M. Cornell. Mr. Cornell was appointed Personal

Representative at the September 11, 2001 Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Schweifler, second by Commissioner Benedict to approve the transfer.

ROLL VOTE: Ayes: Aslakson, Benedict, Buie, Nielsen, Schweifler, Spataro

Nays: Shepherd

MOTION PASSED

2001-131 PUBLIC HEARINGS:

a. Spreading the Special Assessment Roll for Barclay, Sherman to Hackley. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment roll for **Barclay, Sherman to Hackley**, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$143,210.74 would be spread against the nineteen (19) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel explained the item. Comments in opposition were heard from the following: Duane Langlois, 760 Brookridge, for 1076 W. Sherman and 2544 Barclay; and Jack Ketkolitz, 3218 Timmins, for 2330 Barclay.

Motion by Commissioner Spataro, second by Vice Mayor Shepherd to close the Public Hearing at 5:58 p.m. and approve the spreading of the special assessment roll for Barclay, Sherman to Hackley.

ROLL VOTE: Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson

Nays: None

MOTION PASSED

b. Spreading the Special Assessment Roll for Sherman, Glenside to Lincoln. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special

assessment roll for **Sherman, Glenside to Lincoln**, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$85,268.84 would be spread against the sixty-five (65) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:59 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel explained the item. Comments in opposition were heard from the following: Steve Holderman, 2011 LeTart, for 1996 W. Sherman; Allison Williams, 2176 W. Sherman; and Jaimee Hecksel, 2356 W. Sherman.

Motion by Commissioner Aslakson, second by Commissioner Buie to close the Public Hearing at 6:04 p.m. and spread the special assessment roll for Sherman, Glenside to Lincoln.

ROLL VOTE: Ayes: Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict

Nays: None

MOTION PASSED

c. DDA Plan Amendment Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the ordinance approving an amendment to the Downtown Development Authority Development and Tax Increment Financing Plans. The proposed amendment shall remove the Muskegon Mall from the DDA development area.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the ordinance.

The Public Hearing opened at 6:05 p.m. to hear and consider any comments from the public. Finance Director Tim Paul explained the item. No comments were heard from the public.

Motion by Commissioner Aslakson to close the Public Hearing at 6:08 p.m. and approve the ordinance amendment to the Downtown Development Authority Development and Tax Increment Financing Plan.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie

Nays: None

MOTION PASSED

COMMUNICATIONS: Introduction of Mayor Elect Warmington and Commissioner Elect Gawron by Mayor Nielsen.

2001-132 UNFINISHED BUSINESS:

a. Consumers Energy Memorandum of Understanding. LEISURE SERVICES

SUMMARY OF REQUEST: To adopt the Memorandum of Understanding with Consumers Energy for the use of the property across from Veteran's Park for a future soccer complex.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the Memorandum of Understanding.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen

Nays: None

MOTION PASSED

2001-133 NEW BUSINESS:

a. Cobb Plant Sewer Settlement. FINANCE

SUMMARY OF REQUEST: Approval of a negotiated settlement in the amount of \$100,000 to compensate the city for past sewer use at the B.C. Cobb Plant that had gone unmetered and unbilled for many years.

FINANCIAL IMPACT: \$100,000 payment to the city's sewer fund. Additionally, all current and future sewer use at the plant will be metered and billed on a monthly basis.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the negotiated settlement with B.C. Cobb.

ROLL VOTE: Ayes: Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler

Nays: None

MOTION PASSED

b. Selection of Agent of Record for Health Insurance. FINANCE

SUMMARY OF REQUEST: As you may know, the PHP healthcare program (which has been the city's primary health service provider for several years) will cease operations in the Muskegon area over the next several months. This is the result of merger activity between Hackley Hospital and Spectrum Health of Grand Rapids and is a situation over which the city has no control. Nonetheless, the city must begin the search for a replacement healthcare program. As the first step in this process, staff recently issued a "request for qualifications" (RFQ) to agents/consultants specializing in the healthcare area. Four responses to the RFQ were received:

Name	Company	Location
Julie R. Balgooyen	Independent	Muskegon
Dave Young	Shoreline Insurance Agency	Muskegon
William D. Lewis	Group Benefit Services	Lansing/Grand Rapids
Mitchell Singer	Employee Benefit Resources	Saginaw

A committee (comprised of the city manager, assistant city manager, finance director, assistant finance director, and healthcare coordinator) met to rank the responses and interview the three top responders. The result of this process is a recommendation from the selection committee to appoint Julie R. Balgooyen as the city's agent of record for this project. Ms. Balgooyen most recently served as the city's account rep for PHP and has a thorough knowledge of our healthcare program and our needs. Additionally, she has a strong knowledge of the options available in the Muskegon-area market and impressed the committee with her ideas for minimizing employee disruption in the transition process.

FINANCIAL IMPACT: The agent of record is compensated through commissions on premiums paid by the city after a new healthcare service provider is selected. At that time the city will negotiate a reasonable commission with the agent and carrier.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Appointment of Ms. Julie R. Balgooyen as the city's agent of record to assist in the selection of a healthcare plan replacement for PHP.

Motion by Commissioner Spataro, second by Commissioner Buie to approve the appointment of Julie R. Balgooyen as the agent of record for health insurance.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd

Nays: None

MOTION PASSED

c. Resolution Establishing SmartZone LDFA District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the attached resolution establishing an LDFA District and setting the boundaries for said development of the Michigan Lake-shore SmartZone.

FINANCIAL IMPACT: It is anticipated that the LDFA will capture more than an estimated \$10 million in tax increment revenue over a period of 15 years for the development of the SmartZone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve the establishing of a SmartZone LDFA District.

ROLL VOTE: Ayes: Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

d. Resolution Establishing Seaway Business Park LDFA District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution establishing an LDFA District and setting the boundaries for said development of the Seaway Business Park.

FINANCIAL IMPACT: It is anticipated that the LDFA may capture up to an estimated \$900,000 in tax increment revenues over a period of 15 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Buie, second by Commissioner Spataro to approve the establishing of a Seaway Business Park LDFA District.

ROLL VOTE: Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson

Nays: None

MOTION PASSED

e. Concurrence with Housing Board of Appeals Notice and Order to Demolish for the following:

1) 1420 Getty Street (garage only)

2) 896 Pine Street

- 3) 1113 Williams
- 4) 2463 Lakeshore
- 5) 181 E. Walton

SUMMARY OF REQUEST: This is to request that the City Commission concur with the Housing Board of Appeals that the aforementioned structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: The cost will be covered by CDBG funds with the exception of 1420 Getty and 2463 Lakeshore which will be funded from the General Funds.

BUGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Aslakson, second by Vice-Mayor Shepherd to concur with the Housing Board of Appeals decision to demolish 1420 Getty (garage only), 896 Pine, 1113 Williams, and 181 E. Walton.

ROLL CALL: Ayes: Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict

Nays: None

MOTION PASSED

Motion by Commissioner Aslakson, second by Commissioner Spataro to concur with the Housing Board of Appeals decision to demolish 2463 Lakeshore.

ROLL CALL: Ayes: Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie

Nays: None

MOTION PASSED

2001-134 ANY OTHER BUSINESS: Vice-Mayor Shepherd stated that she attended the first birthday party for the Muskegon Oceana Head Start. Mayor Nielsen commented on the Muskegon Chronicle story reference arsenic hazard high in pressure-treated lumber.

2001-135 PUBLIC PARTICIPATION: John McClain asked that POW/MIA Flags be placed on all City poles and inside the Walker Arena.

Motion by Commissioner Spataro, second by Commissioner Aslakson to authorize staff to bring back a policy change reference the number and locations of flags to be permanently flown and to report at the next meeting.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen

Nays: None

MOTION PASSED

2001-136 CLOSED SESSION:

Motion by Commissioner Aslakson, second by Commissioner Benedict to go into closed session at 7:15 p.m.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd

Nays: None

MOTION PASSED

Motion by Vice-Mayor Shepherd, second by Commissioner Benedict to return to open session at 7:33 p.m.

ROLL VOTE: Ayes: Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

Motion by Vice-Mayor Shepherd, second by Commissioner Aslakson to concur with the City Attorney's recommendation.

ROLL VOTE: Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson

Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail A. Kundinger".

Gail A. Kundinger, CMC/AAE
City Clerk

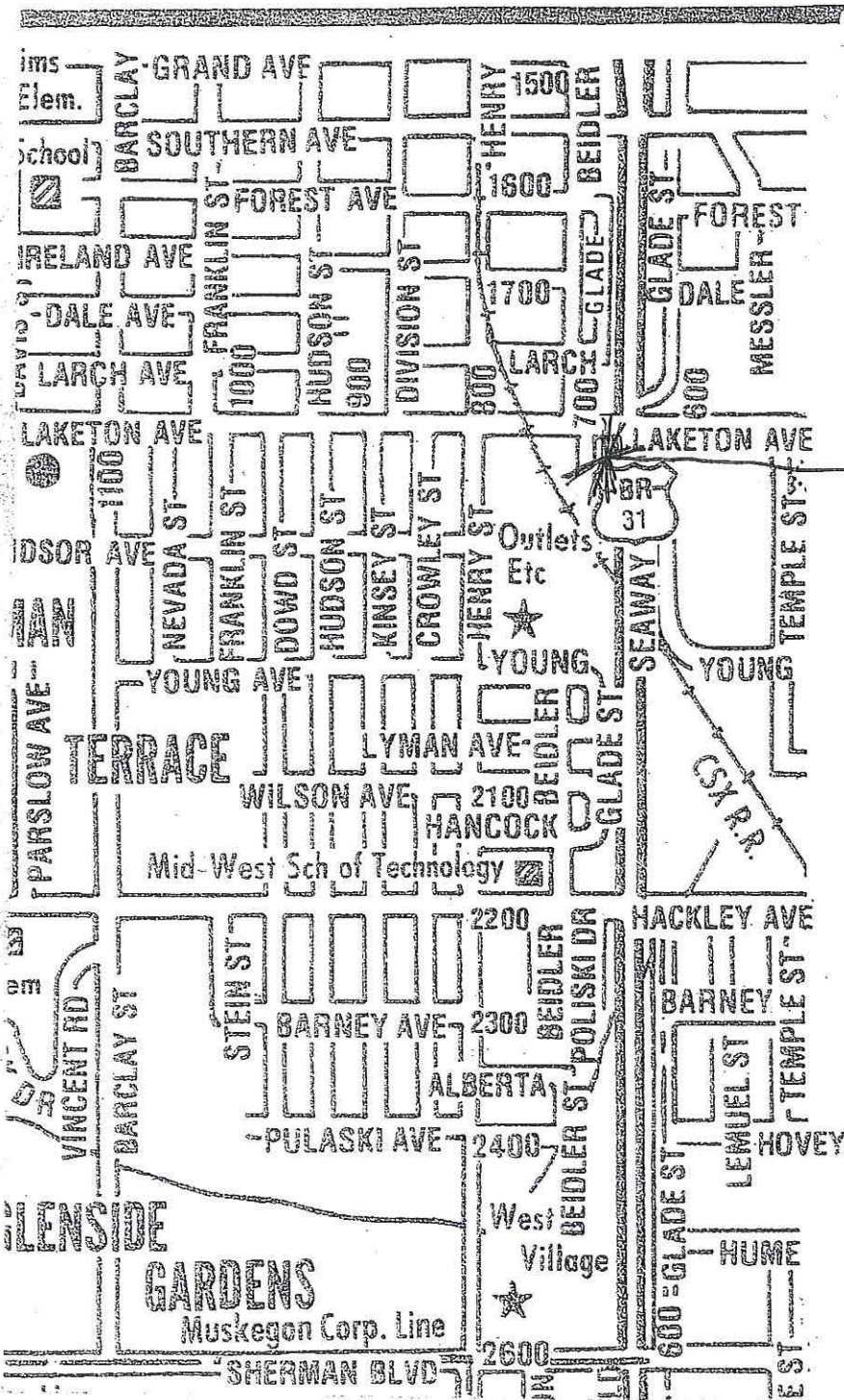
Date: November 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Cuti's Sports Bar & Grill, Inc.
677 W Laketon

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Cuti's Sports Bar & Grill, Inc., 677 W. Laketon, Muskegon, to transfer ownership of 2001 Class C-SDM licensed business with Dance-Entertainment Permit from Main Event of Muskegon, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.



677 W. Laketon

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C. N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720



October 29, 2001

To: The City Commission through the City Manager

From: By L. Kleibecker
Anthony L. Kleibecker, Chief of Police

Re: Liquor License Transfer at 677 W Laketon Avenue

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Anthony Cuti of 1414 Palmer Street, Muskegon.

Anthony Cuti is requesting to transfer ownership of 2000 Class C-SDM licensed business with Dance-Entertainment from Main Event of Muskegon, Inc. Mr. Cuti has had no experience of owning an alcohol service establishment 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.

TK/cmw

Water Dept.
724-6718

City of Muskegon, P.O. Box 536, 980 Jefferson Street, Muskegon, Michigan 49443-0536

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 10-4-01

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 Anthony Cuti of 1414 Palmer Street, Muskegon, MI. 49441.

Anthony Cuti is requesting to transfer ownership of 2000 Class C-SDM licensed business with Dance-Entertainment from Main Event of Muskegon, Inc. Mr. Cuti has had no experience of owning an alcohol service establishment 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,

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

Det. Kurt Dykman

data/common/Cuti

Michigan Department of Consumer & Industry Services

LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1(4)]

To: Muskegon Police Department
Chief of Police
980 Jefferson St PO Box 536
Muskegon MI 49443-0536

Date: September 12, 2001
REQ#: 134519

Chief Law Enforcement Officer

Applicant:

CUTI'S SPORTS BAR AND GRILL, INC. requests to transfer ownership of 2001 Class C-SDM licensed business with Dance-Entertainment Permit, located at 677 W Laketon, Muskegon MI 49441, Muskegon County from Main Event of Muskegon, 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 and recommendations of the applicant to the Licensing Division.

Please include fingerprint cards and \$15.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

ljt

J. J. H.
9-17-01

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID# 134519

Date: September 12, 2001

Muskegon City Commission
933 Terrace St PO Box 536
Muskegon Mi 49443-0536

Applicant: CUTT'S SPORTS BAR AND GRILL, INC.

HOME ADDRESS AND PHONE NO:

Anthony M. Cuti, 1414 Palmer, Muskegon MI 49441 (231) 755-3327

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. 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 Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

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

ljt

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

RESOLUTION

REQ ID# 134519

At a Regular ⁹⁻¹⁷⁻⁰¹ meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Nielsen on November 13, 2001 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Schweifler and supported by Commissioner Spataro

That the request from CUTT'S SPORTS BAR AND GRILL, INC. to transfer ownership of 2001 Class C licensed business with Dance-Entertainment Permit, located at 677 W Laketon, Muskegon MI 49441, Muskegon County from Main Event of Muskegon, Inc.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

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 13, 2001.
(Date)

SEAL

(Signed) Gail A. Kunderger
(Township, City or Village Clerk)
Gail A. Kunderger, City Clerk
933 Terrace

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

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorize MCL 436.7a)

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

REQ ID# 134519

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)

CUTI'S SPORTS BAR AND GRILL, INC, 677 W Laketon, Muskegon MI 49441, Muskegon County

REQUEST FOR: Transfer ownership of 2001 Class C-SDM licensed business with Dance-Entertainment Permit from Main Event of Musekgon, Inc.

Section 1. APPLICANT INFORMATION

APPLICANT #1:

ANTHONY CUTI

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1414 Palmer
Muskegon MI 49441
(231) 755-3324

DATE OF BIRTH: 6-1-68

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

- o Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No
o Does the applicant have a Visa? Enter status:

Date fingerprinted: 10-4-01

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

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

- o Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No
o Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the 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

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

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

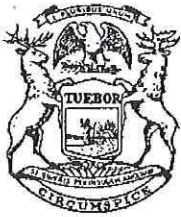
From your investigation:

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 this request be granted by the Commission? ☒ 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 (Sheriff or Chief of Police)

Date



STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

REQ ID NUMBER: 134519

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

CUTI'S SPORTS BAR AND GRILL, INC.

APPLICANT/LICENSEE

PHONE NUMBER

677 W Laketon

STREET ADDRESS

Muskegon

CITY

TOWNSHIP

Muskegon 49441

COUNTY

ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☒ TOPLESS ACTIVITY ☐

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐
2. Describe the type of entertainment applicant/licensee will provide: N/A ☐
Bands/DJ's
3. Will this entertainment include topless activity? YES ☐ NO ☒ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☒	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☒	N/A	☐

REMARKS:

10-4-01

DATE SUBMITTED

OFFICER'S SIGNATURE

MUSKEGON POLICE DEPARTMENT

DEPARTMENT NAME

231. 724-6750

PHONE NUMBER

980 Jefferson Muskegon MI 49440

ADDRESS

CITY

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

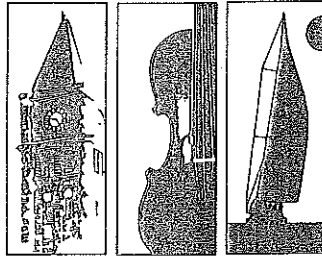
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 5, 2001

Ms. Ann Smith, President
Campbell Field Neigh. Association
1874 Crowley
Muskegon, MI 49441

Dear Ms. Smith:

We have received a request from the Liquor Control Commission reference Cuti's Sports Bar & Grill, Inc. desire to transfer ownership of the 2001 Class C-SDM license with dance-entertainment permit from Main Event of Muskegon, Inc., 677 W. Laketon. On Tuesday, November 13, 2001, 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 13, 2001, 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

Linda Potter
Deputy Clerk

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

Assessor/Equalization
(231)724-6703
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-3617

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

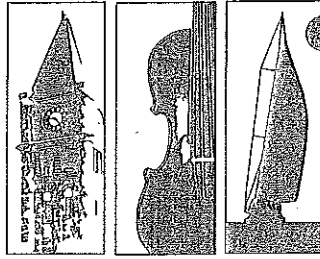
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 5, 2001

Mr. Anthony Cuti
1414 Palmer
Muskegon, MI 49441

Dear Mr. Cuti:

This letter is to inform you that your request to transfer ownership of the 2000 Class C-SDM licensed business with Dance-Entertainment Permit from Main Event of Muskegon, Inc., will be presented to the City Commission on November 13, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Campbell Field 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.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

LIQUOR LICENSE REVIEW FORM

Business Name: Cuti's Sports Bar & Grill, Inc.

AKA Business Name (if applicable): previously - Main Event

Operator/Manager's Name: Anthony M. Cuti 855-0168

Business Address: 677 W Laketon
Muskegon, MI 49441

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: 10-2-01

Police Department 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/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature A. L. Kunder 10-31-01

Gail A. Kunder, City Clerk
Liquor License Coordinator

City of Muskegon
Treasurers Office
Muskegon, Michigan

102601 01:15:16pm
Business date: 102601

Cashier: 003 Entry: 3012698600
WATER/SEWER UTILITY
Customer Acct: 329002502

Total amount of bill:	128.25
PAYMENT TYPE AND AMOUNT:	
CHECK	128.25
	.00
	.00
	.00
AMOUNT PAID:	128.25
CHANGE GIVEN:	.00

LIQUOR LICENSE REVIEW FORM

Business Name: Cuti's Sports Bar + Grill, Inc.

AKA Business Name (if applicable): previously - Main Event

Operator/Manager's Name: Anthony M. Cuti

Business Address: 677 W Laketon
Muskegon, MI 49441

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: 10-2-01

Police Department 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/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Dennis D. H.

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Cuti's Sports Bar + Grill, Inc.

AKA Business Name (if applicable): previously - Main Event

Operator/Manager's Name: Anthony M. Cuti

Business Address: 677 W Laketon
Muskegon, MI 49441

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: 10-2-01

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☒ Amount: \$127.11 DELINQUENT WATER SEWER ACCOUNT

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature [Signature] 9/24/01

Gail A. Kunder, City Clerk
Liquor License Coordinator

Clerk's

LIQUOR LICENSE REVIEW FORM

Business Name: Cuti's Sports Bar + Grill, Inc.

AKA Business Name (if applicable): previously - Main Event

Operator/Manager's Name: Anthony M. Cuti

Business Address: 677 W Laketon
Muskegon, MI 49441

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: 10-2-01

Police Department 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/Inspection Compliance ☐ Remaining Defects _____
Services _____

*Have parking lot issue
to address w/ them.*

Department Signature Brend Moore

Gail A. Kunderger, City Clerk
Liquor License Coordinator

*Del
Letter
27th*

LIQUOR LICENSE REVIEW FORM

Business Name: Cuti's Sports Bar + Grill, Inc.

AKA Business Name (if applicable): previously - Main Event

Operator/Manager's Name: Anthony M. Cuti

Business Address: 677 W Laketon
Muskegon, MI 49441

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: 10-2-01

Police Department 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/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. [Signature] 9/26/01

Gail A. Kunderger, City Clerk
Liquor License Coordinator

J. J. H.
9-17-01

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID# 134519

Date: September 12, 2001

Muskegon City Commission
933 Terrace St PO Box 536
Muskegon Mi 49443-0536

Applicant: CUTI'S SPORTS BAR AND GRILL, INC.

HOME ADDRESS AND PHONE NO:

Anthony M. Cuti, 1414 Palmer, Muskegon MI 49441 (231) 755-3327

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. 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 Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

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

ljt

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

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

J.J.H.
9-17-01

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID# 134519

Date: September 12, 2001

Muskegon City Commission
933 Terrace St PO Box 536
Muskegon Mi 49443-0536

Applicant: CUTI'S SPORTS BAR AND GRILL, INC.

HOME ADDRESS AND PHONE NO:

Anthony M. Cuti, 1414 Palmer, Muskegon MI 49441 (231) 755-3327

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

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If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

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

ljt

TONY CUTI
BONNIE M CUTI
1414 PALMER AVE
MUSKEGON, MI 49441
231-755-3327

2863

74-1394/724

10/4/01 Date

Pay to the
Order of

CITY OF MUSKEGON

\$ 250.00

TWO HUNDRED FIFTY & 00/100

Dollars



COMMUNITY
SHORES BANK
MUSKEGON, MI 49441

For

176

MP

⑆072413942⑆ 0000001847⑆ 2863

© HARLAND

CLASSIC

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
PO Box 30005
Lansing, MI 48909-7505*

2. Article Number (Copy from service label)

7000 0520 0013 9676 0590

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature X <i>GARY SCHUELLER</i>	
☐ Agent ☐ Addressee	
D. Is delivery address different from item 1? ☐ Yes ☐ No	
IF YES, SERVICE MAY BE DELIVERED TO THE FOLLOWING ADDRESS:	
NOV 19 2001 POST OFFICE BOX 30026 LANSING, MICHIGAN 48909	
3. Service Type ☐ Registered Mail ☐ Express Mail ☐ Insured Mail ☐ Return Receipt for Merchandise ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes	

November 15, 2001

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

REF: #134519
677 W Laketon
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the resolution, police inspection report (LC-1800), local law enforcement agency report, print card and check for the liquor license change request mentioned above.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536

www.shorelinecity.com

Director
724-6703
(231)724-1214

Director/Equalization
724-6708
(231)724-5181

Deputy Department
724-6703
(231)724-5617

Manager
724-6724
(231)722-1214

Service
724-6716
(231)724-4405

Director
724-6705
(231)724-4178

Community and
Public Services
724-6717
(231)726-2501

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

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

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

Police Department
724-6792
(231)724-6985

Income Tax
724-6770
(231)724-6768

Inspection Services
724-6715
(231)728-4371

Insurance Services
724-6704
(231)724-1196

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

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

Police Department
724-6750
(231)722-5140

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

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

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

Water Filtration
724-4106
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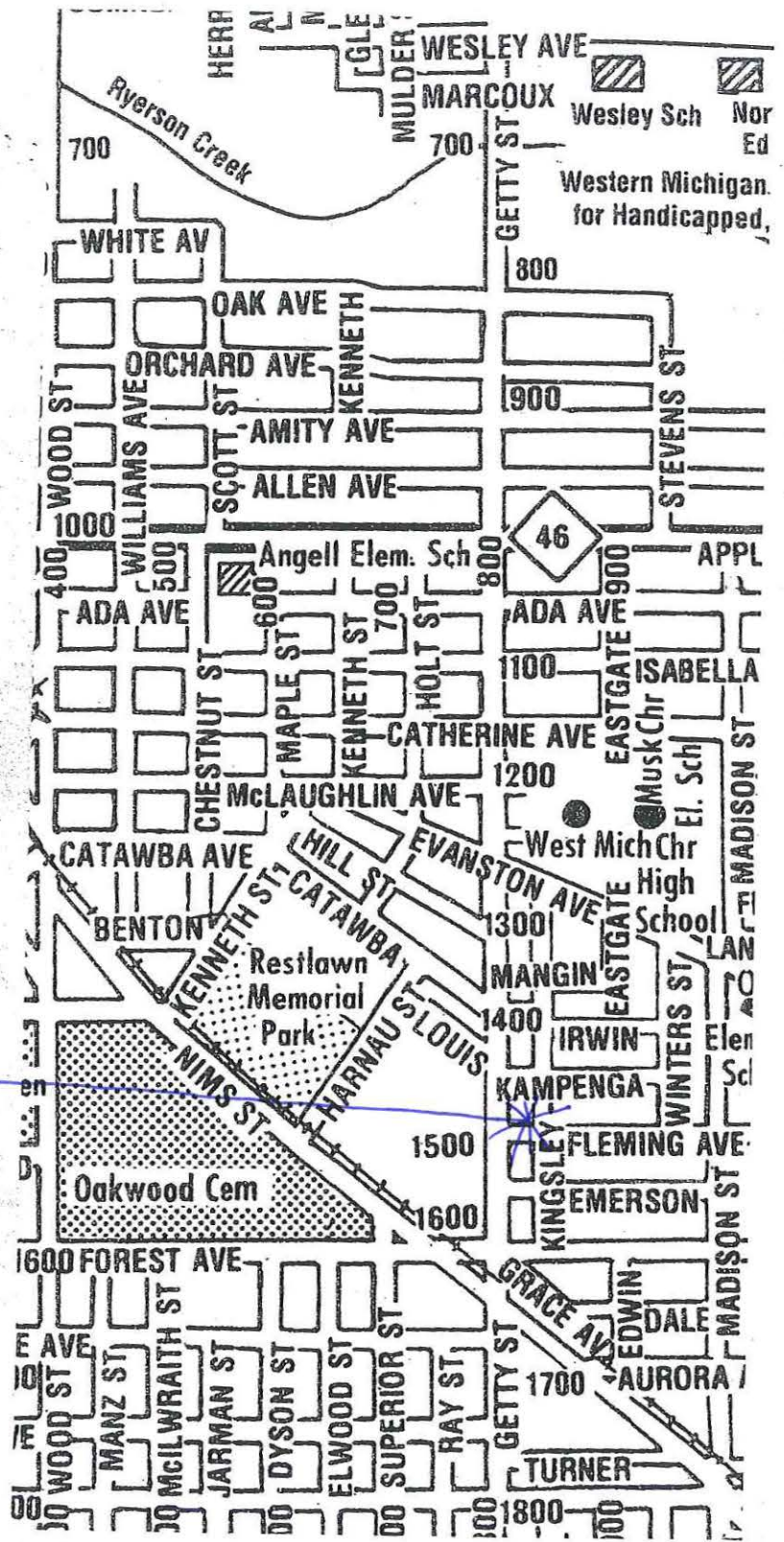
Date: November 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
MK Party Store, L.L.C.
1500 Getty Street

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from MK Party Store L.L.C. to transfer ownership of the 2001 SDD-SDM license from Star Five, Inc. (previously Tom's Drink All).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.



1500 Getty

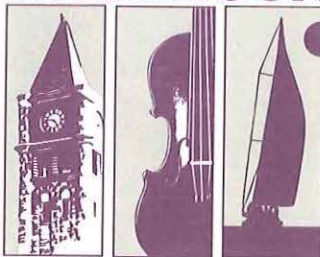
Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

MUSKEGON



West Michigan's Shoreline City

Clerk
724-6705

October 29, 2001

Engineering
724-6707

To: The City Commission through the City Manager

Finance
724-6713

From: *Anthony L. Kleibecker*
Anthony L. Kleibecker, Chief of Police

Re: Liquor License Transfer at 1500 Getty Street

Fire Dept.
724-6792

C.N. Services
724-6717

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant MK Party Store, L.L.C. for 1500 Getty Street, Muskegon.

Inspections
724-6715

MK Party Store L.L.C. is requesting to transfer 2001 SDD-SDM license from Five Star 5, INC. The applicants in this request are Samei Btk and Saib Btk both of 785 Mariwood Ave., North Muskegon, MI. 49445. These individuals are brothers. Samei is currently the owner of the Muskegon Holiday Inn and holder of a liquor license for that establishment. Samei and Saib are purchasing what was Tom's Drink All and requesting the liquor license to be transfer into their names.

Leisure Service
724-6704

Manager's Office
724-6724

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

Mayor's Office
724-6701

TK/cmw

Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

City of Muskegon, P.O. Box 536, 980 Jefferson Street, Muskegon, Michigan 49443-0536

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 10-15-01

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 MK Party Store, L.L.C. for 1500 Getty Street, Muskegon, MI 49442.

MK Party Store L.L.C. is requesting transfer of 2001 SDD-SDM license from Five Star 5, INC. The applicants in this request are Samei Btk and Saib Btk both of 785 Mariwood Ave., North Muskegon, MI. 49445. Both individuals are brothers and Samei is currently the owner of the Muskegon Holiday Inn and holder of a liquor license for that establishment. Samei and Saib are purchasing what was Tom's Drink All and requesting the liquor license to be transfer into there names.

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 extending from the end.

Det. Kurt Dykman

data/common/BTK2

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

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.

135565

BUSINESS NAME AND ADDRESS: (include zip code)

MK PARTY STORE, L.L.C.

1500 GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

TRANSFER OWNERSHIP OF 2001 SDD-SDM LICENSE FROM STAR 5, INC.

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

NO FINGER PRINT NEEDED FOR:
SAMEI BTK

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

785 MARIWOOD AVE
NORTH MUSKEGON, MI 49445 231 744 9888

DATE OF BIRTH: 12-2-73

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

APPLICANT #2:

SAIB BTM

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

785 MARIWOOD AVE
NORTH MUSKEGON, MI 49445 231 744 9888

DATE OF BIRTH: 8-17-72

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

o Does the applicant have permanent Resident Alien status?

☒ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted: 10-11-01

Attach the fingerprint card and \$15.00 for each card and mail to the 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

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

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 this request be granted by the Commission?

☒ 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 (Sheriff or Chief of Police)

Date

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

135565

RESOLUTION

2001-129(d)

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

called to order by Mayor Nielsen on November 13, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Schweifler and Supported by Commissioner Spataro

That the request from MK Party Store, L.L.C., 1500 Getty, Muskegon, MI 49442, Muskegon County, to transfer ownership of 2001 SDD-SDM License from Star 5, Inc.

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 7

Nays: 0

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be Recommended
(Recommended or

not Recommended) for issuance.

State of Michigan)
County of Muskegon) SS

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
(Regular or Special)

meeting held on the 13th day of November, 2001.
(Date)

(Signed)

Gail A. Kundering
(Township, City, or Village Clerk)

Gail A. Kundering, City Clerk
933 Terrace

(Address of Township, City or Village Board)
Muskegon, MI 49440

SEAL

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by MAC 436.1105 (2d)(3)]

RECEIVED

SEP 25 2001

City Clerks Office

Muskegon City Commission
933 Terrace St
Box 536
Muskegon, MI 49443-0536

September 20, 2001
REQUEST ID# 135565

The Liquor Control Commission has received an application from:

MK Party Store, L.L.C. request to transfer ownership of 2001 SDD-SDM licensed business from Star 5, Inc. located at 1500 Getty, Muskegon, MI 49442, Muskegon County. Members: Samei Btk and Saib Btk 785 Mariwood Ave, North Muskegon, MI 48445 231 744 9888

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
nll



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

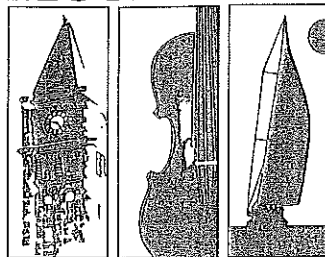
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
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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

MUSKEGON



West Michigan's Shoreline City

November 5, 2001

Samei and Saib Btk
785 Mariwood Avenue
North Muskegon, MI 49445

Dear Samei and Saib:

This letter is to inform you that your request to transfer ownership of the 2001 SDD-SDM license at 1500 Getty Street will be presented to the City Commission on November 13, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Oakview 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.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Affirmative Action
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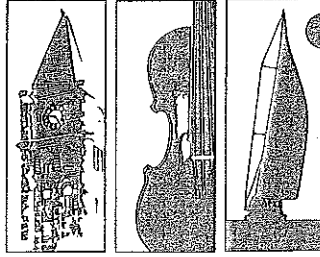
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(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

November 5, 2001

Mr. Steve Borstler, President
Oakview Neighborhood Association
1255 Fleming
Muskegon, MI 49442

Dear Mr. Borstler:

We have received a request from the Liquor Control Commission reference MK Party Store L.L.C. desire to transfer ownership of the 2001 SDD-SDM license from Star Five, Inc., at 1500 Getty Street. A SDM license permits the sale of beer and wine for consumption off the premises only; and a SDD license permits the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only. On Tuesday, November 13, 2001, 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 13, 2001, 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

Linda Potter
Deputy Clerk

LIQUOR LICENSE REVIEW FORM

Business Name: MK Party Store, L.L.C.

AKA Business Name (if applicable): currently Star 5, Inc. Tom's Drink-All

Operator/Manager's Name: Samei & Saib BTK

Business Address: 1500 Getty
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: _____

Police Department 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/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature B. L. Sclerker 10-31-01

Gail A. Kunder, City Clerk
Liquor License Coordinator



SAIB S. BTK
785 MARRYWOOD AVE.
MUSKEGON, MI 49445

9-91,749
720
639714864

552

10-11-01
DATE

© DELUXE WALLET OR DUPLICATE

PAY TO THE
ORDER OF

City of Muskegon \$ 250.00

two hundred fifty 00
100

DOLLARS



Security Features
Included
Date is on track.

National City.

National City Bank of Michigan/Illinois
Kalamazoo, Michigan

MEMO

[Signature]

DVP

⑆072000915⑆ 639714864⑈ 0552

ESTATE

LIQUOR LICENSE REVIEW FORM

Business Name: MK Party Store, L.L.C.

AKA Business Name (if applicable): currently Star 5, Inc. Tom's Drink-All

Operator/Manager's Name: Samei + Saib Btk

Business Address: 1500 Getty
Muskegon, MI

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Dennis Doherty

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

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Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature

 2/27/01

Gail A. Kunderinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

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Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Phil J. Cramer

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

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Treasurer Approved ☐ Owing ☐ Amount: _____

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Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kundering, City Clerk
Liquor License Coordinator

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Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Stabinski 9/26/01

Gail A. Kundering, City Clerk
Liquor License Coordinator

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

Assessor/Equalization
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Leisure Services
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Mayor's Office
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Planning/Zoning
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Police Department
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FAX: (231)722-5140

Public Works Dept.
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FAX: (231)722-4186

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

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
PO Box 30005
Lansing, MI 48909-7505
GARY SCHUELLER
MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN
NOV 20 2001
POST OFFICE BOX 30005
LANSING, MICHIGAN 48909

2. Article Number (Copy from service label)

7000 0520 0013 9676 0606

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

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

3. Service Type

☒ Certified Mail
☐ Express Mail
☐ Registered Mail
☐ Return Receipt for Merchandise
☐ Insured Mail
☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

November 16

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

REF: #135565
1500 Getty Street
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the resolution, police inspection report (LC-1800), print card and check for the liquor license change request mentioned above.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

November 1, 2001

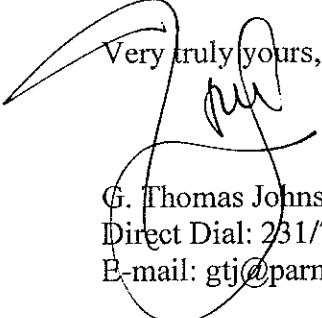
Major Metcalf, Fire Inspector
Muskegon Fire Department
Fire Prevention Bureau
75 W. Walton Avenue
Muskegon, MI 49440

Dear Major:

Enclosed is the proposed ordinance adopting the International Fire Code for presentation to the city commission. If there are any questions, please call me.

I am herewith returning the 2000 edition of the International Fire Code to you.

Very truly yours,



G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ:mmf

Enclosures

c: Gail A. Kunding ✓

G. Thomas Johnson
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom
John C. Schrier

Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier
James R. Scheuerle

Keith L. McEvoy
Anna Urlick Duggins
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri
George D. Van Epps

Retired
Robert L. Forsythe
Arthur M. Rude

Paul T. Sorenson, 1920-1966
George A. Parmenter, 1903-1993
Cyrus M. Poppen, 1903-1996
Harold M. Street, 1912-2000

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2059

An ordinance to adopt the International Fire Code, 2000 Edition, and to re-adopt and retain
Appendix II – C of the 1997 Uniform Fire Code

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 9-136. Adoption of the International Fire Code, 2000 Edition, and Adoption and Retention of Appendix II-C of the Uniform Fire Code, 1997 Edition.

The City of Muskegon adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, and for all other relevant purposes, that certain code known as the International Fire Code, 2000 Edition, together with and retaining and re- adopting Appendix II-C of the 1997 Uniform Fire Code. The said adoption and retention of the said codes is made except as amended by this ordinance. Copies of the said codes are on file with the City Clerk and the said codes, as amended, are made a part hereof as if fully set forth in this ordinance.

Section 9-136.1. Rules for flammable and combustible liquids and underground storage tanks.

The City hereby adopts the State of Michigan rules for the storage and handling of flammable and combustible liquids promulgated by the Michigan State Fire Safety Board, and the Michigan Underground Storage Tank Rules, as adopted by the State of Michigan.

Sec. 9-137. Supplemental Definitions.

In addition to the definitions set forth in the International Fire Code, the following definitions apply:

- (a) Wherever the word "jurisdiction" or "name of jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Muskegon.
- (b) Whenever the words "code official" are used in the International Fire Code, they shall be held to mean the position of City Fire Marshal or, if that position is vacant, the position of City Fire Inspector.

Sec. 9-138. Amendments to the International Fire Code.

(a) *Applications for permits.* Applications for all permits required by the International Fire Code or this article shall be made at the office of the city clerk, and all fees shall be paid at the office of the city treasurer. The amount of such fees shall be as prescribed, from time to time, by resolution of the city commission.

(b) *Section 109.3* of the International Fire Code is amended to read in its entirety as follows:

"Violations and Penalties. Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be responsible for a civil infraction. Penalties which shall apply to civil infractions shall be a fine of \$100 for the first offense, \$250 for the second offense within one year of the first, and \$500 for each subsequent offense within two years of the first offense. Each day that a violation continues after due notice has been given shall be deemed a separate offense.

In addition to the imposition of penalties and responsibility for civil infractions the city is authorized to institute appropriate actions to prevent unlawful construction or to restrain, correct or abate a violation, to prevent illegal occupancy of the structure or premises or to stop an illegal act, conduct a business or occupancy of a structure on or about any premises."

(c) *Section 110* of the International Fire Code concerning unsafe building is amended to read in its entirety as follows:

"Unsafe Buildings. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are, for the purpose of section 110, unsafe buildings. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal. The procedures and standards specified in chapter 4 of the Code of Ordinances concerning dangerous buildings shall apply."

(d) *Section 111.4* of the International Fire Code is amended to read in its entirety as follows:

111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed by the Code Official to perform to remove a violation or unsafe condition, shall be responsible for a civil infraction carrying the same penalties as set forth in subsection (b) above.

Sec. 9-139. Modifications.

The Code Official, with consent and knowledge of the chief of the fire department, shall have power to modify any of the provisions of the International Fire Code, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured and substantial justice done. The particulars of such modifications, when granted or allowed, and the decision of the fire marshal or the fire inspector thereon, shall be entered upon the records of the fire department and a signed copy shall be furnished the applicant.

Sec. 9-140. Appeals.

Section 108 of the International Fire Code is amended to read in its entirety as follows:

Whenever an application is disapproved or the granting of a permit under the fire prevention code or the International Fire Code or Appendix II-C of the 1997 Uniform Fire Code is refused, or when it is claimed that the provisions of the said codes do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the Construction Board of Appeals of the city in accordance with their authority as set forth in Ordinance 2051 adopted August 28, 2001 and effective September 18, 2001.

Appendix A, concerning a board of appeals, set forth in the International Fire Code, is not adopted by this ordinance and is deleted.

Sec. 9-141. The provisions of the Code of Ordinances previously in effect including Sections 9-136 through 9-145 are hereby superseded by this ordinance and repealed.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd
Nays: None

Adoption Date: 11-13-01

Effective Date: 12-1-01

First Reading: 11-13-01

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, 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 13th day of November, 2001, 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 13, 2001

Gail A. Kunderger
Gail A. Kunderger, CMC/AAE
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**

TO: ALL INTERESTED PARTIES

Please take notice that on November 13, 2001, the City Commission of the City of Muskegon adopted a revised fire prevention code, which provides in summary form as follows:

Section 9-136 adopts the International Fire Code, 2000 Edition, and Appendix II-C of the 1997 Uniform Fire Code concerning marinas. Copies of the codes are available at the City Clerk's Office for examination, copying and purchase at reasonable prices.

Section 9-137 provides for certain definitions.

Section 9-138 provides for certain amendments to the International Fire Code. They include:

Section 9-138 (a) Applications for permits are to be filed with the City Clerk.

Section 9-138 (b) provides for penalties. Violations of the codes constitute civil infractions carrying penalties of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense within two (2) years.

Section 9-138 (c) provides for unsafe buildings and abatement of unsafe buildings pursuant to the dangerous building ordinance of the city.

Section 138 (d) provides for failures to comply with stop orders and other directives of the Code official.

Section 9-139 provides for modifications to the codes by the Code Official.

Section 9-140 provides for appeals to the Construction Board of Appeals.

Section 9-141. The present fire prevention code ordinance is superseded and repealed by this ordinance.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published: November 21, 2001 By _____
Gail A. Kunder, Its Clerk

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

Date: 11/01/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, DPW Supervisor
RE: 2002 Police Patrol Car Purchase

SUMMARY OF REQUEST: Purchase 10 Ford Crown Victoria Patrol Cars from Vollman Ford, State purchasing contract, at \$20,942.00 each for a total of \$ 209,420.00

FINANCIAL IMPACT: \$ 209,420.00 (Equipment Fund)

BUDGET ACTION REQUIRED: \$ 206,250.00 is budgeted for this purchase. The additional \$3,170 will be adjusted from other budgeted equipment purchases for 2002.

STAFF RECOMMENDATION: Purchase of 10 Patrol cars from Vollman Ford for a total of \$ 209,420.00, to replace existing units.

2000 State Purchasing Contract/ per unit--\$20,515.00

2001 State Purchasing Contract/ per unit --\$20,942.00

2002 State Purchasing Contract/ per unit --\$20,942.00

Patrol Cars 2002

State Bid				
Vollman Ford		\$ 20,942.00	X 10 Units	\$ 209,420.00
Oakland County				
Vollman Ford		\$ 21,081.00		\$ 210,810.00
Macomb County				
Signature Ford		\$ 21,196.30		\$ 211,963.00
10 Patrol				

Commission Meeting Date: November 13 2001

Date: **October 23, 2001**
To: **Honorable Mayor and City Commissioners**
From: **Planning & Economic Development** *CB*
RE: **Purchase of 425 W. Delano St. - Seaway Industrial Park**

SUMMARY OF REQUEST:

To purchase property located at 425 W. Delano Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Marie Thompson, 425 W. Delano Street, Muskegon, Michigan on October 18, 2001. The purchase price is \$49,225.

FINANCIAL IMPACT:

State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To grant approval of the attached resolution consenting to the purchase of 425 W. Delano Street for the development of the Seaway Industrial Park.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-129(g)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING ACQUISITION OF PROPERTY AT
425 W. DELANO STREET FOR \$49,225

WHEREAS, the City of Muskegon and Marie Thompson have entered into a purchase agreement for property located at 425 W. Delano Street, Muskegon, MI; and

WHEREAS, the purchase of property located at 425 W. Delano Street, Muskegon, Michigan, is consistent with the City's goal to create the Seaway Industrial Park; and

WHEREAS, the City of Muskegon intends to utilize State of Michigan Urban Land Assembly funds for the purchase of the subject property.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize purchase of property located at 425 W. Delano Street, Muskegon, Michigan for the amount of \$49,225.

Adopted this 13th day of November 2001.

AYES: Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd

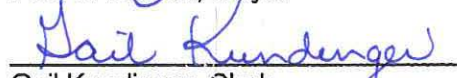
NAYS: None

ABSENT: None

BY:


Fred J. Nielsen, Mayor

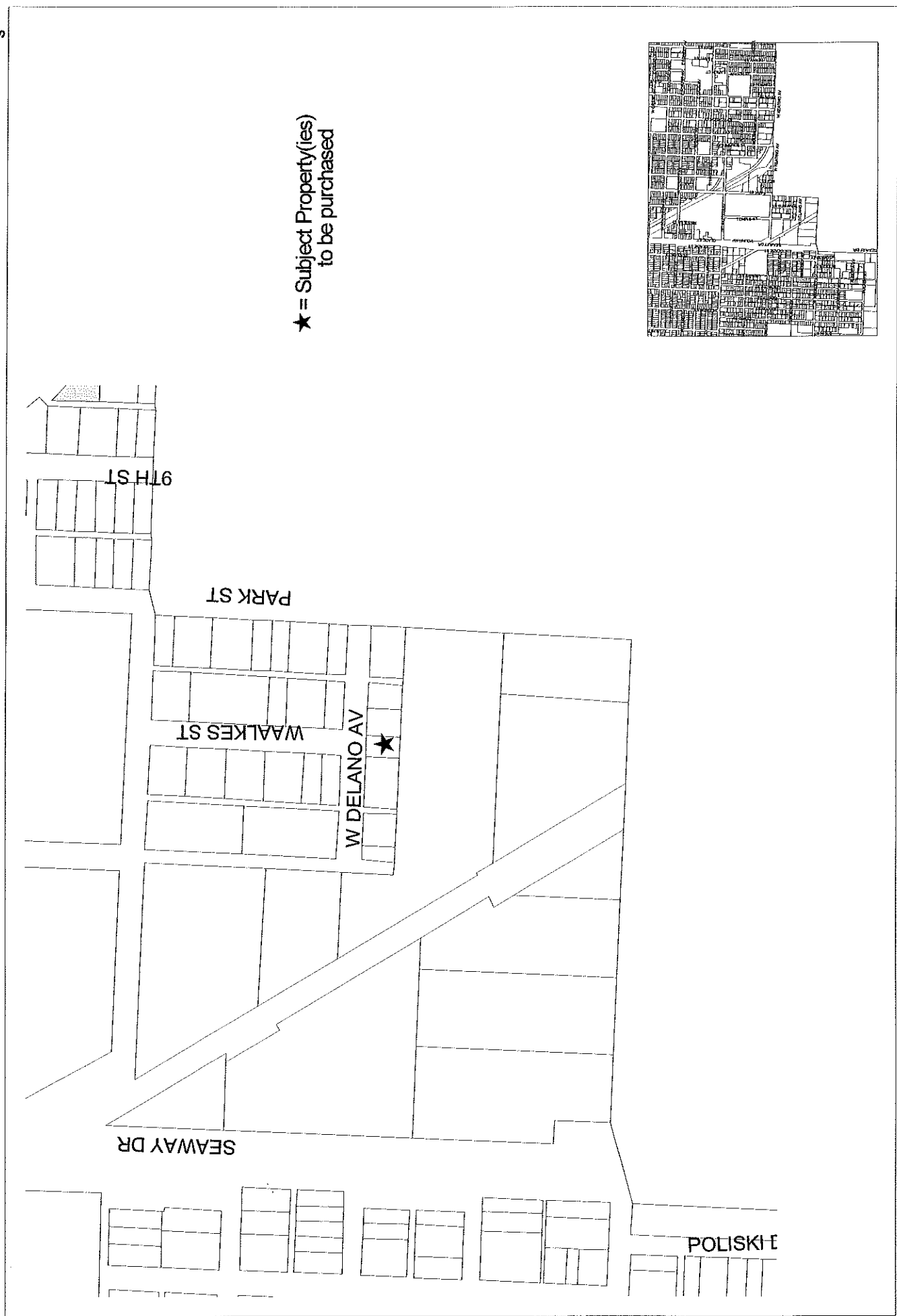
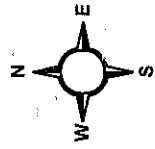
ATTEST:


Gail Kunding, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on November 13, 2001.


Gail Kunding, Clerk

Property to be Purchased for Seaway Industrial Park
425 W. Delano Avenue



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made ^{2001-129(g)} October 18, 2001, by and between **Marie Thompson**, of 425 W. Delano Avenue, Muskegon, Michigan 49444 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. General Agreement and Description of Premises. Seller agrees to sell, and Buyer agrees to buy, marketable record title of 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, the real property ("Premises"), in the City of Muskegon, Muskegon County, Michigan, specifically described as:

***YOUNG & WILLIAMS ADDITION WLY 55 FT WAALKES ST LYING BTW BLKS 3 & 4 AND
THE E ½ LOTS 1 & 2 BLK 3***

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 Forty-nine Thousand Two-Hundred Twenty-five (\$49,225), payable in cash or city check to Buyer at Closing.

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

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance 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, the 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 the 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 the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before Closing. The parties are aware that the Buyer intends to demolish the house. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

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 agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. 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, HOWEVER, TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before _____, 2001 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

11. Delivery of Deed. Seller shall execute and deliver a warranty deed to Buyer at Closing for the Premises.

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

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than _____.

14. Costs. Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing.

15. General Provisions.

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

b. Merger. It is understood and agreed that all understandings and agreements previously made between the Buyer and Seller are merged into this

Agreement, which alone fully and completely expresses the agreement of the parties.

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

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

e. 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.

f. 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 and continue until all liabilities of Buyer have been fully satisfied.

g. 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 the day and year first above written.

WITNESSES:

J. Ann Krukowski
J. Ann Krukowski

Linda Patten
Linda Patten

BUYER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kundergan
Gail A. Kundergan, Clerk

SELLER:

Lonna Argenta
Lonna Argenta

Marie Thompson
Marie Thompson
(SS# 379-70-3688)

Commission Meeting Date: November 13, 2001

Date: October 29, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Purchase of 2001 Park St. - Seaway Industrial Park

SUMMARY OF REQUEST:

To purchase property located at 2001 Park Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Carina James, 2001 Park Street, Muskegon, Michigan on October 23, 2001. The purchase price is \$38,283.

FINANCIAL IMPACT:

State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To grant approval of the attached resolution consenting to the purchase of 2001 Park Street for the development of the Seaway Industrial Park.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-129(h)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING ACQUISITION OF PROPERTY AT 2001 PARK STREET FOR
\$38,283

WHEREAS, the City of Muskegon and Carina James have entered into a purchase agreement for property located at 2001 Park Street, Muskegon, MI; and

WHEREAS, the purchase of property located at 2001 Park Street, Muskegon, Michigan, is consistent with the City's goal to create the Seaway Industrial Park; and

WHEREAS, the City of Muskegon intends to utilize State of Michigan Urban Land Assembly funds for the purchase of the subject property.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize purchase of property located at 2001 Park Street, Muskegon, Michigan for the amount of \$38,283.

Adopted this 13th day of November 2001.

AYES: Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd

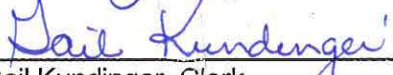
NAYS: None

ABSENT: None

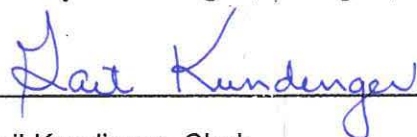
BY:


Fred J. Nielsen, Mayor

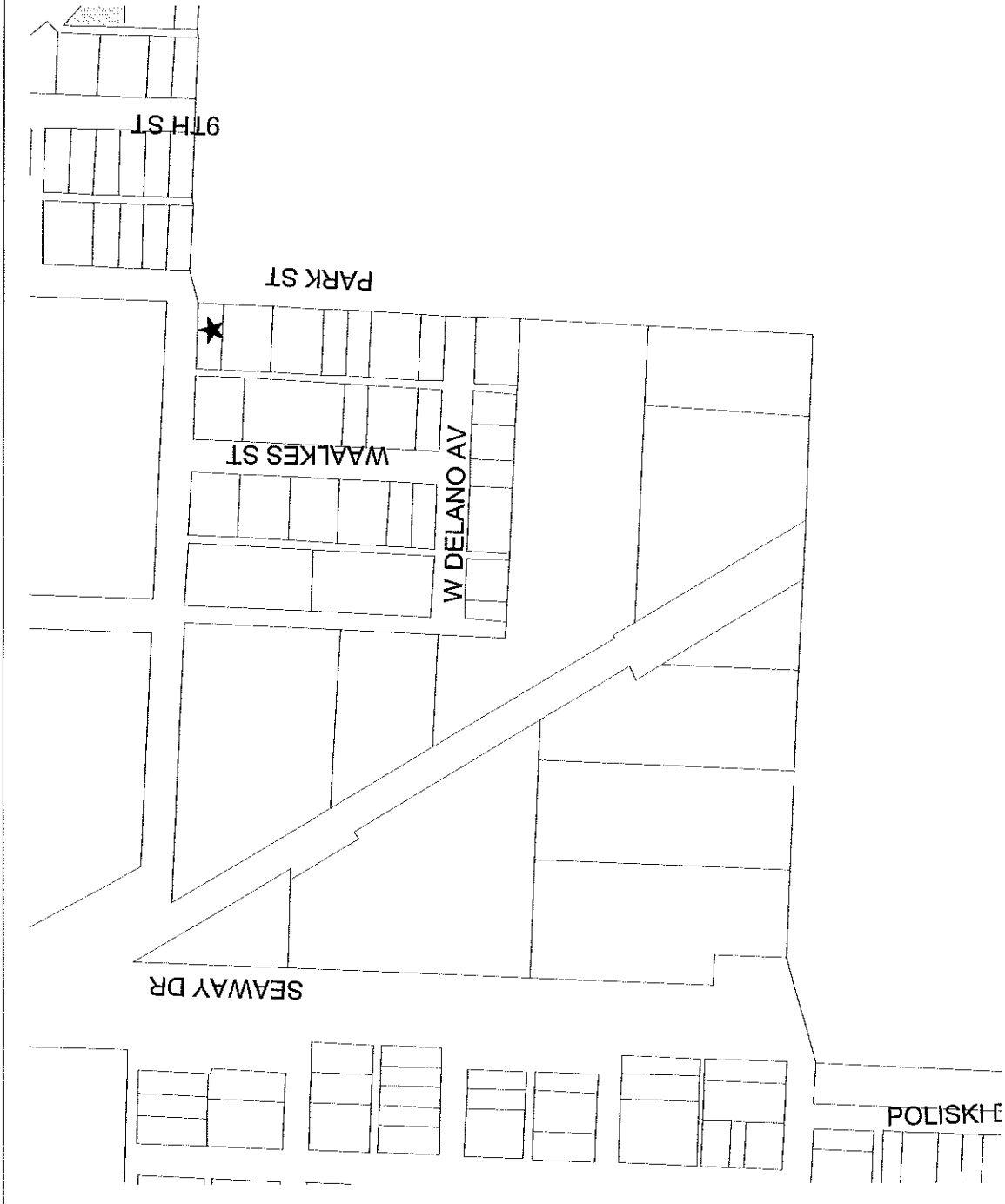
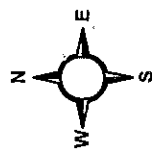
ATTEST:


Gail Kunding, Clerk

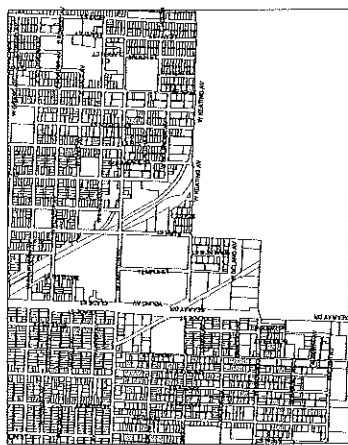
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on November 13, 2001.


Gail Kunding, Clerk

Property to be Purchased for Seaway Industrial Park
2001 Park Street



★ = Subject Property(ies)
to be purchased



2001-129(h)
REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made October 29, 2001, 2001, by and between Carina James, of 2001 Park Street, Muskegon, Michigan 49444 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. General Agreement and Description of Premises. Seller agrees to sell, and Buyer agrees to buy, marketable record title of 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, the real property ("Premises"), in the City of Muskegon, Muskegon County, Michigan, specifically described as:

Young & Williams Addition, Lot 1, Block 1, City of Muskegon

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 Thirty-Eight Thousand Two Hundred Three (\$38,283) Dollars, payable in cash or city check to Seller at Closing.

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

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance 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, the 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 the 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 the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before Closing. The parties are aware that the Buyer intends to demolish the house. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

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 agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. 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, HOWEVER, TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before _____, 2001 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

11. Delivery of Deed. Seller shall execute and deliver a warranty deed to Buyer at Closing for the Premises.

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

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than 30 days from the date of closing.

14. Costs. Buyer shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing.

15. General Provisions.

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

b. Merger. It is understood and agreed that all understandings and agreements previously made between the Buyer and Seller are merged into this

Agreement, which alone fully and completely expresses the agreement of the parties.

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

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

e. 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.

f. 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 and continue until all liabilities of Buyer have been fully satisfied.

g. 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 the day and year first above written.

WITNESSES:

Jo Ann Krokowski
Jo Ann Krokowski,
Linda Potter
Linda Potter

BUYER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor
By Gail A. Kunding
Gail A. Kunding, Clerk

SELLER:

Lonna Anguilo
Lonna Anguilo

Carina James
Carina James
(SS# 371-76-4730)

(SS# _____)

Date: November 13, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement
@ 851 W. Laketon Ave.

SUMMARY OF REQUEST:

Mr. Barteau, owner of 851 W. Laketon, has submitted the attached encroachment agreement form requesting your permission to install an awning on the Laketon Ave. side of the aforementioned building.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement.

COMMITTEE RECOMMENDATION:

166

2001-12961
11-13-01

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 9 day of November 2001, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and Barteau Upholstery (hereinafter called LICENSEE).

RECITALS

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as

851 West Laketon Muskegon MI 49441-2975
Awning on the Laketon Ave. side of building

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the city, an accurate legal description]

3. The City is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

THEREFORE,

1. City does hereby grant unto LICENSEE the privilege of ___ constructing, ___ installing, ___ maintaining, ___ repairing ___ performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term hereing stated. This

privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the City of the required evidence of insurance coverages.

This grant is subject to the following special conditions: _____

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of One Hundred Dollars (\$ 100.00), such payment to be made upon the signing of this agreement to be dated as of the 17 day of Sept 2001, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, _____, unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the city by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to City, and issued by companies acceptable to the City, licensed in the State of Michigan, naming City as an additional insured on any such policy. LICENSEE will file with

City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the city a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE _ days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the city _____ days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to City and in default thereof shall be liable to City for any cost, damage or expense the City may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

9. This agreement shall be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

JoAnn Krukowski
JoAnn Krukowski

Linda Potter
Linda Potter

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

And Gail A. Kundiger
Gail A. Kundiger, Clerk

LICENSEE:

William Burton

10/8/01

ACORD. CERTIFICATE OF LIABILITY INSURANCE					DATE (MM/DD/YY) 10/16/01	
PRODUCER CLOETINGH-SEAWAY GENERAL AGENCY INC 1275 PECK STREET MUSKEGON MI 49441-2198			THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. COMPANIES AFFORDING COVERAGE COMPANY A CITIZENS INS-REGIONAL BUS CTR COMPANY B COMPANY C COMPANY D			
INSURED BARTEAU UPHOLSTERY & FABRIC BILL BARTEAU 851 W. LAKETON AVENUE MUSKEGON MI 49441						
COVERAGES THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	MPC0555777	3/22/01	3/22/02	GENERAL AGGREGATE	\$2,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG	\$2,000,000
	☐ CLAIMS MADE ☒ OCCUR				PERSONAL & ADV INJURY	\$1,000,000
	OWNERS & CONTRACTORS PROT				EACH OCCURRENCE	\$1,000,000
					FIRE DAMAGE (Any one fire)	\$ 100,000
					MED EXP (Any one person)	\$ 5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	\$
	☐ ANY AUTO				BODILY INJURY (Per person)	\$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE	\$
	☐ HIRED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	☐ ANY AUTO				OTHER THAN AUTO ONLY:	\$
					EACH ACCIDENT	\$
					AGGREGATE	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	☐ UMBRELLA FORM				AGGREGATE	\$
	☐ OTHER THAN UMBRELLA FORM					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	\$
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: ☐ INCL ☐ EXCL				EL EACH ACCIDENT	\$
					EL DISEASE-POLICY LIMIT	\$
					EL DISEASE-EA EMPLOYEE	\$
	OTHER					
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS CITY OF MUSKEGON IS LISTED AS ADDITIONAL INSURED ON THE GENERAL LIABILITY IN REGARDS TO THE INSTALLATION OF AN AWING AT THE ABOVE INSURED'S LOCATION.						
CERTIFICATE HOLDER CITY OF MUSKEGOGN 993 TERRACE MUSKEGON, MI 49442			CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION ON LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Stephen P. Vanderwater</i>			

Mike Cameron

Laketown

Arms 30' L 6' H 2' D

side walk

7246702

sign
① 2' x 6' 120 ft

② 3' x 6' signs
360 ft

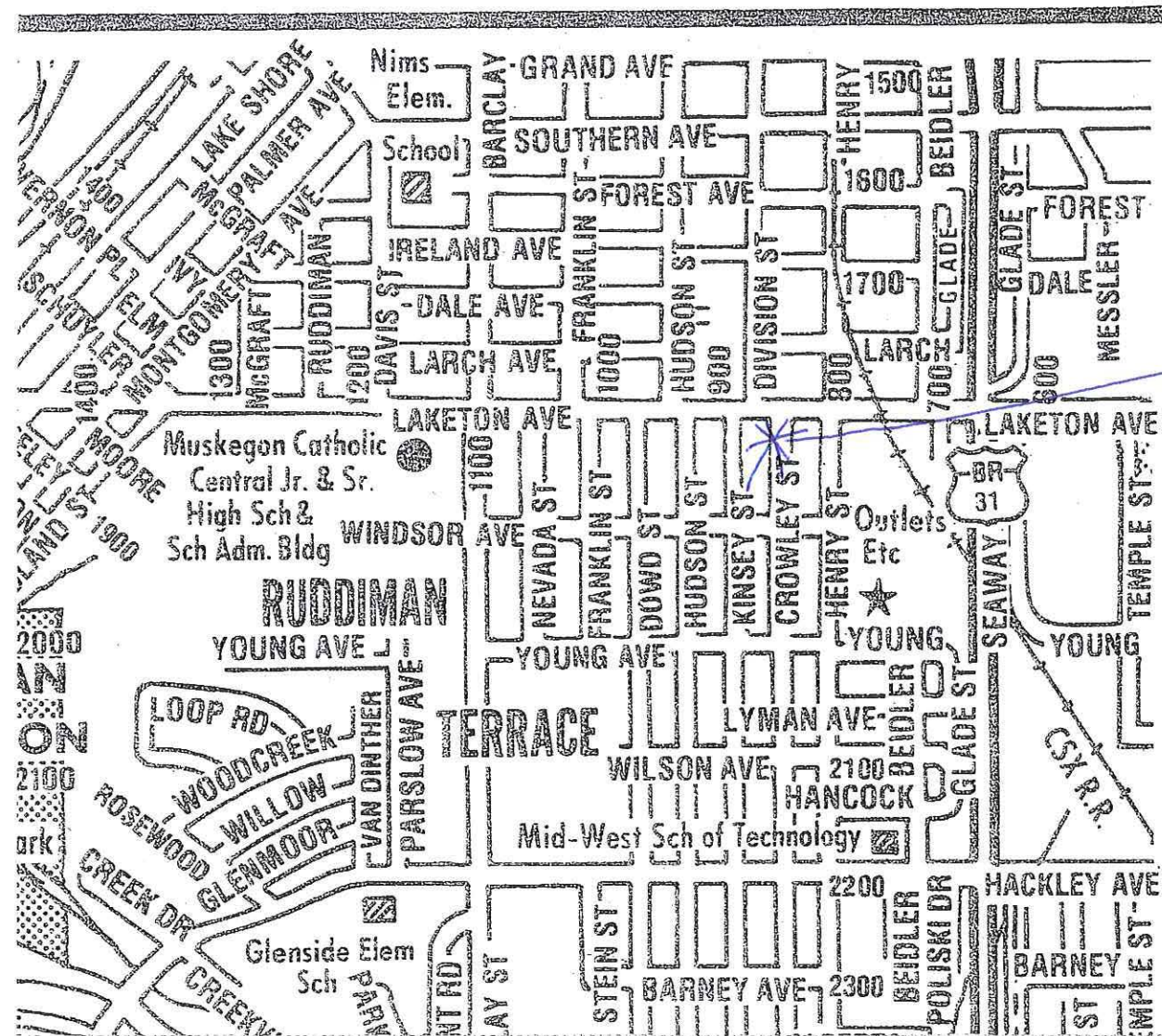
51' x 20'

360 ft

② 3' x 6' signs side walk

Lewy

2400 sq ft facing Laketon



Date: November 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Wood Street Market
1149 Wood Street

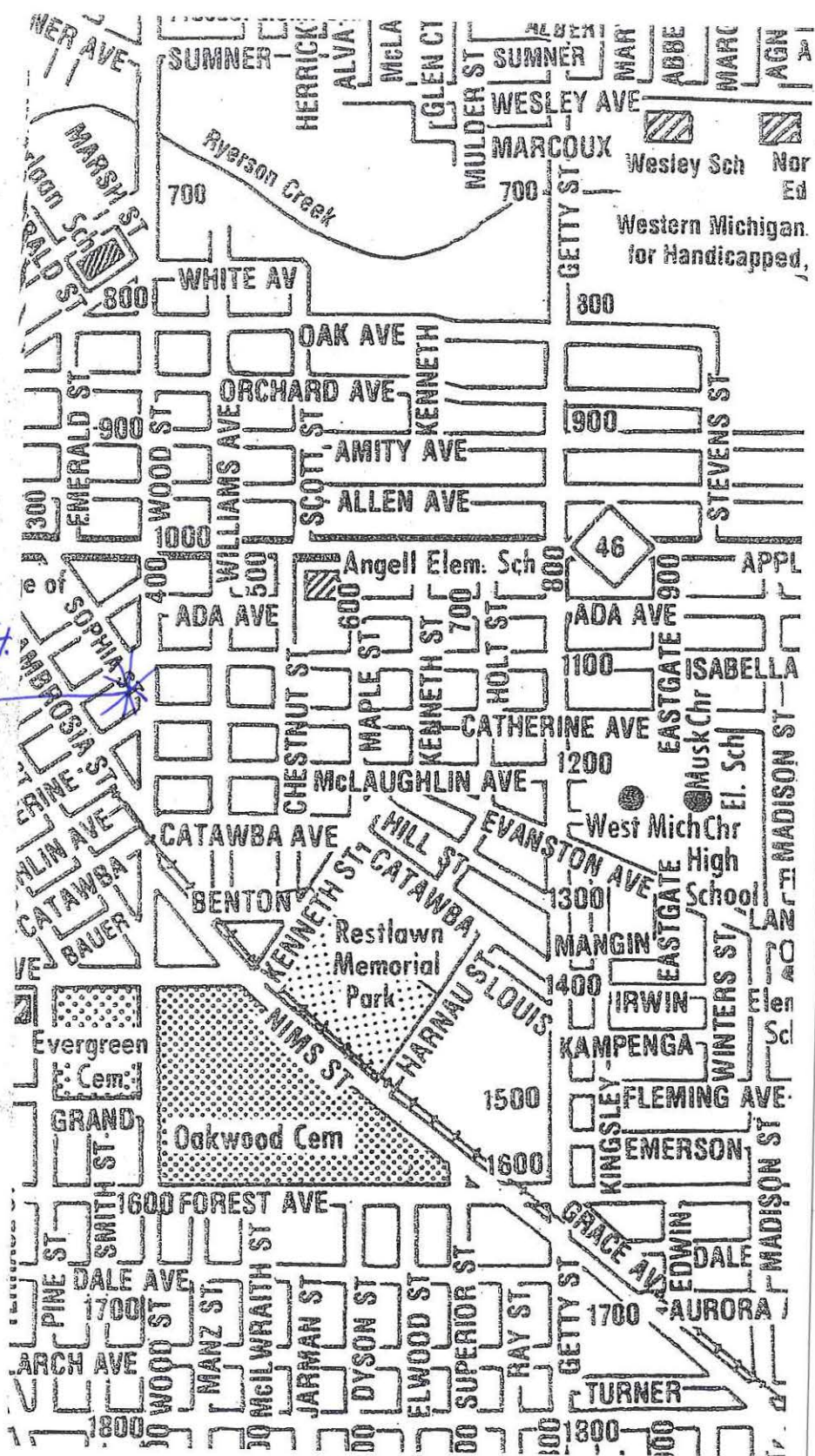
SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Steven Cornell to transfer ownership of the 2001 SDM license from deceased Janice M. Cornell. Mr. Cornell was appointed Personal Representative at the September 11, 2001, Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

Wood Street
Market
1149 Wood St.



Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

October 29, 2001



Clerk
724-6705

To: The City Commission through the City Manager

Engineering
724-6707

From: Anthony L. Kleibecker
Anthony L. Kleibecker, Chief of Police

Finance
724-6713

Re: Liquor License Transfer at 1149 Wood Street

Fire Dept.
724-6792

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Steven Cornell of Wood Street Market, 1149 Wood Street, Muskegon.

C.N. Services
724-6717

Steven C. Cornell is requesting to transfer ownership of 2001 SDM license from Janice M. Cornell, who is deceased, to Steven C. Cornell located at 1149 Wood Street.

Inspections
724-6715

This transfer request comes after a request dated May 31, 2001 when Steven C. Cornell asked to be appointed as Personal Representative for deceased licensee Janice M. Cornell. During that process a background investigation was completed and a fingerprint card was submitted. A check was also submitted to the City of Muskegon in the amount of \$250 during that process.

Leisure Service
724-6704

We find no reason to deny this request.

Manager's Office
724-6724

Mayor's Office
724-6701

TK/cmw

Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

City of Muskegon, P.O. Box 536, 980 Jefferson Street, Muskegon, Michigan 49443-0536

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 10-5-01

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 Steven Cornell of Wood Street Market, 1149 Wood Street, City of Muskegon MI, 49441.

Steven C. Cornell request to transfer ownership of 2001 SDM license from Janice M. Cornell, deceased, to Steven C. Cornell located at 1149 Wood Street, Muskegon, MI. 49442, Muskegon County.

This transfer request comes after a request dated May 31, 2001 when Steven C. Cornell asked to be appointed as Personal Representative for deceased licensee Janice M. Cornell. During that process a background investigation was completed and a fingerprint card was submitted. A check was also submitted to the City of Muskegon in the amount of \$250 during that process.

This investigator finds no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a horizontal line extending to the right.

Det. Kurt Dykman

data/common/Cornell2

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY
LIQUOR CONTROL COMMISSION

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

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

Attn:
Det. Kurt
Dykman

DATE: September 28, 2001
REQUEST ID# 125764

Chief of Police
Muskegon Police Department
980 Jefferson Street
Muskegon Mi 49440

Chief of Law Enforcement Office

Applicant: Steven C. Cornell request to transfer ownership of 2001 SDM license from Janice M. Cornell deceased to Steven C. Cornell, located at 1149 Wood Muskegon, Mi 49442, Muskegon County.

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 and recommendations of the applicant to the Licensing Division.

NO FINGERPRINTS NECESSARY

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 5/92
4880-1658
nll

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.7a)

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. 125764

BUSINESS NAME AND ADDRESS: (include zip code)

1149 WOOD, MUSKEGON, MI 49442 MUSKEGON COUNTY

REQUEST FOR:

TRANSFER OWNERSHIP OF 2001 SDM LICENSE FROM JANICE M. CORNELL

Section 1. APPLICANT INFORMATION

APPLICANT #1:

STEVEN C. CORNELL

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1606 RUDDIMAN DR
BNORTH MUSKEGON, MI 49445 231 744 3376

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 4-22-55

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the 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

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

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 this request be granted by the Commission?

☒ 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)

A. L. K. K. K.
Signature (Sheriff or Chief of Police)

11-6-01
Date

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

RESOLUTION

2001-130(b)

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

called to order by Mayor Nielsen on November 13, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Schweifler and Supported by Commissioner Benedict

That the request from Steven C. Cornell to transfer ownership of 2001 SDM License from Janice M. Cornell deceased, located at 1149 Wood, Muskegon, MI 49442, Muskegon County.

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 6

Nays: 1

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be Recommended
(Recommended or

not Recommended) for issuance.

State of Michigan)
County of Muskegon) SS

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
(Regular or Special)

meeting held on the 13th day of November, 2001.
(Date)

(Signed)

Gail A. Kunding
(Township, City, or Village Clerk)
Gail A. Kunding, City Clerk
933 Terrace

(Address of Township, City or Village Board)
Muskegon, MI 49440

SEAL

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

Muskegon City Commission
933 Terrace St
Box 536
Muskegon, MI 49443-0536

September 28, 2001
REQUEST ID# 125764

The Liquor Control Commission has received an application from:

Steven C Cornell request to transfer ownership of 2001 SDM license from Janice M. Cornell deceased to Steven C. Cornell, located at 1149 Wood Muskegon, MI 49442, Muskegon County. Home address: 1606 Ruddiman Dr, North Muskegon, MI 49445 231 744 3376

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
nll

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

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

Cemetery Department
(231)724-6703
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

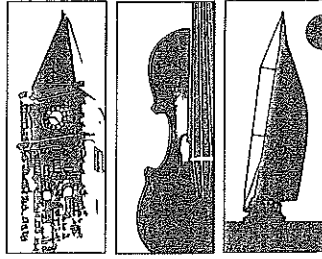
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 5, 2001

Ms. Renee Pastoor, President
McLaughlin Neighborhood Association
PO Box 244
Muskegon, MI 49443

Dear Ms. Pastoor:

We have received a request from the Liquor Control Commission reference Steven Cornell's desire to transfer ownership of the 2001 SDM license at 1149 Wood Street (Wood Street Market) from deceased Janice M. Cornell. A SDM license permits the sale of beer and wine for consumption off the premises only. On Tuesday, November 13, 2001, 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 13, 2001, 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

Linda Potter
Deputy Clerk

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5101

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

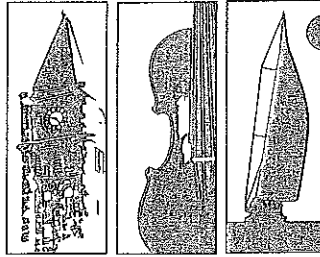
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 5, 2001

Mr. Steven Cornell
1606 Ruddiman Drive
North Muskegon, MI 49445

Dear Mr. Cornell:

This letter is to inform you that your request to transfer ownership of the 2001 SDM license at 1149 Wood Street will be presented to the City Commission on November 13, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the McLaughlin 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.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

10-1-01
RECEIVED
OCT 02 2001

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: Steven Cornell (for deceased Janice Cornell)

Business Address: 1149 Wood

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 He was just appointed personal representative 9-11-01.

Deadline for receipt of all information: 10-16-01

Police Department 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/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature A. L. K. Kunder

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: Steven Cornell (for deceased Janice Cornell)

Business Address: 1149 Wood

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

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Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature [Signature]

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: Steven Cornell (for deceased Janice Cornell)

Business Address: 1149 Wood

Reason for Review:

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other He was just appointed personal representative 9-11-01.

Deadline for receipt of all information: 10-16-01

Police Department 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/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature [Signature] 10/2/01

Gail A. Kunding, City Clerk
Liquor License Coordinator

RECEIVED

10-1-01

OCT 2 2001

LIQUOR LICENSE REVIEW FORM

CITY OF MUSKEGON
PLANNING DEPARTMENT

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: Steven Cornell (for deceased Janice Cornell)

Business Address: 1149 Wood

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 He was just appointed personal representative 9-11-01.

Deadline for receipt of all information: 10-16-01

Police Department 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/Inspection Compliance ☐ Remaining Defects _____

Services

Department Signature Mike L. Carter

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: Steven Cornell (for deceased Janice Cornell)Business Address: 1149 Wood

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 He was just appointed personal representative 9-11-01.Deadline for receipt of all information: 10-16-01Police Department 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/Inspection Services Compliance ☐ Remaining Defects _____

_____Department Signature Allen Ten BuntGail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: Steven Cornell (for deceased Janice Cornell)Business Address: 1149 Wood

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Liquor License Coordinator

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2001-000969-I	TRESPASS	01/13/2001	1149 WOOD
MUPD	2001-003808-I	ROBBERY	02/21/2001	1149 WOOD ST
MUPD	2001-004321-I	DISORDERLY COND	03/01/2001	1149 WOOD ST
MUPD	2001-004842-I	DISORDERLY COND	03/08/2001	1149 WOOD ST
MUPD	2001-004917-I	LARCENY - OTHER	03/09/2001	1149 WOOD ST
MUPD	2001-006968-I	SEXUAL CONTACT	04/03/2001	1149 WOOD
MUPD	2001-007050-I	DISORDERLY COND	04/04/2001	1149 WOOD
MUPD	2001-007319-I	FORGERY/COUNTER	04/07/2001	1149 WOOD
MUPD	2001-007614-I	SUSPICIOUS SITU	04/10/2001	1149 WOOD
MUPD	2001-007975-I	DISORDERLY COND	04/14/2001	1149 WOOD
MUPD	2001-008886-I	GENERAL ASSISTA	04/23/2001	1149 WOOD
MUPD	2001-009009-I	CIVIL MATTER DI	04/25/2001	1149 WOOD ST
MUPD	2001-009255-I	GENERAL ASSISTA	04/27/2001	1149 WOOD
MUPD	2001-009757-I	SUSPICIOUS SITU	05/02/2001	1149 WOOD
MUPD	2001-009790-I	MISCELLANEOUS C	05/02/2001	1149 WOOD
MUPD	2001-010181-I	PUBLIC PEACE -	05/06/2001	1149 WOOD ST
MUPD	2001-010416-I	MISDEMEANOR TRA	05/09/2001	1149 WOOD ST
MUPD	2001-010424-I	CIVIL MATTER DI	05/09/2001	1149 WOOD
MUPD	2001-013689-I	GENERAL ASSISTA	06/10/2001	1149 WOOD ST
MUPD	2001-013776-I	MISDEMEANOR TRA	06/11/2001	1149 WOOD ST
MUPD	2001-013777-I	MISDEMEANOR TRA	06/11/2001	1149 WOOD ST
MUPD	2001-013930-I	CIVIL MATTER DI	06/12/2001	1149 WOOD
MUPD	2001-013941-I	RETAIL FRAUD -	06/12/2001	1149 WOOD
MUPD	2001-016398-I	TRESPASS	07/04/2001	1149 WOOD ST
MUPD	2001-016681-I	TRESPASS	07/07/2001	1149 WOOD ST
MUPD	2001-019068-I	RETAIL FRAUD -	07/29/2001	1149 WOOD ST
MUPD	2001-019621-I	NON-AGGRAVATED	08/03/2001	1149 WOOD
MUPD	2001-021872-I	RETAIL FRAUD -	08/27/2001	1149 WOOD
MUPD	2001-022411-I	CIVIL MATTER DI	09/02/2001	1149 WOOD ST
MUPD	2001-023136-I	NON-AGGRAVATED	09/10/2001	1149 WOOD ST

(30)

11-13-01
 Requested by Vice-Major Shepherd

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2000-000162-I	DISORDERLY COND	01/02/2000	1149 WOOD
MUPD	2000-000255-I	CIVIL MATTER DI	01/03/2000	1149 WOOD
MUPD	2000-000256-I	DISORDERLY PERS	01/03/2000	1149 WOOD
MUPD	2000-000732-I	DISORDERLY COND	01/08/2000	1149 WOOD ST
MUPD	2000-000831-I	DISORDERLY PERS	01/09/2000	1149 WOOD
MUPD	2000-000890-I	UNAUTHORIZED DU	01/10/2000	1149 WOOD ST
MUPD	2000-000930-I	DISORDERLY PERS	01/10/2000	1149 WOOD
MUPD	2000-001460-I	INTIMIDATION/ST	01/16/2000	1149 WOOD
MUPD	2000-002278-I	CONSUMP/ALCOHOL	01/26/2000	1149 WOOD
MUPD	2000-002720-I	DISORDERLY PERS	02/01/2000	1149 WOOD
MUPD	2000-003119-I	DISORDERLY COND	02/06/2000	1149 WOOD
MUPD	2000-003123-I	IMPOUND OF VEHI	02/06/2000	1149 WOOD
MUPD	2000-003366-I	CIVIL MATTER DI	02/09/2000	1149 WOOD
MUPD	2000-004427-I	DISORDERLY COND	02/21/2000	1149 WOOD
MUPD	2000-004529-I	DISORDERLY PERS	02/22/2000	1149 WOOD
MUPD	2000-004614-I	DISORDERLY COND	02/23/2000	1149 WOOD
MUPD	2000-005102-I	DISORDERLY COND	02/28/2000	1149 WOOD
MUPD	2000-005126-I	DISORDERLY COND	02/28/2000	1149 WOOD
MUPD	2000-005186-I	GENERAL NON-CRI	02/29/2000	1149 WOOD
MUPD	2000-005486-I	GENERAL ASSISTA	03/03/2000	1149 WOOD
MUPD	2000-005499-I	IMPOUND OF VEHI	03/03/2000	1149 WOOD
MUPD	2000-005533-I	HEALTH AND SAFE	03/03/2000	1149 WOOD
MUPD	2000-006715-I	LARCENY - OTHER	03/15/2000	1149 WOOD ST
MUPD	2000-006985-I	DISORDERLY COND	03/18/2000	1149 WOOD
MUPD	2000-007008-I	GENERAL ASSISTA	03/18/2000	1149 WOOD
MUPD	2000-007283-I	IMPOUND OF VEHI	03/21/2000	1149 WOOD
MUPD	2000-007804-I	SUSPICIOUS SITU	03/27/2000	1149 WOOD
MUPD	2000-008263-I	GENERAL ASSISTA	04/01/2000	1149 WOOD
MUPD	2000-008477-I	GENERAL ASSISTA	04/03/2000	1149 WOOD
MUPD	2000-008560-I	MISDEMEANOR TRA	04/04/2000	1149 WOOD ST
MUPD	2000-009067-I	DISORDERLY COND	04/09/2000	1149 WOOD
MUPD	2000-009234-I	GENERAL ASSISTA	04/11/2000	1149 WOOD
MUPD	2000-009525-I	GENERAL ASSISTA	04/14/2000	1149 WOOD
MUPD	2000-009565-I	GENERAL ASSISTA	04/14/2000	1149 WOOD ST
MUPD	2000-009648-I	GENERAL ASSISTA	04/15/2000	1149 WOOD ST
MUPD	2000-010388-I	GENERAL ASSISTA	04/22/2000	1149 WOOD
MUPD	2000-010568-I	GENERAL ASSISTA	04/24/2000	1149 WOOD
MUPD	2000-010673-I	GENERAL ASSISTA	04/25/2000	1149 WOOD
MUPD	2000-010697-I	GENERAL ASSISTA	04/25/2000	1149 WOOD ST
MUPD	2000-010817-I	LARCENY - OTHER	04/26/2000	1149 WOOD
MUPD	2000-010885-I	GENERAL ASSISTA	04/27/2000	1149 WOOD
MUPD	2000-010897-I	GENERAL ASSISTA	04/27/2000	1149 WOOD
MUPD	2000-011381-I	GENERAL ASSISTA	05/02/2000	1149 WOOD ST
MUPD	2000-011523-I	NON-AGGRAVATED	05/03/2000	1149 WOOD
MUPD	2000-012299-I	DISORDERLY COND	05/10/2000	1149 WOOD ST
MUPD	2000-012718-I	DAMAGE TO PROPE	05/14/2000	1149 WOOD
MUPD	2000-013308-I	GENERAL ASSISTA	05/20/2000	1149 WOOD
MUPD	2000-013431-I	CIVIL MATTER DI	05/21/2000	1149 WOOD
MUPD	2000-013645-I	SUSPICIOUS SITU	05/23/2000	1149 WOOD
MUPD	2000-013779-I	SUSPICIOUS SITU	05/24/2000	1149 WOOD
MUPD	2000-015077-I	SUSPICIOUS SITU	06/05/2000	1149 WOOD
MUPD	2000-015373-I	VIOLATION OF CO	06/08/2000	1149 WOOD
MUPD	2000-015500-I	GENERAL ASSISTA	06/09/2000	1149 WOOD
MUPD	2000-015797-I	MISCELLANEOUS C	06/12/2000	1149 WOOD
MUPD	2000-016487-I	DAMAGE TO PROPE	06/18/2000	1149 WOOD

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2000-016747-I	PUBLIC PEACE -	06/20/2000	1149 WOOD ST
MUPD	2000-016842-I	NON-AGGRAVATED	06/21/2000	1149 WOOD
MUPD	2000-017226-I	DISORDERLY PERS	06/24/2000	1149 WOOD
MUPD	2000-017241-I	DISORDERLY COND	06/24/2000	1149 WOOD
MUPD	2000-017899-I	TRESPASS	06/30/2000	1149 WOOD
MUPD	2000-018137-I	TRESPASS	07/02/2000	1149 WOOD
MUPD	2000-018293-I	TRESPASS	07/03/2000	1149 WOOD
MUPD	2000-019000-I	GENERAL ASSISTA	07/09/2000	1149 WOOD
MUPD	2000-019168-I	GENERAL NON-CRI	07/10/2000	1149 WOOD
MUPD	2000-019676-I	DISORDERLY COND	07/14/2000	1149 WOOD
MUPD	2000-019867-I	GENERAL ASSISTA	07/16/2000	1149 WOOD
MUPD	2000-020090-I	SUSPICIOUS SITU	07/18/2000	1149 WOOD ST
MUPD	2000-020261-I	SUSPICIOUS SITU	07/19/2000	1149 WOOD
MUPD	2000-021188-I	ROBBERY	07/27/2000	1149 WOOD
MUPD	2000-021426-I	PUBLIC PEACE -	07/29/2000	1149 WOOD
MUPD	2000-021817-I	DISORDERLY COND	08/02/2000	1149 WOOD
MUPD	2000-021826-I	DISORDERLY COND	08/02/2000	1149 WOOD ST
MUPD	2000-022022-I	SUSPICIOUS SITU	08/04/2000	1149 WOOD
MUPD	2000-023037-I	PURCHASE CONSUM	08/13/2000	1149 WOOD
MUPD	2000-023273-I	PUBLIC PEACE -	08/15/2000	1149 WOOD
MUPD	2000-023522-I	GENERAL ASSISTA	08/17/2000	1149 WOOD
MUPD	2000-023626-I	DISORDERLY COND	08/18/2000	1149 WOOD
MUPD	2000-025737-I	NON-AGGRAVATED	09/07/2000	1149 WOOD
MUPD	2000-025743-I	TRESPASS	09/07/2000	1149 WOOD
MUPD	2000-026037-I	LARCENY - OTHER	09/10/2000	1149 WOOD
MUPD	2000-027047-I	FORGERY/COUNTER	09/21/2000	1149 WOOD ST
MUPD	2000-027262-I	PUBLIC PEACE -	09/23/2000	1149 WOOD ST
MUPD	2000-027271-I	DAMAGE TO PROPE	09/23/2000	1149 WOOD
MUPD	2000-027839-I	PUBLIC PEACE -	09/29/2000	1149 WOOD
MUPD	2000-028023-I	DISORDERLY COND	10/01/2000	1149 WOOD
MUPD	2000-028598-I	PUBLIC PEACE -	10/07/2000	1149 WOOD
MUPD	2000-029100-I	GENERAL NON-CRI	10/12/2000	1149 WOOD
MUPD	2000-029421-I	WEAPONS OFFENSE	10/16/2000	1149 WOOD ST
MUPD	2000-031261-I	PUBLIC PEACE -	11/05/2000	1149 WOOD ST
MUPD	2000-032561-I	DISORDERLY COND	11/22/2000	1149 WOOD
MUPD	2000-032697-I	DISORDERLY COND	11/24/2000	1149 WOOD
MUPD	2000-032864-I	IMPOUND OF VEHI	11/27/2000	1149 WOOD ST
MUPD	2000-033238-I	VIOLATION OF CO	12/01/2000	1149 WOOD

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	1999-000580-I	SUSPICIOUS SITU	01/08/1999	1149 WOOD
MUPD	1999-001089-I	DAMAGE TO PROPE	01/14/1999	1149 WOOD
MUPD	1999-001240-I	DISORDERLY COND	01/16/1999	1149 WOOD
MUPD	1999-001321-I	NON-AGGRAVATED	01/17/1999	1149 WOOD
MUPD	1999-001361-I	TRESPASS	01/18/1999	1149 WOOD
MUPD	1999-001586-I	DISORDERLY COND	01/21/1999	1149 WOOD
MUPD	1999-001683-I	TRESPASS	01/22/1999	1149 WOOD
MUPD	1999-001769-I	TRESPASS	01/23/1999	1149 WOOD
MUPD	1999-001811-I	DISORDERLY COND	01/24/1999	1149 WOOD
MUPD	1999-001828-I	DISORDERLY PERS	01/24/1999	1149 WOOD
MUPD	1999-001890-I	DISORDERLY COND	01/25/1999	1149 WOOD
MUPD	1999-002123-I	VIOLATION OF CO	01/28/1999	1149 WOOD ST
MUPD	1999-002225-I	DISORDERLY COND	01/29/1999	1149 WOOD
MUPD	1999-002302-I	DISORDERLY COND	01/30/1999	1149 WOOD ST
MUPD	1999-002429-I	DISORDERLY COND	02/01/1999	1149 WOOD
MUPD	1999-002497-I	DISORDERLY COND	02/02/1999	1149 WOOD
MUPD	1999-002677-I	DISORDERLY PERS	02/04/1999	1149 WOOD
MUPD	1999-002880-I	TRESPASS	02/07/1999	1149 WOOD ST
MUPD	1999-002979-I	DISORDERLY COND	02/08/1999	1149 WOOD
MUPD	1999-003355-I	TRESPASS	02/13/1999	1149 WOOD
MUPD	1999-003629-I	FORGERY/COUNTER	02/17/1999	1149 WOOD ST
MUPD	1999-003649-I	BAD REPORT #	02/17/1999	1149 WOOD ST
MUPD	1999-003835-I	DISORDERLY PERS	02/19/1999	1149 WOOD
MUPD	1999-004034-I	GENERAL NON-CRI	02/22/1999	1149 WOOD ST
MUPD	1999-004235-I	DISORDERLY COND	02/24/1999	1149 WOOD
MUPD	1999-004410-I	GENERAL ASSISTA	02/26/1999	1149 WOOD
MUPD	1999-005108-I	DISORDERLY PERS	03/08/1999	1149 WOOD
MUPD	1999-005422-I	DISORDERLY PERS	03/12/1999	1149 WOOD
MUPD	1999-005973-I	DISORDERLY PERS	03/19/1999	1149 WOOD
MUPD	1999-006478-I	VIOLATION OF CO	03/26/1999	1149 WOOD ST
MUPD	1999-006912-I	LARCENY - OTHER	03/31/1999	1149 WOOD
MUPD	1999-006958-I	DISORDERLY COND	03/31/1999	1149 WOOD
MUPD	1999-007120-I	THROW OBJECTS A	04/02/1999	1149 WOOD
MUPD	1999-008192-I	DISORDERLY COND	04/14/1999	1149 WOOD
MUPD	1999-008202-I	DISORDERLY COND	04/14/1999	1149 WOOD
MUPD	1999-008325-I	MOTOR VEHICLE T	04/15/1999	1149 WOOD
MUPD	1999-008714-I	ROBBERY	04/19/1999	1149 WOOD
MUPD	1999-008780-I	DISORDERLY COND	04/20/1999	1149 WOOD
MUPD	1999-008910-I	FAMILY - OTHER	04/21/1999	1149 WOOD
MUPD	1999-009192-I	DISORDERLY PERS	04/24/1999	1149 WOOD
MUPD	1999-009465-I	DISORDERLY COND	04/27/1999	1149 WOOD
MUPD	1999-009706-I	DISORDERLY PERS	04/30/1999	1149 WOOD
MUPD	1999-009745-I	DISORDERLY PERS	04/30/1999	1149 WOOD
MUPD	1999-010008-I	DRUNKENNESS - E	05/03/1999	1149 WOOD ST
MUPD	1999-010111-I	DISORDERLY COND	05/04/1999	1149 WOOD
MUPD	1999-010197-I	OBEDIENCE-SIGN/	05/05/1999	1149 WOOD
MUPD	1999-010352-I	VIOLATION OF CO	05/06/1999	1149 WOOD
MUPD	1999-010472-I	MINOR IN POSSES	05/07/1999	1149 WOOD ST
MUPD	1999-011092-I	DISORDERLY COND	05/13/1999	1149 WOOD
MUPD	1999-012317-I	DAMAGE TO PROPE	05/25/1999	1149 WOOD
MUPD	1999-012740-I	PUBLIC PEACE -	05/29/1999	1149 WOOD
MUPD	1999-013244-I	DISORDERLY COND	06/03/1999	1149 WOOD
MUPD	1999-013290-I	TRESPASS	06/03/1999	1149 WOOD
MUPD	1999-013502-I	DISORDERLY PERS	06/05/1999	1149 WOOD
MUPD	1999-013710-I	NON-AGGRAVATED	06/07/1999	1149 WOOD ST

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location	
MUPD	1999-013988-I	SUSPICIOUS SITU	06/10/1999	1149 WOOD	
MUPD	1999-014069-I	PURCHASE CONSUM	06/10/1999	1149 WOOD	
MUPD	1999-014074-I	FORGERY/COUNTER	06/10/1999	1149 WOOD	
MUPD	1999-014721-I	DISORDERLY PERS	06/16/1999	1149 WOOD	
MUPD	1999-014813-I	PEDEST/WALKING/	06/17/1999	1149 WOOD	
MUPD	1999-015139-I	LOITER IN PLACE	06/20/1999	1149 WOOD	
MUPD	1999-015220-I	TRESPASS WILLFU	06/21/1999	1149 WOOD	ST
MUPD	1999-015350-I	CONSUMPTION/LIQ	06/22/1999	1149 WOOD	
MUPD	1999-015373-I	DISORDERLY PERS	06/22/1999	1149 WOOD	
MUPD	1999-016106-I	DISORDERLY PERS	06/28/1999	1149 WOOD	ST
MUPD	1999-016205-I	NON-AGGRAVATED	06/29/1999	1149 WOOD	
MUPD	1999-016794-I	WEAPONS OFFENSE	07/03/1999	1149 WOOD	
MUPD	1999-017287-I	WEAPONS OFFENSE	07/07/1999	1149 WOOD	ST
MUPD	1999-017289-I	TRESPASS	07/07/1999	1149 WOOD	ST
MUPD	1999-018264-I	AGGRAVATED/FELO	07/15/1999	1149 WOOD	ST
MUPD	1999-018947-I	GENERAL ASSISTA	07/21/1999	1149 WOOD	
MUPD	1999-019250-I	AGGRAVATED/FELO	07/23/1999	1149 WOOD	
MUPD	1999-020142-I	STOLEN PROPERTY	07/31/1999	1149 WOOD	
MUPD	1999-021622-I	RETAIL FRAUD -	08/12/1999	1149 WOOD	
MUPD	1999-022212-I	MUPD WARRANT AR	08/17/1999	1149 WOOD	ST
MUPD	1999-022278-I	DISORDERLY PERS	08/17/1999	1149 WOOD	ST
MUPD	1999-022392-I	DISORDERLY PERS	08/18/1999	1149 WOOD	
MUPD	1999-022836-I	DISORDERLY PERS	08/22/1999	1149 WOOD	
MUPD	1999-023076-I	LIQUOR VIOLATIO	08/24/1999	1149 WOOD	
MUPD	1999-023906-I	DISORDERLY COND	08/31/1999	1149 WOOD	
MUPD	1999-024000-I	DISORDERLY PERS	09/01/1999	1149 WOOD	
MUPD	1999-024116-I	DISORDERLY PERS	09/02/1999	1149 WOOD	
MUPD	1999-025198-I	TRESPASS	09/11/1999	1149 WOOD	
MUPD	1999-025483-I	SUSPICIOUS SITU	09/14/1999	1149 WOOD	ST
MUPD	1999-025485-I	GAMBLING	09/14/1999	1149 WOOD	
MUPD	1999-026116-I	DISORDERLY COND	09/21/1999	1149 WOOD	
MUPD	1999-026229-I	DISORDERLY PERS	09/22/1999	1149 WOOD	
MUPD	1999-026677-I	DISORDERLY PERS	09/27/1999	1149 WOOD	ST
MUPD	1999-026738-I	TRESPASS	09/27/1999	1149 WOOD	
MUPD	1999-027412-I	DISORDERLY PERS	10/04/1999	1149 WOOD	
MUPD	1999-027526-I	DISORDERLY PERS	10/05/1999	1149 WOOD	
MUPD	1999-027713-I	DISORDERLY PERS	10/07/1999	1149 WOOD	
MUPD	1999-028204-I	WARRANTS	10/12/1999	1149 WOOD	ST
MUPD	1999-028334-I	BLOCKING/OBSTRU	10/13/1999	1149 WOOD	ST
MUPD	1999-028829-I	DISORDERLY PERS	10/18/1999	1149 WOOD	
MUPD	1999-029491-I	DISORDERLY PERS	10/25/1999	1149 WOOD	
MUPD	1999-029801-I	DISORDERLY COND	10/28/1999	1149 WOOD	
MUPD	1999-029812-I	DISORDERLY PERS	10/28/1999	1149 WOOD	
MUPD	1999-029872-I	TRESPASS	10/29/1999	1149 WOOD	
MUPD	1999-030043-I	OPS/CHANGE OF R	10/30/1999	1149 WOOD	
MUPD	1999-030167-I	DISORDERLY PERS	10/31/1999	1149 WOOD	
MUPD	1999-030748-I	DISORDERLY PERS	11/06/1999	1149 WOOD	
MUPD	1999-030935-I	DISORDERLY PERS	11/08/1999	1149 WOOD	
MUPD	1999-031091-I	DISORDERLY PERS	11/10/1999	1149 WOOD	
MUPD	1999-031300-I	DISORDERLY PERS	11/12/1999	1149 WOOD	
MUPD	1999-031306-I	DISORDERLY PERS	11/12/1999	1149 WOOD	
MUPD	1999-031560-I	DISORDERLY PERS	11/15/1999	1149 WOOD	
MUPD	1999-031780-I	DISORDERLY COND	11/17/1999	1149 WOOD	
MUPD	1999-032267-I	LOITER IN PLACE	11/22/1999	1149 WOOD	
MUPD	1999-032515-I	DISORDERLY PERS	11/25/1999	1149 WOOD	

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	1999-032606-A	TRAFFIC ACCIDEN	11/26/1999	1149 WOOD
MUPD	1999-033594-I	GENERAL ASSISTA	12/08/1999	1149 WOOD
MUPD	1999-033689-I	GENERAL NON-CRI	12/09/1999	1149 WOOD
MUPD	1999-033972-I	DISORDERLY COND	12/12/1999	1149 WOOD
MUPD	1999-034330-I	DISORDERLY PERS	12/16/1999	1149 WOOD
MUPD	1999-034406-I	DISORDERLY PERS	12/17/1999	1149 WOOD
MUPD	1999-034489-I	DISORDERLY PERS	12/18/1999	1149 WOOD
MUPD	1999-034654-I	MOTOR VEHICLE T	12/20/1999	1149 WOOD
MUPD	1999-035375-I	DISORDERLY COND	12/29/1999	1149 WOOD
MUPD	1999-035386-I	VIOLATION OF CO	12/29/1999	1149 WOOD

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

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
PO Box 30005
Lansing, MI 48909-7505
GARY SCHUELLER
Sgt. Schueller
MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN
NOV 20 2001
POST OFFICE BOX 30005
LANSING, MICHIGAN 48909

2. Article Number (Copy from service label)

7000 0520 0013 9676 0606

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

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

3. Service Type

☒ Certified Mail
☐ Registered Mail
☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

November 16, 2001

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

REF: #125764
1149 Wood Street
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is a resolution and police inspection report (LC-1800) for the liquor license change request mentioned above.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: November 13, 2001
RE: Public Hearing
Spreading of the Special Assessment Roll
Barclay, Sherman to Hackley

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment roll for **Barclay, Sherman to Hackley**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$143,210.74 would be spread against the nineteen-(19) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-131(a)

Resolution Confirming Special Assessment Roll

For Barclay Street 90' north of the north R-O-W line of Sherman Blvd. to the south R-O-W line of Hackley Avenue

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **January 23, 2001**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Barclay Street 90' north of the north R-O-W line of Sherman Blvd. to the south R-O-W line of Hackley Avenue

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson

Nays: None

City of Muskegon

By Gail A. Kunding
Gail A. Kunding, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **November 13, 2001**. 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **November 13, 2001**.

City of Muskegon

By Gail A. Kunding
Gail A. Kunding, City Clerk

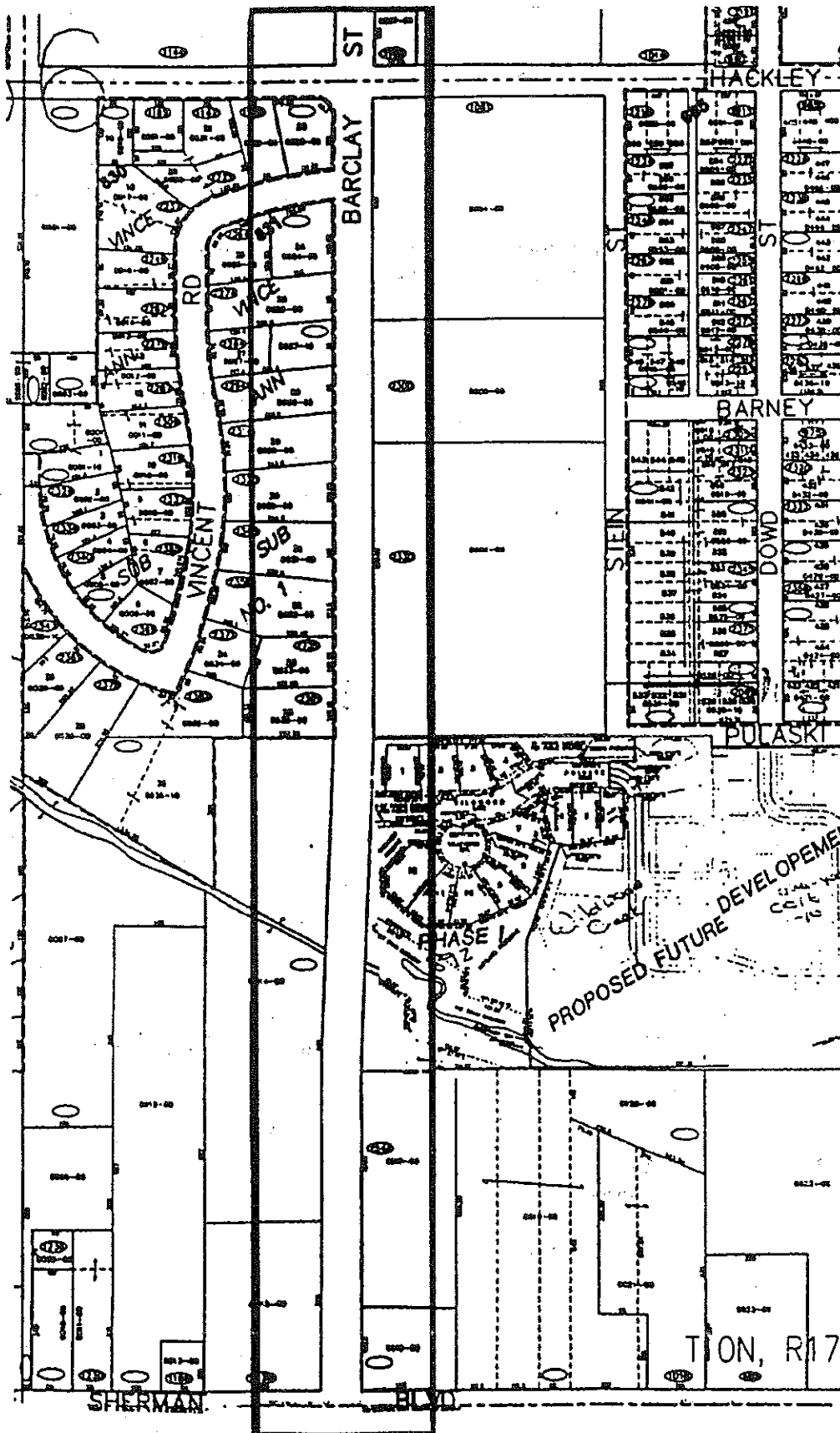
EXHIBIT A

Barclay Street, Sherman Avenue to Hackley Avenue

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Barclay Street 90' north of the north R-O-W line of Sherman Blvd. to the south R-O-W line of Hackley Avenue.

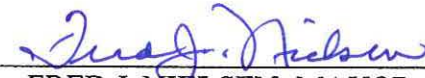
PROPOSED SPECIAL ASSESSMENT DISTRICT



**BARCLAY, SHERMAN TO HACKLEY
MAYOR'S ENDORSEMENT AND WARRANT**

I, FRED J. NIELSEN, MAYOR OF THE CITY OF MUSKEGON, HEREBY ENDORSE
THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO THE CITY
TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY 
FRED J. NIELSEN, MAYOR

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 13 TH DAY OF NOVEMBER, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE ROLL FOR THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

H-1321 Barclay Street, Sherman Avenue to Hackley Avenue.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON NOVEMBER 3, 2001.

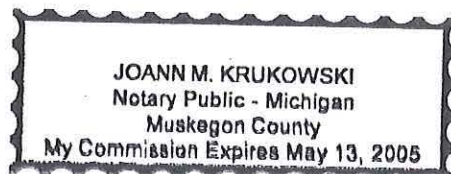
DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF NOVEMBER, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF November, 2001.

Jo Ann M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 5-15-05



CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

Sherman, Glenside to Lincoln &
Barclay, Sherman to Hackley

The location of the special assessment districts and the properties proposed to be assessed are:

- All parcels abutting the north ROW of Sherman Boulevard from the west ROW line of Lincoln to 280' west of the Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the centerline of Glenside Boulevard.
- &
- All properties abutting Barclay Street 90' north of the north ROW line of Sherman Avenue to the south ROW line of Hackley Avenue

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON NOVEMBER 13, 2001 AT 5:30 O'CLOCK P.M.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **NOVEMBER 3, 2001**

Gail Kunding, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audio tapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

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

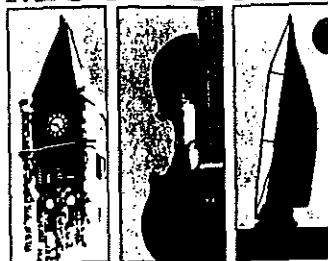
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 2, 2001

OWNER
OWNER ADDRESS
OWNER CITY, STATE ZIPCODE

Property Parcel Number: XX-XXX-XXX-XXXX-XX at STREET ADDRESS

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

Barclay Street, Sherman Avenue to Hackley Avenue.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, November 13, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 13, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$596,000 of which \$143,210.74 (23.5%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$XXXX.XX based on 95 feet assessable front footage at \$36.35 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$XXXX.XX. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$XXX.XX
Due Date: January 13, 2002

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mohammed Al-Shatel'.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the **Muskegon County Equalization Office in the Muskegon County building** or **City of Muskegon Assessor's Office in City Hall**.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON - H-1321
BARCLAY, SHERMAN TO HACKLEY
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ Wage earner: _____
(Must include all household income)

_____ Wage earner: _____
_____ Wage earner: _____
_____ Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ Expiration Date: _____

Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **DEADLINE FOR APPLICATION NOVEMBER 16, 2001.**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

JAN 23 2001

CITY OF MUSKEGON

Resolution No. 2001-9(a)

Resolution At First Hearing Creating Special Assessment District
For Barclay Street 90' north of the north R-O-W line of Sherman Blvd. to the south R-O-W line of Hackley
Avenue

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 23, 2001** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 23, 2001**, there were 32.10% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Benedict and Schweifler
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **24.23%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,
Aslakson

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 23, 2001**.
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 Gail A. Kunderger
Gail A. Kunderger, Clerk

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 23 RD DAY OF JANUARY, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Barclay Street 90' north of the north ROW line of Sherman Avenue to the south ROW line of Hackley Avenue.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON JANUARY 13, 2001.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 12 TH DAY OF JANUARY, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
24th DAY OF January, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

Barclay Street, Sherman Avenue to Hackley Avenue.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-036-400-0016-00	0	BARCLAY ST	BARCLAY CO LLC	2003 FOREST GLEN D	MUSKEGON	MI 49441	\$12,246.32	\$0.00	\$12,246.32
24-036-400-0004-00	1061	HACKLEY AVE	HEALTH CARE & RET	333 N SUMMIT ST PO	TOLEDO	OH 43699-0	\$16,357.50	\$0.00	\$16,357.50
24-830-000-0023-00	1101	HACKLEY AVE	VELA JONES LLC	1101 W HACKLEY AVE	MUSKEGON	MI 49441	\$2,427.09	\$0.00	\$2,427.00
24-036-400-0018-00	1106	SHERMAN BLV	LANGLOIS DUANE M	760 BROOKRIDGE DR	MUSKEGON	MI 49441-5	\$2,617.20	\$0.00	\$2,617.20
24-831-000-0024-00	2261	BARCLAY ST	KENT THOMAS C	2264 VINCENT RD	MUSKEGON	MI 49441	\$2,647.37	\$0.00	\$2,647.00
24-831-000-0026-00	2274	VINCENT DR	ALLARD K A/HOPMA B	2274 VINCENT RD	MUSKEGON	MI 49441	\$3,453.25	\$0.00	\$3,453.00
24-831-000-0027-10	2281	BARCLAY ST	SOHASKY FRANK J	2281 BARCLAY	MUSKEGON	MI 49441	\$3,453.25	\$0.00	\$3,453.00
24-831-000-0028-10	2297	BARCLAY ST	MACDONALD JOHN F	2297 BARCLAY	MUSKEGON	MI 49441	\$3,453.25	\$0.00	\$3,453.00
24-036-400-0005-00	2300	BARCLAY ST	PIONEER ARBOUR IN	1145 E WESLEY	MUSKEGON	MI 49442-0	\$9,087.50	\$0.00	\$9,088.00
24-831-000-0029-00	2314	VINCENT DR	AARDEMA WANDA	2314 VINCENT RD	MUSKEGON	MI 49441	\$3,635.00	\$0.00	\$3,635.00
24-036-400-0006-00	2330	BARCLAY ST	LOYAL ORDER/MOOS	2330 BARCLAY STRE	MUSKEGON	MI 49441	\$21,913.60	\$0.00	\$21,913.60
24-831-000-0030-00	2330	VINCENT DR	BIALIK DAVID/SUSAN	2330 VINCENT RD	MUSKEGON	MI 49441	\$4,458.33	\$0.00	\$4,458.00
24-831-000-0031-00	2344	VINCENT DR	SIMPSON PATRICK L/S	2344 VINCENT	MUSKEGON	MI 49441	\$4,434.70	\$0.00	\$4,435.00
24-831-000-0032-00	2356	VINCENT DR	KMIECIK WANDA K	2356 VINCENT DR	MUSKEGON	MI 49441	\$4,125.73	\$0.00	\$4,126.00
24-831-000-0033-00	2375	BARCLAY ST	FRITZEMEIER MIRIAM/	2375 BARCLAY	MUSKEGON	MI 49441	\$3,713.15	\$670.34	\$4,383.49
24-831-000-0035-00	2391	BARCLAY ST	MEYER PATRICIA A	2391 BARCLAY	MUSKEGON	MI 49441	\$3,713.15	\$434.47	\$4,147.62
24-036-400-0014-00	2495	BARCLAY ST	KLING THADDEUS JR	730 BRIDGEVIEW BAY	MUSKEGON	MI 49441-0	\$17,284.43	\$0.00	\$17,284.43
24-036-400-0017-00	2544	BARCLAY ST	LANGLOIS DUANE M	760 BROOKRIDGE DR	MUSKEGON	MI 49441-5	\$16,884.58	\$0.00	\$16,885.00

H-1321

HEARING DATE ~~NOVEMBER 13, 2001~~

Barclay Street, Sherman Avenue to Hackley Avenue.

January 23, 2001

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-036-400-0015-00	2585 BARCLAY ST	BARCLAY PROPERTIE	3380 GLADE ST MUSKEGON H MI 49444	\$6,200.58	\$0.00	\$6,200.58
TOTALS				\$142,105.97	\$1,104.81	<u>143,210.74</u>

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

 10-30-01
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 10-23-01
 JONE BENEDICT CITY COMMISSIONER DATE

 10-23-01
 ROBERT SCHWEISLER CITY COMMISSIONER DATE

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: November 13, 2001

RE: Public Hearing
Spreading of the Special Assessment Roll
Sherman, Glenside to Lincoln

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment roll for **Sherman, Glenside to Lincoln**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$85,268.84 would be spread against the sixty-five (65) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-131(b)

Resolution Confirming Special Assessment Roll

For North R-O-W of Sherman Blvd. from the west R-O-W line of Lincoln to 280' west of the Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the centerline of Glenside Blvd

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **January 23, 2001**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR North R-O-W of Sherman Blvd. from the west R-O-W line of Lincoln to 280' west of the Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the centerline of Glenside Blvd

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

Ayes: Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict

Nays: None

City of Muskegon

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **November 13, 2001**. 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **November 13, 2001**.

City of Muskegon

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

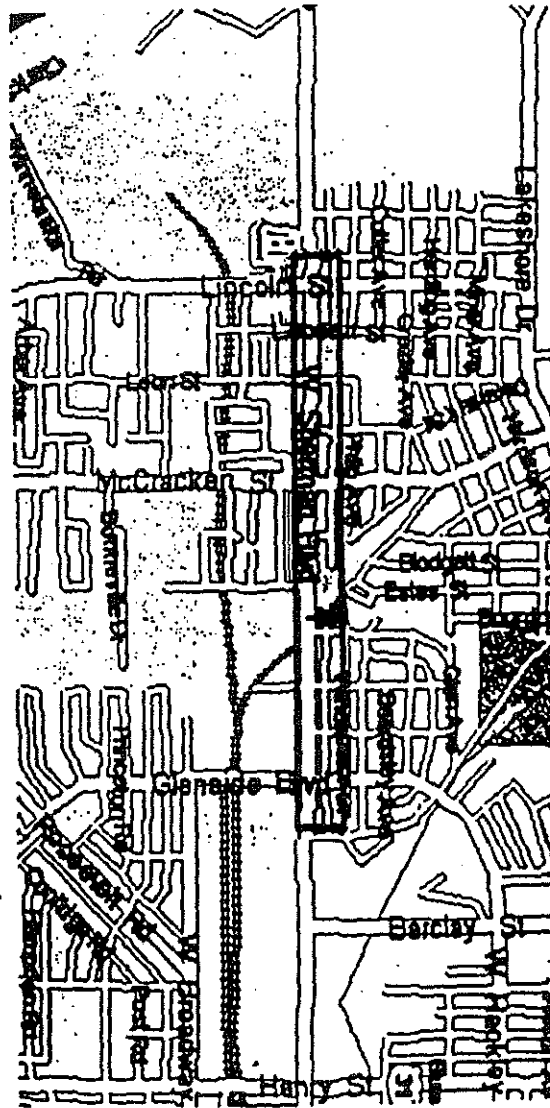
EXHIBIT A

SHERMAN, GLENSIDE TO LINCOLN

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of THE North R-O-W of Sherman Blvd. from the west R-O-W line of Lincoln to 280' west of the Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the centerline of Glenside Blvd. Morton, Torrent to Bourdon.

PROPOSED SPECIAL ASSESSMENT DISTRICT



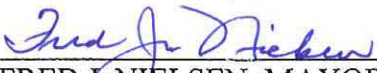
**North R-O-W of Sherman Blvd. from the west R-O-W line of Lincoln to 280' west of the Centerline
of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the
centerline of Glenside Blvd**

MAYOR'S ENDORSEMENT AND WARRANT

I, FRED J. NIELSEN, MAYOR OF THE CITY OF MUSKEGON, HEREBY ENDORSE
THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO THE CITY
TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


FRED J. NIELSEN, MAYOR

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 13 TH DAY OF NOVEMBER, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE ROLL FOR THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

H-1517 Sherman Boulevard, Lincoln Street to Glenside Boulevard.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON NOVEMBER 3, 2001.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF NOVEMBER, 2001.

Gail A. Kundinger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF November, 2001.

JoAnn Kreukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 5-13-05



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

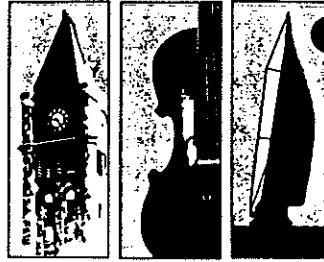
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 2, 2001

OWNER
OWNER ADDRESS
OWNER CITY, STATE, ZIPCODE

Property Parcel Number: XX-XXX-XXX-XXXX-XX at STREET ADDRESS

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, November 13, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 13, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$656,000 of which \$85,268.84 (13%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$XXX.XX based on 41.5 feet assessable front footage at \$17.70 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$XXX.XX. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$XX.XX
Due Date: October 14, 2001

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll without interest.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged your assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the **Muskegon County Equalization Office in the Muskegon County building** or **City of Muskegon Assessor's Office in City Hall**.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON - H-1517
SHERMAN, LINCOLN TO GLENSIDE
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____
Spouse: _____ Birthdate: _____ Social Security # _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____ Birthdate _____ Social Security # _____

Name _____ Birthdate _____ Social Security # _____

Name _____ Birthdate _____ Social Security # _____

Name _____ Birthdate _____ Social Security # _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ Wage earner: _____
(Must include all household income)
_____ Wage earner: _____
_____ Wage earner: _____
_____ Wage earner: _____
Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ Expiration Date: _____

Property Taxes: () Current () Delinquent Year(s) Due _____

(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **DEADLINE FOR APPLICATION IS NOVEMBER 16, 2001.**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

Sherman, Glenside to Lincoln &
Barclay, Sherman to Hackley

The location of the special assessment districts and the properties proposed to be assessed are:

- All parcels abutting the north ROW of Sherman Boulevard from the west ROW line of Lincoln to 280' west of the Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the centerline of Glenside Boulevard.
- &
- All properties abutting Barclay Street 90' north of the north ROW line of Sherman Avenue to the south ROW line of Hackley Avenue

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON NOVEMBER 13, 2001 AT 5:30 O'CLOCK P.M.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **NOVEMBER 3, 2001**

Gail Kunding, City Clerk
ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audio tapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

CITY OF MUSKEGON

Resolution No. 2001-9(b)

RECEIVED
CITY OF MUSKEGON
JAN 23 2001

Resolution At First Hearing Creating Special Assessment District
For North R-O-W of Sherman Blvd. from the west R-O-W line of Lincoln to 280' west of the
Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of
the centerline of Glenside Blvd.

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **JANUARY 23, 2001** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **JANUARY 23, 2001**, there were 47.81 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Benedict and Schweifler and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **10.37%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Nielsen

Nays Benedict

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **JANUARY 23, 2001**. 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 Gail A. Kunding
Gail A. Kunding, Clerk

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 23 RD DAY OF JANUARY, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting the north ROW of Sherman Boulevard from the west ROW line of Lincoln to 280' west of the Centerline of Wickham Drive and from 315' east of the centerline of Wickham Drive to 326' west of the centerline of Glenside Boulevard.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON JANUARY 13, 2001.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 12TH DAY OF JANUARY, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF January, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

RECEIVED

11/9/2001

NOV 13 2001

DEAN MOHAMMED AL-SHAHEL
COUNCIL DIST.

I AM AGAINST THE ASSESSMENT
ON SHERMAN BL. I FEEL THE
CITY SHOULD TAKE CARE OF IT. THE
TRAFFIC COUNT IS MUSH HIGHER THAN
A SIDE STREET. THIS ROAD IS
ALSO USED COMMERCIAL BY
SAPPI & NUGENT TRUCKS
WITH A LOT OF HAND ON THE
WHEELS TEAR UP THE ROAD. I ALSO
THINK LEGALLY MY PROPERTY
SHOULD NOT BE TAXED BECAUSE
I DO NOT HAVE ANY FRONTAGE
ON SHERMAN. MY ADDRESS IS
2591 MCMAHON. THEREFORE
MY FRONTAGE IS ON MCMAHON
NOT SHERMAN. IF THE
ASSESSMENT GOES THAT I WILL
HAVE TO STRIKE WITH A GATTON

STUCKLEY
Paul D. Stuckley

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

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

Cemetery Department
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FAX: (231)726-5617

City Manager
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FAX: (231)724-4405

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FAX: (231)724-4178

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Income Tax
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Leisure Services
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(231)724-6750
FAX: (231)722-5140

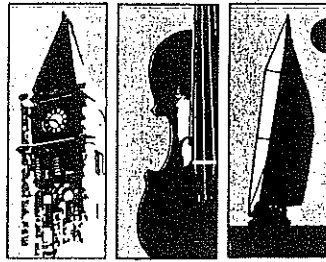
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 2, 2001

RECEIVED
CITY OF MUSKEGON

NOV 13 2001

2001 C/W 24-779-001-0005-00
3377 WINNETASKA
MUSKEGON, MI 49441 45

Property Parcel Number: 24-779-001-0026-00 at 0 W SHERMAN BLVD

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, November 13, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 13, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$656,000 of which \$85,268.84 (13%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$2,557.65 based on 144.5 feet assessable front footage at \$17.70 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2,557.65. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$255.77

Due Date: JANUARY 14, 2002

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

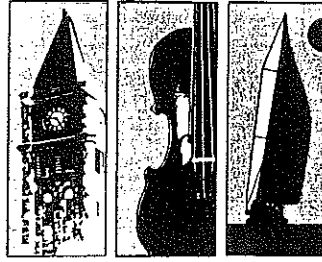
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 2, 2001

2002 C/W 24-779-001-0004-00
3377 WINNETASKA
MUSKEGON, MI 49441 4

Property Parcel Number: 24-779-001-0005-00 at 2591 MCCracken ST

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, November 13, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 13, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$656,000 of which \$85,268.84 (13%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$1,106.25 based on 62.5 feet assessable front footage at \$17.70 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1,106.25. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$110.63

Due Date: JANUARY 14, 2002

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-645-000-0017-00	1916	SHERMAN BLV	SHEDD GARY/BETTY 550 W NORTON MUSKEGON MI 49444	\$743.40	\$0.00	\$743.40
24-382-028-0031-00	2590	CUMBERLAND	CRAYMER BRUCE D/P 2590 CUMBERLAND S MUSKEGON MI 49441	1,460.25	\$0.00	\$1,460.25
24-645-000-0023-00	1830	SHERMAN BLV	RAHRIG PROPERTIES 1821 MANOR DR MUSKEGON MI 49441-0	1,813.36	\$0.00	\$1,813.36
24-645-000-0019-00	1832	SHERMAN BLV	FRANTZ KATHRYN TR 2437 MEMORIAL DR. MUSKEGON MI 49445	\$708.00	\$0.00	\$708.00
24-645-000-0022-00	1850	SHERMAN BLV	FRANTZ KATHRYN A T 2437 MEMORIAL DR MUSKEGON MI 49445	1,004.47	\$0.00	\$1,004.47
24-645-000-0021-00	1862	SHERMAN BLV	FRANTZ KATHRYN A T 2437 MEMORIAL DR MUSKEGON MI 49445	\$973.50	\$0.00	\$973.50
24-205-615-0001-00	1780	SHERMAN BLV	CPU PROPERTIES 3419 W BARD RD MUSKEGON MI 49445-9	1,416.00	\$0.00	\$1,416.00
24-645-000-0018-00	1892	SHERMAN BLV	LANG TIMOTHY E 1892 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-205-615-0001-10	1776	SHERMAN BLV	K S CAR WASH 1684 W HARBOUR TO MUSKEGON MI 49441-6	1,608.05	\$0.00	\$1,608.05
24-645-000-0015-00	1924	SHERMAN BLV	ZWART WILLIAM 2065 MANITOU CIR MUSKEGON MI 49441	1,239.00	\$144.00	\$1,383.00
24-645-000-0014-00	1928	SHERMAN BLV	LAMSE EDWARD C LIV 789 HOLLY CREEK D HOLLAND MI 49423	\$708.00	\$114.30	\$822.30
24-645-000-0013-00	1932	SHERMAN BLV	GUE JUNE 3020 PECK ST APT 21 MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-645-000-0012-00	1936	SHERMAN BLV	HEETHUIS GERALD 1936 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-645-000-0011-00	1940	SHERMAN BLV	DANIELS GRACE/ET A 1940 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-645-000-0010-00	1944	SHERMAN BLV	CROWELL JANICE 1944 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-645-000-0020-00	1870	SHERMAN BLV	FRANTZ KATHRYN A T 2437 MEMORIAL DR MUSKEGON MI 49445	\$973.50	\$0.00	\$973.50
24-382-015-0014-00	1508	SHERMAN BLV	ANDERSON SALLY 1508 W SHERMAN BL MUSKEGON MI 49441	\$885.00	\$0.00	\$885.00
24-205-615-9991-00	1745	GREENWOOD	BUCKNER SHERMAN L 3194 S HENRY ST MUSKEGON MI 49441	2,554.11	\$0.00	\$2,554.11

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-645-000-0005-00	1996	MCCRACKEN	HOLDEMAN STEPHEN 2011 LETART AVE MUSKEGON MI 49441-1	1,106.25	\$0.00	\$1,106.25
24-779-001-0005-00	2591	MCCRACKEN	2002 C/W 24-779-001-0 3377 WINNETASKA MUSKEGON MI 49441	1,106.25	\$0.00	\$1,106.25
24-382-028-0019-00	1426	SHERMAN BLV	ACHTERHOFF JOHN E 1065 FOURTH ST SUI MUSKEGON MI 49441-1	\$690.30	\$0.00	\$690.30
24-382-028-0026-00	1456	SHERMAN BLV	ACHTERHOFF JOHN E 1065 FOURTH ST SUI MUSKEGON MI 49441-1	\$708.00	\$0.00	\$708.00
24-645-000-0024-00	1788	SHERMAN BLV	RAHRIG PROPERTIES 1821 MANOR DR MUSKEGON MI 49441	1,947.00	\$0.00	\$1,947.00
24-382-028-0028-00	1476	SHERMAN BLV	KELLY SHIJUAN L 1476 W SHERMAN BL MUSKEGON MI 49441	1,460.25	\$0.00	\$1,460.25
24-779-001-0025-00	2050	SHERMAN BLV	STEGALL REX 2050 W SHERMAN BL MUSKEGON MI 49441	\$734.55	\$0.00	\$734.55
24-382-015-0015-00	1512	SHERMAN BLV	ANDERSON SALLY 1508 W SHERMAN MUSKEGON MI 49441-0	\$902.70	\$0.00	\$902.70
24-382-015-0017-00	1540	SHERMAN BLV	SALLY ANDERSON CO 1540 W SHERMAN BL MUSKEGON MI 49441	2,548.80	\$0.00	\$2,548.80
24-382-015-0020-00	1550	SHERMAN BLV	ROCK N ROAD CYCLE 300 N SEVENTH GRAND HAVEN MI 49417	\$575.25	\$0.00	\$575.25
24-381-014-0012-00	1680	SHERMAN BLV	PRESBYTERIAN CHUR 2577 WICKHAM DR MUSKEGON MI 49441	3,738.77	\$0.00	\$3,738.77
24-381-004-0006-00	1704	SHERMAN BLV	DEWALD LORRAINE H 1580 NELSON ST MUSKEGON MI 49441	3,572.39	\$0.00	\$3,572.39
24-205-615-0001-20	1768	SHERMAN BLV	BUCKNER CONVENIE 1768 W SHERMAN BL MUSKEGON MI 49441	3,251.49	\$0.00	\$3,251.49
24-382-028-0027-00	1466	SHERMAN BLV	VANDEN BOSCH DAVI 1466 W SHERMAN MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-545-004-0018-00	2320	SHERMAN BLV	MCPHERSON JACK 3939 BENNETT ST MUSKEGON MI 49441	2,124.00	\$0.00	\$2,124.00
24-779-002-0020-00	2168	SHERMAN BLV	ZERFAS EVELYN 2168 W SHERMAN BL MUSKEGON MI 49441	\$885.00	\$0.00	\$885.00
24-779-002-0019-00	2176	SHERMAN BLV	FRANKS SCOTT A 2176 W SHERMAN BL MUSKEGON MI 49441	\$885.00	\$0.00	\$885.00
24-779-002-0017-00	2184	SHERMAN BLV	PARKER JAY C 2184 W SHERMAN BL MUSKEGON MI 49441	\$885.00	\$0.00	\$885.00

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-779-002-0016-00	2190	SHERMAN BLV ANDERSEN DOROTHY	2190 W SHERMAN BL MUSKEGON MI 49441	\$885.00	\$0.00	\$885.00
24-205-669-0001-00	2250	SHERMAN BLV CITY OF MUSKEGON	933 TERRACE ST MUSKEGON MI 49443	0,372.20	\$0.00	10,372.20
24-645-000-0008-00	1960	SHERMAN BLV BENEDICT MICHAEL	2164 LETART AVE MUSKEGON MI 49441	1,416.00	\$0.00	\$1,416.00
24-545-004-0017-00	2312	SHERMAN BLV MCPHERSON JACK	3939 BENNETT ST MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-779-002-0024-00	2146	SHERMAN BLV MILLER DONNA	2146 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-545-004-0021-00	2340	SHERMAN BLV JACOBS MARY	2340 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-545-004-0022-00	2346	SHERMAN BLV COOPER ELI J	5967 AIRLINE RD FRUITPORT MI 49415	\$708.00	\$0.00	\$708.00
24-545-004-0023-00	2356	SHERMAN BLV GIBBS ANDREW W	2356 W SHERMAN BL MUSKEGON MI 49441	1,947.00	\$0.00	\$1,947.00
24-545-004-0026-00	2368	SHERMAN BLV LANGLOIS DONALD A	3218 MICHILLINDA RD WHITEHALL MI 49461-9	\$885.00	\$0.00	\$885.00
24-545-004-0027-00	2376	SHERMAN BLV WILSON JOHN	2376 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-545-004-0028-00	2382	SHERMAN BLV BENNINGER ROBERT	2418 CUTLER AVE MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-545-004-0016-00	2308	SHERMAN BLV MCPHERSON JACK	3939 BENNETT ST MUSKEGON MI 49441	\$743.40	\$0.00	\$743.40
24-779-002-0030-00	2108	SHERMAN BLV CUNNINGHAM RONAL	2108 W SHERMAN BL MUSKEGON MI 49441	\$708.00	\$0.00	\$708.00
24-545-004-0029-00	2390	SHERMAN BLV DAUGHTERY JEFFRE	3997 S WICKHAM DR NORTON SHO MI 49441	1,416.00	\$0.00	\$1,416.00
24-779-001-0024-00	2056	SHERMAN BLV LOPEZ DAVID	2056 W SHERMAN BL MUSKEGON MI 49441	\$734.55	\$0.00	\$734.55
24-779-001-0023-00	2062	SHERMAN BLV YOUNG LAWRENCE/T	1980 HORTON RD N MUSKEGON MI 49445	\$734.55	\$0.00	\$734.55
24-779-001-0022-00	2068	SHERMAN BLV HURNEY MICHAEL V/G	2068 W SHERMAN MUSKEGON MI 49441	\$734.55	\$0.00	\$734.55
24-779-001-0021-00	2074	SHERMAN BLV TAULBEE KATHRYN E	2074 W SHERMAN BL MUSKEGON MI 49441	\$734.55	\$0.00	\$734.55

Sherman Boulevard, Lincoln Street to Glenside Boulevard.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-779-001-0020-00	2080	SHERMAN BLV MCKNIGHT DONNA J	2080 W SHERMAN BL	MUSKEGON	MI	49441	\$734.55	\$0.00	\$734.55
24-779-002-0021-00	2154	SHERMAN BLV MARTIN MARY I	2154 W SHERMAN BL	MUSKEGON	MI	49441	1,416.00	\$0.00	\$1,416.00
24-779-001-0018-00	2092	SHERMAN BLV HEGBLOOM JUDITH A	2092 W SHERMAN BL	MUSKEGON	MI	49441	\$734.55	\$0.00	\$734.55
24-779-002-0023-00	2150	SHERMAN BLV BUTTERFIELD DONAL	2150 W SHERMAN BL	MUSKEGON	MI	49441	\$708.00	\$0.00	\$708.00
24-779-002-0029-00	2112	SHERMAN BLV IBERSHOFF KARL	3000 COUNTRY CLUB	MUSKEGON	MI	49441-1	\$708.00	\$0.00	\$708.00
24-779-002-0027-00	2120	SHERMAN BLV IBERSHOFF KARL	3000 COUNTRY CLUB	MUSKEGON	MI	49441-1	1,416.00	\$0.00	\$1,416.00
24-779-001-0026-00	0	SHERMAN BLV 2001 C/W 24-779-001-0	3377 WINNETASKA	MUSKEGON	MI	49441	2,557.65	\$0.00	\$2,557.65
24-779-002-0026-00	2130	SHERMAN BLV SUNSET GLOBAL	PO BOX 160128	SACRAMENTO	CA	95816-0	\$708.00	\$0.00	\$708.00
24-779-002-0025-00	2136	SHERMAN BLV BUTTERFIELD CATHE	2136 W SHERMAN BL	MUSKEGON	MI	49441	\$708.00	\$0.00	\$708.00
24-645-000-0006-00	1964	SHERMAN BLV STUBBS ROBERT D	1964 W SHERMAN BL	MUSKEGON	MI	49441	1,416.00	\$0.00	\$1,416.00
24-779-001-0019-00	2086	SHERMAN BLV KOSLOSKY EDWARD/	2086 W SHERMAN BL	MUSKEGON	MI	49441	\$734.55	\$154.80	\$889.35

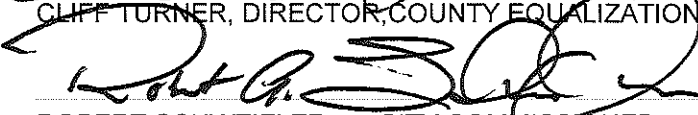
Sherman Boulevard, Lincoln Street to Glenside Boulevard.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	DR APP		
				PAVING	/ SW	TOTAL
TOTALS				\$84,618.03	\$413.10	<u>\$85,031.13</u>

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

	11/14/01
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION	DATE
	
ROBERT SCHWEIFLER	CITY COMMISSIONER
	DATE
	11-19-01
JONE BENEDICT	CITY COMMISSIONER
	DATE

Commission Meeting Date: November 14, 2001

Date: November 7, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: DDA Plan Amendment Ordinance

SUMMARY OF REQUEST:

To approve the attached ordinance approving an amendment to the Downtown Development Authority Development and Tax Increment Financing Plans. The proposed amendment shall remove the Muskegon Mall from the DDA development area.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached ordinance

COMMITTEE RECOMMENDATION:

The Muskegon Downtown Development Authority, at its regular meeting on September 18, 2001, approved a resolution to amend the Development and Tax Increment Financing Plan.

City of Muskegon
County of Muskegon, Michigan

ORDINANCE NO. 2060

AN ORDINANCE APPROVING AMENDMENTS TO
THE DOWNTOWN DEVELOPMENT PLAN
AND TAX INCREMENT FINANCE PLAN OF THE CITY OF MUSKEGON
DOWNTOWN DEVELOPMENT AUTHORITY

Recitals

WHEREAS, the Muskegon Downtown Development Authority (the "Authority") has previously prepared and approved a Downtown Development Plan and Tax Increment Finance Plan (the "Plan") for the Development Area described in the Plan, which was approved by the City Commission on July 12, 1988, pursuant to Ordinance No. 969; and,

WHEREAS, the City Commission approved amendments to the Plan on March 31, 1989, (the "1989 Amendment") pursuant to Ordinance No. 982; and,

WHEREAS, the City Commission approved amendments to the Plan on August 28, 2001, pursuant to Ordinance No. 2050; and,

WHEREAS, the Authority has prepared and recommended for approval an amendment, attached hereto as Exhibit A (the "Plan Amendment"), to the Plan; and,

WHEREAS, on November 13, 2001, the City Commission held a public hearing on the Plan Amendment pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and,

WHEREAS, the purpose of the amendment is to amend the Development Plan and Tax Increment Financing Plan to remove certain parcels from the development area set forth in those Plans; and,

WHEREAS the City Commission has given the taxing jurisdictions in which the Development Area is located an opportunity to meet with the City Commission and to express their views and recommendations regarding the Plan Amendment as required by the Act,

NOW, THEREFORE, THE CITY OF MUSKEGON ORDAINS:

1. Findings

(a) The development plan portion of the Plan, as amended by the Plan Amendment, meets the requirements set forth in Section 17(2) of the Act, and the tax increment financing plan portion of the Plan, as amended by the Plan Amendment, meets the requirements set forth in Section 14(2) of the Act.

(b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.

(c) The development is reasonable and necessary to carry out the purposes of the Act.

(d) Any land included within the Development Area to be acquired is reasonably necessary to carry out the purposes of the Act.

(e) The Plan, as amended by the Plan Amendment, is in reasonable accord with the master plan of the City.

(f) Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.

(g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan, as amended by the Plan Amendment, are reasonably necessary for the Plan, as amended by the Plan Amendment, and for the City.

2. Public Purpose. The City Commission hereby determines that the Plan, as amended by the Plan Amendment, constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the Plan, as amended by the Plan Amendment.

4. Approval and Adoption of Plan Amendment. The Plan Amendment is hereby approved and adopted. A copy of the Plan, the Plan Amendment, and all later amendments thereto shall be maintained on file in the City Clerk's office.

5. Amendment to Ordinance No. 969; Conflict and Severability. Ordinance No. 969 is hereby amended by this Ordinance. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of the Ordinance are, to the extent of such conflict, hereby repealed. Each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.

6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.

7. Publication and Recordation. The Ordinance shall be published in full promptly after its adoption in the Muskegon Chronicle, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

8. Effective Date. The Ordinance is hereby determined by the City Commission to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the City Commission of the City of Muskegon, County of
Muskegon, State of Michigan, on November 13, 2001.

AYES: Members Nielsen, Schweifler, Shepherd, Spataro, Aslakson,
Benedict, Buie

NAYS: Members None

ABSENT: Members None

ORDINANCE DECLARED ADOPTED.

EFFECTIVE DATE: December 3, 2001.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding
City Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 2060
adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a
regular meeting held on November 13, 2001, and that said meeting was conducted and public
notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act,
being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept
and will be or have been made available as required by said Act.

Gail A. Kunding
Gail A. Kunding
City Clerk

EXHIBIT A
DEVELOPMENT PLAN AMENDMENT
NOVEMBER 13, 2001

The original Development Plan of 1988, as amended in 1989 and 2001, is further amended in Section II.A. to amend the boundaries of the DDA development area by deleting the following parcels:

Muskegon Mall Property located within the area bounded by Terrace Street, Clay Street, Third Street and Morris Street, City of Muskegon, described as follows:

Lands located in the Revised Plat (of 1903 of the City of Muskegon) described as follows:

Parts of Blocks 309, 310, 311, 312, 559, 560, 561, 564 and 565, described in detail as follows:

Entire Block 309 lying Westerly of the Westerly line of Terrace Street as relocated (the Westerly line of Terrace Street relocated described at the end of the description), including the East/West and North/South alleys vacated in said Block 309;

Also Lots 1 to 11, inclusive, of Block 310, and the Northerly 1/2 of the vacated East/West alley adjacent thereto, and Lot 18 and the Southerly 1/2 of the East/West alley adjacent thereto of said Block 310;

Also the entire Block 311 except the East/West alley in said Block 311;

Also the entire Block 312, including all vacated alleys in said Block 312;

Also Lots 7 to 16, inclusive, of Block 559 lying Southerly of Morris Street and Westerly of Terrace Street as relocated (see description of relocated Morris/Terrace Street below);

Also the entire Block 560, including the vacated alley in said Block 560;

Also Lots 3 to 15 of Block 561 lying Southeasterly of the Southeasterly line of Morris Street, and the Southeasterly 1/2 of the vacated 18 foot alley that runs Southwest to Northeast in said Block 561;

Also Lots 1 and 2, Lot 7 and Lots 8 to 13, inclusive, of Block 564;

Also Lots 1 to 18, inclusive, of Block 565, and the entire vacated alley adjacent to Lots 3 to 15, inclusive, of said Block 565;

Also including the entire vacated Western Avenue Easterly of Third Street and Westerly of Terrace Street as relocated;

Also including vacated Jefferson Street North of Clay Avenue;

Also including vacated Jefferson Street North of Western Avenue and South of Morris Avenue;

Also including vacated Market Street Westerly of Terrace Street (relocated) and Easterly of a line described as beginning at the Southeast corner of Lot 2, Block 561, thence Southeasterly along the East line of said Lot 2, if extended, 33 feet, thence Southwesterly along the centerline of Market Street to the intersection of said line with Western Avenue for Point of Ending of said line;

Also including the Southwesterly 1/2 of vacated First Street adjacent to Lots 13, 14 and the alley in Block 311;

Also including the entire vacated First Street lying North of the Northerly alley of said Block 311, and South of a line described as: commencing at the Northeast corner of Lot 13, Block 564, thence Northeasterly along the extension of the North line of said Lot 13, 10 feet more or less, thence South 86°00'00" East 5.66 feet, thence South 41°33'00" East 43.1 feet, thence South 86°00'00" East 17.9 feet, thence North 49°00'00" East 199.83 feet to the Point of Ending of said line;

Also including that part of Second Street lying Southerly of the Southerly line of the alley in Block 565, if extended Easterly to the Northwest corner of Lot 8, Block 564;

Also including that part of the Southwesterly 1/2 of Second Street adjacent to Lot 18 of Block 565 and Lot 8 of Block 564.

Affirmative Action

231/724-6703

FAX/722-1214

Assessor

231/724-6708

FAX/726-5181

Cemetery

231/724-6783

FAX/726-5617

Civil Service

231/724-6716

FAX/724-4055

Clerk

231/724-6705

FAX/724-4178

Comm. & Neigh.

Services

231/724-6717

FAX/726-2501

Engineering

231/724-6707

FAX/727-6904

Finance

231/724-6713

FAX/724-6768

Fire Dept.

231/724-6792

FAX/724-6985

Income Tax

231/724-6770

FAX/724-6768

Info. Systems

231/724-6744

FAX/722-4301

Leisure Service

231/724-6704

FAX/724-1196

Manager's Office

231/724-6724

FAX/722-1214

Mayor's Office

231/724-6701

FAX/722-1214

Neigh. & Const.

Services

231/724-6715

FAX/726-2501

Planning/Zoning

231/724-6702

FAX/724-6790

Police Dept.

231/724-6750

FAX/722-5140

Public Works

231/724-4100

FAX/722-4188

Treasurer

231/724-6720

FAX/724-6768

Water Billing Dept.

231/724-6718

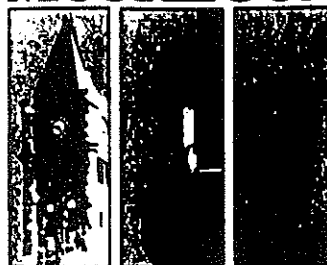
FAX/724-6768

Water Filtration

231/724-4106

FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

October 19, 2001

Dr. Joseph Schulze
Superintendent
Muskegon Public Schools
349 W. Webster Avenue
Muskegon, MI 49440

Mr. Frank Bednarek
Administrator/Controller
Muskegon County
990 Terrace Street
Muskegon, MI 49442

Dr. Michael H. Bozym
Superintendent
Muskegon Area Intermediate Schools
630 Harvey Street
Muskegon, MI 49442

Dr. Frank Marczak
President
Muskegon Community College
221 South Quarterline Road
Muskegon, MI 49442

Gentlemen:

As you are probably aware, the owner of the downtown Muskegon Mall has filed a tax appeal. The mall is currently assessed at over \$6 million (\$12 million market value) and the tax appeal states that the corrected taxable valuation should be \$500,000. Of the current taxable value, 83% represents base value on development that existed at the time the Downtown Development Authority (DDA) was created in 1989 and the remainder represents incremental value captured for DDA purposes. Thus, the \$348,147 of annual taxes currently paid by the mall are allocated approximately as follows:

- \$59,185 – To DDA (taxes on captured increment)
- \$56,926 - To city general fund (taxes on base)
- \$38,001 - To county (taxes on base)
- \$12,856 - To Community College (taxes on base)
- \$15,892 - To MAISD (taxes on base)
- \$165,287 - To Muskegon Public Schools (taxes on base)

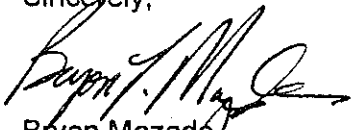
Given the present retail situation in the Muskegon area, it is quite possible that the tax appeal will result in some reduction in the mall's taxable valuation.

The DDA law does not adequately address what happens when property values decline. It appears that so long as the mall remains within the boundaries of the DDA development area, the DDA would be liable for the full impact of any tax appeal loss even to the extent that the loss exceeds the tax increment revenue that the DDA receives from the mall property. Clearly, this is an unacceptable result. As the DDA never benefited from taxes generated on the 83% of mall value represented by the base, it is illogical that it should have to make up other unit's taxes lost due to assessment losses that extend to the base. Accordingly, the City Commission is in the process of correcting this situation by removing the mall from the DDA development area. This will ensure that any tax loss resulting from a decline in the mall's base value will be proportionately shared among the taxing units (including the city) that receive revenue from that base. A public hearing on this matter has been scheduled for 5:30 PM on Tuesday, November 13, 2001. Additionally, the City Commission will discuss the matter at its work session at 5:00 PM Monday, November 5, 2001. You are invited to attend either or both of these meetings.

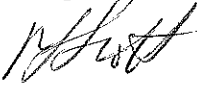
In the meantime, if you have any questions regarding this matter please contact me at 724-6724 or Mr. Timothy Paul, City Finance Director, at 724-6709.

Thank you.

Sincerely,



Bryon Mazade
City Manager

Date: September 28, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Consumers Energy Memorandum of Understanding

SUMMARY OF REQUEST:

To adopt the attached Memorandum of Understanding with Consumers Energy for the use of the property across from Veteran's Park for a future soccer complex

FINANCIAL IMPACT:

None at this time

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends approval

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

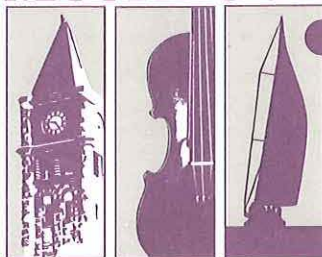
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: September 28, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: Consumers Energy Memorandum of Understanding

The attached Memorandum of Understanding with Consumers Energy Company is for the future use of the property across from Veteran's Park as a soccer complex. The attorney staff has approved the document.

The agreement basically states that Consumers Energy will sell the property to the City for the price established by an appraisal, but based on the availability of Grant monies including the DNR Trust Fund. Consumers will donate the purchase price to the City for use as matching funds to build the complex sometime in the future, as grant funds become available.

The city will be responsible for maintaining the surface portion of the property once the project is built, and Consumers is responsible for the contaminated ground under the complex.

I would ask that you authorize the Mayor and Clerk sign the agreement and direct staff to proceed with the project.

Thank you for your consideration.

October 9, 2001

Ric L. Scott
Leisure Services Director
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

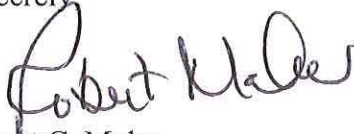
Re: B.C. Cobb Plant Ash Disposal Areas 4 & 4A

Dear Mr. Scott:

As you know, Consumers Energy Company is seeking closure of this property and has been reviewing two closure options. We feel that the best option is to close the site with a joint effort involving the City and the Michigan Department of Environmental Quality, as an area-wide sports complex in seven years from the start of closure.

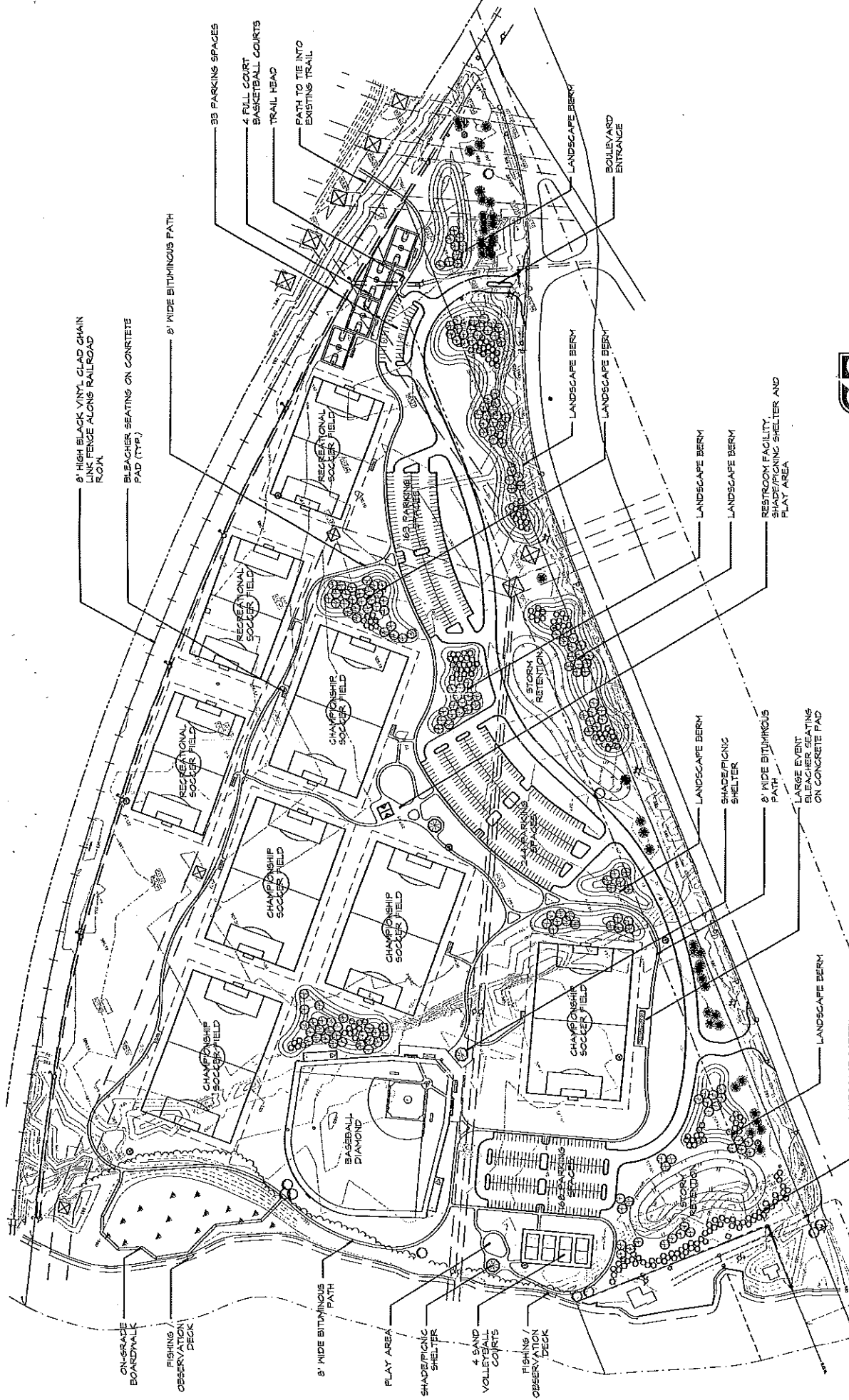
For this option to become a reality, we are asking the City to approve and execute the attached Memorandum of Understanding by the end of this year. We would be pleased if you would present this Memorandum to the City Commission for its consideration and approval as soon as possible. Myself and other plant representatives are available to answer any questions or concerns City staff or Commissioners may have regarding this project.

Sincerely



Robert C. Malec
Generating Plant Manager

Enclosure

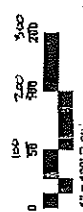


M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.
 Landscape Architecture • Plant & Horticulture • Urban & Architectural
 148 E. University Avenue, Suite 200 • Ann Arbor, Michigan 48106
 (313) 963-1100 • FAX: (313) 963-1101 • Email: mcsa@mcsmith.com

DATE: 12-20-00
 PROJECT NO.: 1403



STB Consultants, Ltd.
 2700 Consumers Road, Suite 200
 Troy, Michigan 48067
 (313) 963-1100 • FAX: (313) 963-1101



B.C. COBB FIELD
CONSUMERS ENERGY
 ANN ARBOR, MI

Memorandum of Understanding

This Memorandum of Understanding is entered into as of this 13th day of November, 2001, by and between the City of Muskegon, a Michigan public authority and body corporate, whose address is P.O. Box 536, Muskegon, MI 49443-0536 (the City), and Consumers Energy Company, a Michigan corporation, whose address is 212 West Michigan Avenue, Jackson, Michigan 49201 (Consumers).

Recitals

A. Consumers owns a parcel of land of approximately 68 acres in the City of Muskegon (the Land), which Consumers has used for ash disposal in connection with its B.C. Cobb Plant.

B. Consumers intends to close the landfill on the Land in conformance with the B.C. Cobb Plant Ash Disposal Area 4 and 4A Final Closure Plan approved by the Michigan Department of Environmental Quality (MDEQ) on April 23, 2001 (the Plan). Consumers has supplied upon execution of this Memorandum a complete copy of the Closure Plan draft as last filed with MDEQ with any amendments to date to the City, and will supply the City with the final Closure Plan before execution of a Contract.

C. The City is interested in acquiring the Land for development as an area-wide sports complex.

D. Consumers is willing to sell the Land to the City if the City's development of the Land is consistent with the Plan.

E. Consumers and the City wish to set forth their intentions and a framework of their respective obligations and commitments that will later form the basis of a formal agreement between the parties, if the stated contingencies occur and if, in the judgment of both parties, it continues to be appropriate to enter into the contract.

Understanding

The City and Consumers hereby express their understanding and intent to enter into an agreement for the sale of the Land to the City in the future, on the following terms and conditions:

1. The City will buy the Land from Consumers if sufficient funds, such as Michigan Department of Natural Resources (MDNR) Trust Fund monies in an amount equal to 75% of the purchase price, are available to the City. The purchase price will be an amount

that the City and Consumers mutually agree on, but if the sole source of funding assistance is MDNR Trust Fund monies, then the purchase price shall be no less than the value of the Land as determined by a MDNR-accepted appraisal. Consumers will convey to the City marketable title to the Land, by quit-claim deed, reserving minerals but without the right to enter the surface for mineral development.

2. Contemporaneously with the City's payment of the purchase price to Consumers, Consumers will make a donation to the City in an amount equal to 25% of the purchase price. In addition, Consumers shall make available to the City on a continuing basis funds in amounts totaling up to 75% of the purchase price which the City will use, together with additional MDNR Trust Fund monies, other sources of grants or assistance, or other funds, for site work (including, without limitation, acquisition of additional land or interests in land from MDOT), for the proposed sports complex.

3. Consumers will be responsible for installing approximately 2.5 feet of fill above the barrier liner that Consumers will be installing on the Land. The City will be responsible for placing and maintaining the final cover material above the 2.5 feet of fill. The City will be responsible for all engineering, material, installation, and other associated costs of this project from and above an elevation of 2.5 feet above the 40-mil linear low-density polyethylene (LLDPE) barrier liner Consumers installs on the Land. The City shall also be responsible for the cost of installing all underground utilities and other facilities to support the sports complex.

4. The City will coordinate the design of the sports complex with Consumers and the MDEQ and will get Consumers' and the MDEQ's approval of the design in order to insure that the City's use of the Land will not compromise the integrity of the subsurface remediation work to be performed on the Land. Consumers expects in the near future to enter into a Consent Order with the MDEQ that will incorporate a Remedial Action Plan. Before doing so, Consumers will provide the City with a full copy of the proposed RAP and include the City in consultation with MDEQ concerning the final provisions of the Consent Order and the RAP. In addition, Consumers will provide to the City a copy of any Consent Order and RAP that is entered. In obtaining a site closure from the MDEQ, Consumers will accommodate the City's needs to the extent possible without compromising the MDEQ Consent Order or its ability to obtain site closure in a timely manner to meet MDEQ closure time requirements.

5. The City will assume responsibility for preparing and submitting reports required by the MDEQ on surface integrity and for all maintenance work to the surface cover placed by the City over the barrier liner. Consumers will be responsible for preparing and submitting reports required by the MDEQ in connection with the maintenance and integrity of the barrier liner and the status of fly ash deposited at any place on the Land by Consumers, which shall not be placed except in accordance with the RAP and Closure Plan.

6. Consumers will be responsible for any remediation that may arise from groundwater contamination from the fly ash located below the barrier liner installed on the Land. Consequently, in the deed to the City, Consumers will reserve easements in the Land to perform such remediation and to inspect and maintain those parts of the remediation for which Consumers is responsible.

7. The City will finish all work by mutually agreed-upon dates. The City and Consumers intend that the City will start construction within five years after the date of this Memorandum and will have all work finished by the end of year eight, but these time commitments depend on the phasing and availability of MDNR Trust Fund monies. The parties expect that this schedule will give the City enough time to acquire the any Michigan Department of Transportation (MDOT) property both parties determine is appropriate or needed and to perform design engineering, get funding, and issue contracts for the work.

8. In the deed to the City, Consumers will reserve easements in the Land for all existing electric line and for future electric lines to be built in and across the site, the latter based on the agreement of the City and Consumers in the proposed Contract as to the nature and location of easements for future electric lines. The City acknowledges that Consumers' trucks will from time to time be using the roadways and pathways the City installs on the Land. The City intends to build all roadways and pathways to sustain such use and agrees that Consumers will not be responsible for damage to the roadways and pathways as a result of such use.

9. The City will acquire from MDOT as much of the MDOT property located on the West and South end of the Land as both parties determine is appropriate in order to provide reasonable access to the sports complex and to provide a buffer zone between the highway and the sports complex. The City shall pay all expenses of such acquisition, except the said expenses shall qualify as site work and shall be considered eligible for the matching funds from Consumers.

10. Within 2 years of the date of this Memorandum of Understanding, the City and Consumers will enter into a final agreement formalizing the terms and conditions of the sale of the Land to the City and more specifically addressing the matters set forth in this Memorandum, subject to the stated contingencies.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the date first set forth above.

WITNESSES:

CITY OF MUSKEGON

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

WITNESSES:

Marie Zaski

Deborah A. Peterson

By: Fred J. Nielsen
Its Fred J. Nielsen, Mayor

By: Gail A. Kundinger
Its Gail A. Kundinger, City Clerk

CONSUMERS ENERGY COMPANY

By: Robert G. Lewis

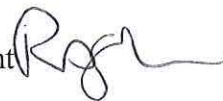
Its Sr. V.P. Generation

APV'D AS TO FORM
DAK

Consumers Energy Memorandum

To: Gail Kunding, Muskegon City Clerk

From: Roger Morgenstern, Communications Director, B.C. Cobb Plant



Date: December 6, 2001

Subject: Memorandum of Understanding original copies

Attached, please find the six original copies of the Memorandum of Understanding approved by the Muskegon City Commission on November 13, 2001. Each have been signed by Mr. Robert A. Fenech, Consumers Energy Senior Vice President of Generation.

After filling in the appropriate date on page 1 and getting signatures from the City, please send any originals the City does not need to retain on file to my attention at the Cobb Plant, 151 N. Causeway, Muskegon, MI 49445.

If you have any questions, please feel free to call me at 727-6381.

Sent 2 originals

Date: November 13, 2001

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Cobb Plant Sewer Settlement

SUMMARY OF REQUEST: Approval of a negotiated settlement in the amount of \$100,000 to compensate the city for past sewer use at the B.C. Cobb Plant that had gone unmetered and unbilled for many years.

FINANCIAL IMPACT: \$100,000 payment to the city's sewer fund. Additionally, all current and future sewer use at the plant will be metered and billed on a monthly basis.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

Memo

To: City Commission City Manager
From: Finance Director
Date: October 31, 2001
Re: Proposed Sewer Settlement with B.C. Cobb Plant

In late 1999 it was discovered that the B.C. Cobb Plant had an unmetered direct connection to the county's wastewater forcemain. Research showed that this connection was in fact approved by the city in 1975 prior to its installation. However, the matter was somehow forgotten and there was never any follow-up to ensure that a sewer meter had been installed or that the Cobb plant would be billed for sewer use. Moreover, because the Cobb plant is not a city water customer, the situation remained undetected for nearly 25 years.

Since 1999, staff has met with Cobb plant officials on several occasions to resolve the matter. The Cobb plant installed a sewer meter (meeting city specifications) in July 2000 and flows were monitored on a weekly basis for a year. The meter is used for billing current and future use and also provided a basis for estimating the level of past flows that had not been metered.

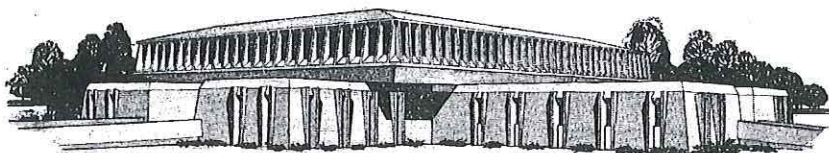
Based on this information and after many meetings with Cobb plant officials, staff has negotiated a settlement of \$100,000 to fully compensate the city for past sewer use at the Cobb plant. We believe this is a fair settlement and recommend it to the City Commission for approval.

Please let me know if you have any questions concerning this matter.

Thank you.

CITY OF MUSKEGON

MICHIGAN



M. L. LEYRER, P.E., DIR.
ENG., PUB. WKS. & UTILITIES

December 18, 1975

Honorable Mayor and City Commission
thru
Paul F. Frederick, City Manager

Re: Sanitary Sewer Connection from B.C. Cobb Plant

Gentlemen:

Attached is a letter from Mr. R. A. Stough of the B.C. Cobb Plant. With this letter Consumers Power Company is requesting permission from the City to connect into the City's sanitary sewer system.

Because the City does not have a collection system in the general vicinity of this plant, the most feasible and economical way to provide sewage facilities to them is with a direct connection to the County of Muskegon's waste water system force main that serves North Muskegon. The County's formal approval of this connection is required and it is my understanding that they will not grant this approval until first the City of Muskegon formally approves the connection.

As stated in the letter I discussed this matter with B.C. Cobb's Plant Engineer. I stated that the flow would have to be metered accurately so that it could be mathematically applied to the flow coming from North Muskegon.

I therefore recommend the City Commission's approval of this request.

Yours very truly,

Martin L. Leyrer, P.E., Dir.
Eng., Pub. Wks. & Utilities

MLL:jg

APPROVED:

Paul F. Frederick, City Manager

Date: November 13, 2001

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Selection of Agent of Record for Health Insurance

SUMMARY OF REQUEST: As you may know, the PHP healthcare program (which has been the city's primary health service provider for several years) will cease operations in the Muskegon area over the next several months. This is the result of merger activity between Hackley Hospital and Spectrum Health of Grand Rapids and is a situation over which the city has no control. Nonetheless, the city must begin the search for a replacement healthcare program. As the first step in this process, staff recently issued a "request for qualifications" (RFQ) to agents/consultants specializing in the healthcare area. Four responses to the RFQ were received:

Name	Company	Location
Julie R. Balgooyen	Independent	Muskegon
Dave Young	Shoreline Insurance Agency	Muskegon
William D. Lewis	Group Benefit Services	Lansing/Grand Rapids
Mitchell Singer	Employee Benefit Resources	Saginaw

A committee (comprised of the city manager, assistant city manager, finance director, assistant finance director, and healthcare coordinator) met to rank the responses and interview the three top responders. The result of this process is a recommendation from the selection committee to appoint Julie R. Balgooyen as the city's agent of record for this project. Ms. Balgooyen most recently served as the city's account rep for PHP and has a thorough knowledge of our healthcare program and our needs. Additionally, she has a strong knowledge of the options available in the Muskegon-area market and impressed the committee with her ideas for minimizing employee disruption in the transition process.

FINANCIAL IMPACT: The agent of record is compensated through commissions on premiums paid by the city after a new healthcare service provider is selected. At that time the city will negotiate a reasonable commission with the agent and carrier.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Appointment of Ms. Julie R. Balgooyen as the city's agent of record to assist in the selection of a healthcare plan replacement for PHP.

COMMITTEE RECOMMENDATION: None.

Julie R. Balgooyen
Licensed Independent Agent

4

October 15, 2001

Mr. Timothy J. Paul
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Dear Tim,

Enclosed you will find my response to your Request for Qualifications for the selection of an agent for your employee health insurance benefit program. I have enjoyed servicing the City of Muskegon and look forward to talking with you soon.

If you should have any questions please call me at (231) 773-3291.

Sincerely,



Julie R. Balgooyen
Licensed Independent Agent

Enc.

REQUEST FOR QUALIFICATIONS

1. Name, address and other basic information concerning your firm including relevant licensing information.

Name – **Julie R. Balgooyen**

Address – **3769 Whispering Woods Drive, Muskegon, MI 49444**

Telephone – **(231) 773-3291**

Fax – **(231) 773-3291**

E-mail – **jjj1231@aol.com**

Cell Phone – **(231) 730-7390**

Errors and Omissions Insurance – **Blue Cross Blue Shield of Michigan**

Fed Tax ID # - **In-Process (378-66-0398)**

Insurance License – **Attachment A**

2. Professional biographies and experience of individual who would be involved in servicing the city.

Experience – **15 years in health care industry in the Muskegon area**

A list of some of the accounts that I have been responsible for –

**DANA Perfect Circle Division
SAPPI Fine Paper
Neway
General Dynamics
Brunswick
Coles Quality Foods
Howmet Corporation
Eagle Alloy
JSJ Corporation
Automatic Spring Products
Engine Power Components
Hackley Hospital
Muskegon County
City of Muskegon
State of Michigan**

**Knoll Group
Gerber Products
Gerber Hospital
Federal Mogul
Zelenka Nursery
GE (Johnson Technology)
Michcon
Kimberly Clark
Honeywell
Comerica Bank
Quality Tool & Stamping**

Responsible for over two-thirds of Physicians Health Plan Book of Business which equated to over 14,800 fully insured members and over 8,400 self-funded members and represented over \$50M in revenue.

Completed annual Request for Proposals (RFP) for major accounts, including but not limited to: Muskegon County, GE (Johnson Technology), Knoll Group, Michcon, Kimberly Clark, SAPPI, Honeywell.

Responsible for working with many employers that have an organized workforce, including but not limited to: DANA, Muskegon County, SAPPI, Howmet, Brunswick. This experience has given me the knowledge necessary to assist and analyze carriers and benefits for employers with a workforce that has a negotiated contract in place. I have also assisted management during their negotiation process with their healthcare quotes from carriers and any questions they may have regarding benefits and rates.

Key Accomplishments

- **Successfully renewed over 97% of accounts over a 4-year period.**
- **Designed a renewal analysis presentation for fully-insured and self-funded accounts**
- **Designed a PowerPoint employee enrollment presentation**
- **Blue Cross Blue Shield of Michigan Sales Consultant of the Year**
- **Blue Cross Blue Shield of Michigan Vice Presidents Club**

Trainings/Community Involvement

- **Board of Directors American Red Cross**
- **Leadership Academy**
- **Division Coordinator Student Showcase**
- **Volunteer Summer Celebration**
- **Professional Selling Skills**
- **Master Presenter**
- **Time Management**
- **Diversity**

3. A list of 3 references (including contact person/phone number) of organizations having at least 200 employees for whom you have provided comparable services: - **Edward Ozark, JSJ Corporation**

(616) 842-6350

Timothy Yarde, Dilesco Corporation

(231) 726-4002

Also see Attachment B for written references

4. A description of the manner in which you are compensated for your services – **Commissions are built into the quotes from the carriers.**
5. All other information you feel necessary for the city to make an informed decision. – **My experience in the Muskegon market has given me**

knowledge for all carriers on a fully insured or self-insured basis. This enables me to be able to provide the City of Muskegon with a proposal which will include a premium analysis of each carrier, a benefit comparison of the City of Muskegon's current plan compared to the other carriers, and a disruption analysis including the City of Muskegon's employees and their dependents. The analysis will show who the employees and dependents are seeing for a Primary Care Provider (PCP) and if those PCP's participate with each carrier quoted. After a decision is made in regards to which carrier the City of Muskegon chooses, I will then assist with the enrollment process insuring that it is a smooth transition. I will then continue to assist the City of Muskegon with any claims, benefit, enrollment, etc., issues that may arise during the year. My office is local which enables me to be accessible at all times when issues arise.

In closing, I believe that my qualifications, experience, references, demonstrated success, and knowledge of the Muskegon-area market and the healthcare products available fulfill the criteria for what the City of Muskegon is looking for in an agent. I want to thank you in advance for your consideration.



**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF FINANCIAL & INSURANCE SERVICES
DIVISION OF INSURANCE**

Attachment A

THIS LICENSEE HAS FULFILLED THE REQUIREMENTS OF PUBLIC ACT 218 OF 1956 AS AMENDED. LICENSE IS GRANTED BY THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND INSURANCE SERVICES OF THE STATE OF MICHIGAN TO ENGAGE IN BUSINESS IN THE CAPACITY STATED ON THIS LICENSE, SUBJECT TO ALL APPLICABLE LAWS AND ADMINISTRATIVE RULES.

LICENSE TYPE

Resident Agent

SYSTEM ID

0173174

BALGOOYEN, JULIE R
4691 BARNEY LANE
MUSKEGON, MI 49444

EFFECTIVE DATE

10-13-2000

QUALIFICATIONS

Accident and Health

CONTINUING EDUCATION

REVIEW DATE

10-01-2002

and every two years thereafter

Attachment B

October 12, 2001

To Whom It May Concern:

I have been associated with Julie Balgooyen since March 1999 while I have worked at Sappi Fine Paper North America and prior when I was employed with SPX Corporation as the Benefits Manager.

Specifically, Julie provided services as an Account Executive with Physicians Health Plan. She provided timely and thorough annual Request for Proposals and worked on many high level customer service issues for our company resolving them in a prompt and professional manner.

Julie has demonstrated strong professional knowledge of the health insurance industry. She consistently approaches her job with a high level of integrity.



Cheryl Gillette
Human Resources Generalist
Sappi Fine Paper North America



PERFECT CIRCLE DIVISION

October 12, 2001

Mr. Timothy J. Paul
Director of Finance
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, MI 49440

Dear Mr. Paul:

Re: Reference Letter for Ms. Julie R. Balgooyen

I have known Julie as a representative of Blue Care Network and Physicians Health Plan for at least 10 years. During the course of our relationship she always conducted herself with professionalism and a complete knowledge of the services she represented.

Julie was responsible for resolving the many problems that we encountered when working with a company employing 750 + employees. Problem resolutions were initiated promptly and courteously. Julie is personable and communicates with authority. Her vast knowledge and experience is a valuable asset.

Best regards,

Shirley Richards-Young
Benefits Administrator
Perfect Circle Division of
Dana Corporation

People Finding A Better Way®

PERFECT CIRCLE DIVISION, DANA CORPORATION

2001 SANFORD STREET P.O. BOX 1208 MUSKEGON, MICHIGAN 49443-1208
TEL: (231) 722-1300 FAX: (231) 724-1940

10-12-01

TO WHOM IT MAY CONCERN

I AM PLEASED TO BE A REFERENCE
FOR JULIE BAIGOOYEN.

I HAVE KNOWN AND WORKED WITH JULIE
FOR OVER 14 YEARS ON INSURANCE AND
RELATED ISSUES. SHE HAS ALWAYS PROVEN
TO BE EXTREMELY KNOWLEDGABLE IN ALL
ASPECTS. IN THE MAJORITY OF THESE YEARS
SHE PROVIDED CUSTOMER SERVICE AND SUPPORT
FOR MY 500 ACTIVE MEMBERS AS WELL AS
470 RETIRED MEMBERS. HER VAST KNOWLEDGE
OF THE WORKINGS OF INSURANCE COUPLED
WITH HER PROFESSIONALISM AND COMPASSION
FOR THE CONSTANT NEEDS OF MY MEMBERS
HAS MADE HER AN INVALUABLE ASSET
TO OUR ORGANIZATION. I AM CERTAIN THAT
WHATEVER ENDEAVOR SHE PURSUES, SHE WILL
BRING THOSE ATTRIBUTES AS WELL.

PLEASE FEEL FREE TO CONTACT ME AT
ANY TIME FOR ANY FURTHER ASSISTANCE
I MAY BE ABLE TO PROVIDE.

(WORK) - 231-724-1740

SINCERELY,
JEFFREY A. KENNY
PRESIDENT, UAW
LOCAL 637 - DANA
PERFECT CIRCLE Div.

Commission Meeting Date: November 13, 2001

Date: August 31, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Resolution Establishing SmartZone LDFA District

SUMMARY OF REQUEST:

To approve the attached resolution establishing an LDFA District and setting the boundaries for said district for the development of the Muskegon Lakeshore SmartZone.

FINANCIAL IMPACT:

It is anticipated that the LDFA will capture more than an estimated \$10 million in tax increment revenue over a period of 15 years for the development of the SmartZone.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution

COMMITTEE RECOMMENDATION:

None

Linda
Please publish resolution
w/ legal description

RESOLUTION CREATING LDFA DISTRICT

2001-133(c)

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, held at the City Hall in said City on the 13th day of November, 2001, at 5:30 o'clock p.m. prevailing Eastern Time.

PRESENT: Members Shepherd, Spataro, Aslakson, Benedict, Buie,
Nielsen, Schweifler

ABSENT: Members None

The following preamble and resolution were offered by Member Spataro and supported by Member Schweifler:

WHEREAS, pursuant to the provisions of Act 281, Public Acts of Michigan, 1986, as amended ("Act 281") the City of Muskegon (the "City") created the Local Development Finance Authority of the City of Muskegon (the "Authority") by a resolution adopted by the City Commission (the "LDFA Resolution"); and

WHEREAS, the City Commission has decided to create a new district, the Muskegon Lakeshore SmartZone, District 3 ("District 3") within which the Authority exercises its powers (the "District"); and

WHEREAS, pursuant to Act 281 the City is required to hold a public hearing on the proposed establishment of District 3; and

WHEREAS, on August 28, 2001, the City Commission conducted a public hearing on the proposed establishment of District 3; and

WHEREAS, more than 60 days have elapsed since the public hearing and the City Clerk has not received any resolutions from a taxing unit subject to capture exempting its taxes from capture; and

WHEREAS, after consideration the City Commission has determined to approve the establishment of District 3.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity. The City Commission hereby determines that it is necessary for the best interests of the City to create District 3 in order to eliminate the causes of unemployment, underemployment and joblessness and to promote economic growth in the City.
2. Designation of Boundaries of District. The boundaries of the District in which the Authority shall exercise its powers as provided in Act 281 shall consist of the territory of the

City described in Exhibit A (District 3) attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to Act 281.

3. Amendment of the LDFA Resolution; Conflict and Severability. The LDFA Resolution is hereby amended to incorporate the amended boundaries of the District as stated above and is otherwise ratified and confirmed as being in full force and effect. All other ordinances, resolutions and orders or parts thereof in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

4. Publication, Recording and Filing. This resolution shall be published once after its adoption in full in the Muskegon Chronicle, a newspaper of general circulation in the City of Muskegon and the City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

5. Effective Date. This resolution shall take effect immediately upon its publication.

CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of a Resolution duly adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on November 13, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting
Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler
And that the following Members were absent None

I further certify that Member Spataro moved adoption of said resolution and that Member Schweifler supported said motion.

I further certify that the following Members voted for adoption of said resolution
Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro and that the following Members voted against adoption of said resolution None

Dale A. Kunderger
City Clerk

I hereby certify that the foregoing resolution received legal publication in the Muskegon Chronicle on November 22, 2001, and that a certified copy of the foregoing resolution was filed with the Michigan Secretary of State on November 16, 2001.

Dale A. Kunderger
City Clerk

EXHIBIT A

Description of Boundaries of District 3 (Muskegon Lakeshore SmartZone)

The boundaries of the proposed district as revised within which the local development finance authority shall exercise its powers are as follows:

Parcel Description:

Block 554, and Lots 6, 7 and 8 of Block 558, of the Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, lying Northerly of a line described as: Commence at the intersection of the Northeasterly line of Terrace Street, being the Southwesterly line of Block 557 extended to the centerline of vacated Water Street; thence North 62°44'00" West 381.45 feet along the northeasterly right of way line of Terrace Street; thence Westerly 269.86 Feet, along said northeasterly right of way line, said line being a 302.48 foot radius curve to the left with a central angle of 51°07'00" and a chord which bears North 88°17'30" West 261.00 feet, to the line between Lots 5 and 6 of said Block 558; thence North 46°09'15" West 85.84 feet, along said line, to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence Northeasterly 635.15 feet along a 803.25 foot radius curve to the right, having a central angle of 45°18'19" and a chord which bears North 70°04'05" East 618.73 feet; thence South 87°16'46" East 222.59 feet; thence North 02°43'14" East 55.00 feet; thence South 87°16'46" East 120.00 feet; thence South 02°43'14" West 55.00 feet; thence South 87°16'46" East 904.15 feet; thence Northeasterly 548.72 feet, along a 1272.34 foot radius curve to the left, having a central angle of 24°42'35" and a chord which bears North 80°21'56" East 544.48 feet to the place of ending.

EXCEPT THE FOLLOWING

Part of Block 558, commence at the intersection of the Northeasterly line of Terrace Street extended to the centerline of vacated Water Street; thence North 62 degrees 44 minutes 00 seconds West along the Northeasterly line of Terrace Street extended 381.45 feet; thence Westerly along the arc of a 302.48 foot radius curve to the left 269.86 feet to the line between Lots 5 and 6 of said Block 558 (long chord bears North 88 degrees 17 minutes 30 seconds West 261 feet); thence North 46 degrees 9 minutes 15 seconds West along said line between Lots 5 and 6, 534.25 feet to the place of beginning; thence North 27 degrees 25 minutes 55 seconds East 925.82 feet to a point referred to as Point "A"; thence continue North 27 degrees 25 minutes 55 seconds East 5 feet, more or less, to the shore of Muskegon Lake; thence Northwesterly and Southwesterly along the shore of Muskegon Lake 1350 feet, more or less; thence South 46 degrees 9 minutes 15 seconds East along said line between Lots 5 and 6, 820 feet, more or less, to the place of beginning.

Property Commonly Known As: Former Teledyne Continental Motors Site

Affirmative Action
(231)724-6793
FAX: (231)722-1214

Assessor/Equalization
(231)724-6798
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

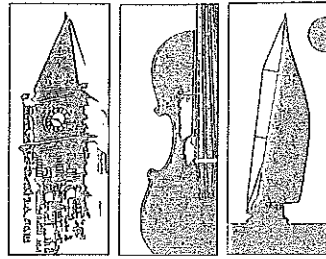
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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)755-3290

MUSKEGON



West Michigan's Shoreline City

November 16, 2001

Secretary of State
Candice Miller
Treasury Building
PO Box 30045
Lansing, MI 48918

Dear Secretary Miller:

Enclosed are resolutions establishing Local Development Finance Authority Districts in the City of Muskegon pursuant to Act 281. If you have any questions please call me at (231) 724-6705.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

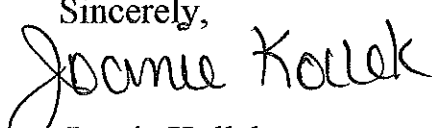
Enc. 2001-133(c)
2001-133(d)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☒ 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.		A. Received by (Please Print Clearly) _____ B. Date of Delivery _____ C. Signature _____ ☒ Registered Mail ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No NOV 19 2001	
1. Article Addressed to: Secretary of State Candice Miller Treasury Building PO Box 30045 Lansing, MI 48918		3. Service Type. ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 7000 0520 0013 9676 0613		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, July 1999		Domestic Return Receipt	
102595-00-M-0952			

City
Lin
933
P.O.
Mus

Dear Ms. Potter:

This letter acknowledges receipt and filing by the Muskegon City Commission on November 29, 2001, with the Secretary of State, a resolution creating the Muskegon Lakeshore SmartZone, District 3 and the Seaway Business Park, District 4 in accordance with Act 281 of the Public Acts of 1986.

Sincerely,

Joanie Kollek
Office of the Great Seal
(517) 335-0718

cc: Planning

Commission Meeting Date: November 13, 2001

Date: August 31, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Resolution Establishing Seaway Business Park LDFA District

SUMMARY OF REQUEST:

To approve the attached resolution establishing an LDFA District and setting the boundaries for said district for the development of the Seaway Business Park.

FINANCIAL IMPACT:

It is anticipated that the LDFA may capture up to an estimated \$900,000 in tax increment revenues over a period of 15 years.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution

COMMITTEE RECOMMENDATION:

None

*Linda,
Please publish resolution
with legal description.*

RESOLUTION CREATING LDFA DISTRICT

2001-133(d)

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, held at the City Hall in said City on the 13th day of November, 2001, at 5:30 o'clock p.m. prevailing Eastern Time.

PRESENT: Members Shepherd, Spataro, Aslakson, Benedict, Buie,
Nielsen, Schweifler

ABSENT: Members None

The following preamble and resolution were offered by Member Buie and supported by Member Spataro:

WHEREAS, pursuant to the provisions of Act 281, Public Acts of Michigan, 1986, as amended ("Act 281") the City of Muskegon (the "City") created the Local Development Finance Authority of the City of Muskegon (the "Authority") by a resolution adopted by the City Commission (the "LDFA Resolution"); and

WHEREAS, the City Commission has decided to create a new district, the Seaway Business Park, District 4 ("District 4") within which the Authority exercises its powers (the "District"); and

WHEREAS, pursuant to Act 281 the City is required to hold a public hearing on the proposed establishment of District 4; and

WHEREAS, on August 28, 2001, the City Commission conducted a public hearing on the proposed establishment of District 4; and

WHEREAS, more than 60 days have elapsed since the public hearing and the City Clerk has not received any resolutions from a taxing unit subject to capture exempting its taxes from capture; and

WHEREAS, after consideration the City Commission has determined to approve the establishment of District 4.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity. The City Commission hereby determines that it is necessary for the best interests of the City to create District 4 in order to eliminate the causes of unemployment, underemployment and joblessness and to promote economic growth in the City.

2. Designation of Boundaries of District. The boundaries of the District in which the Authority shall exercise its powers as provided in Act 281 shall consist of the territory of the

City described in Exhibit A (District 4) attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to Act 281.

3. Amendment of the LDFA Resolution; Conflict and Severability. The LDFA Resolution is hereby amended to incorporate the amended boundaries of the District as stated above and is otherwise ratified and confirmed as being in full force and effect. All other ordinances, resolutions and orders or parts thereof in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

4. Publication, Recording and Filing. This resolution shall be published once after its adoption in full in the Muskegon Chronicle, a newspaper of general circulation in the City of Muskegon and the City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

5. Effective Date. This resolution shall take effect immediately upon its publication.

CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of a Resolution duly adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on November 13, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler
And that the following Members were absent None.

I further certify that Member Buie moved adoption of said resolution and that Member Spataro supported said motion.

I further certify that the following Members voted for adoption of said resolution Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson and that the following Members voted against adoption of said resolution None.

Gail A. Kundergen
City Clerk

I hereby certify that the foregoing resolution received legal publication in the Muskegon Chronicle on November 22, 2001, and that a certified copy of the foregoing resolution was filed with the Michigan Secretary of State on November 16, 2001.

Gail A. Kundergen
City Clerk

EXHIBIT A

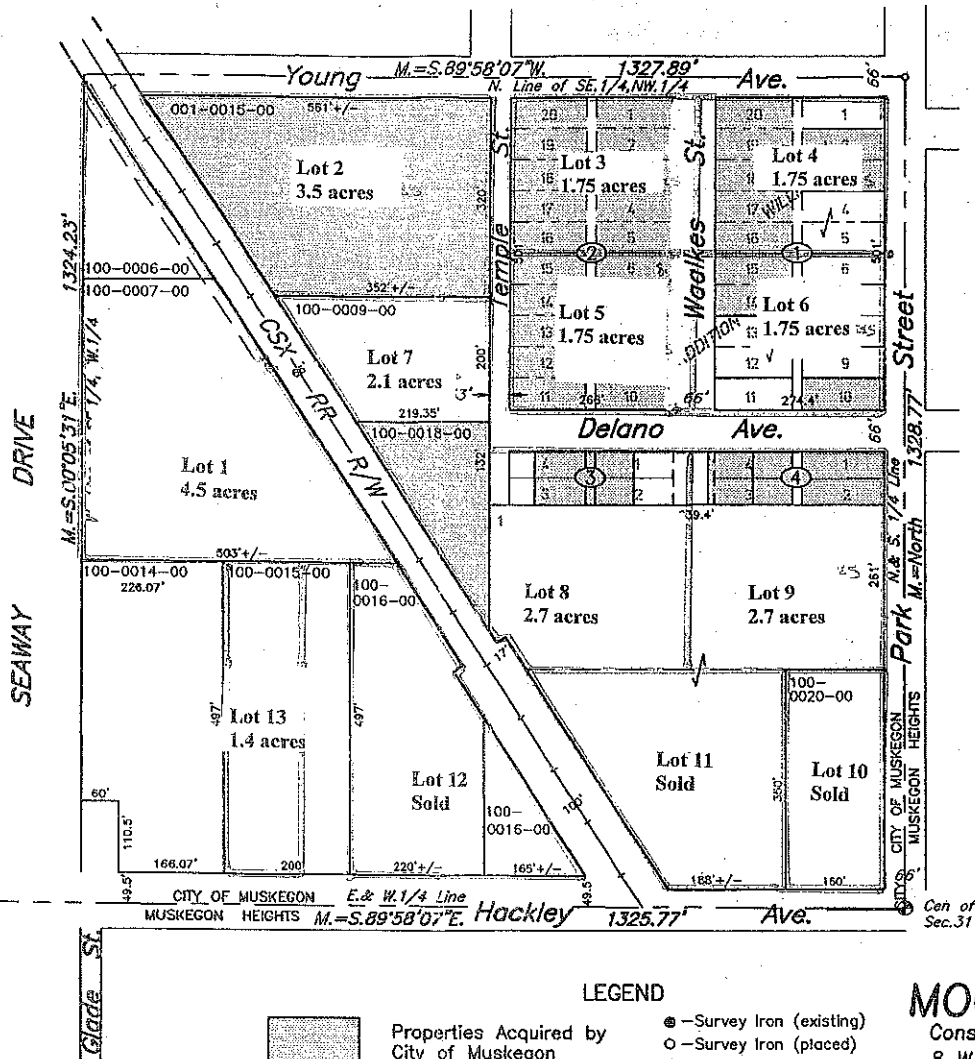
Description of Boundaries of District 4 (Seaway Business Park)

The boundaries of the proposed district as revised within which the local development finance authority shall exercise its powers are as follows:

Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 31, Town 10 North, Range 16 West,
City of Muskegon, Muskegon County, Michigan

Physical Boundaries: Park Street on the East, Hackley Avenue on the South,
Seaway Drive on the West, and Young Avenue on the North.

DELIB:2247224.I\063684-00024



LEGEND



Properties Acquired by
City of Muskegon

Parcel Boundaries based on Tax
Role Descriptions

Existing Easements NOT depicted.

- —Survey Iron (existing)
- —Survey Iron (placed)
- M —Measured Dimension
- P —Platted Dimension
- R —Recorded Dimension
- C —Calculated Dimension
- ⊕ —Center Line
- x - x - - Fence Line

MOORE & BRUGGINK

Consulting Engineers and Land Surveyors
8 W. Walton, Muskegon, Michigan 49440
Phone:(231)722-3928 Fax:(231)722-4109

by

Professional Surveyor No. 16946

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Secretary of State
Candice Miller
Treasury Building
PO Box 30045
Lansing, MI 48918

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) _____ B. Date of Delivery _____
- C. Signature _____
- D. Is delivery address different from item 1? ☐ Yes ☐ No
- If YES, enter delivery address below: _____

NOV 19 2001

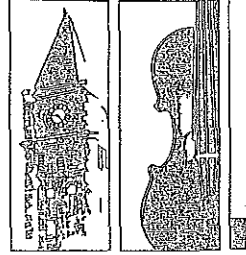
3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
7000 0520 0013 9676 0613

Domestic Return Receipt

102595-00-M-0952

MUSKEG



West Michigan's Shore

November 16, 2001

Secretary of State
Candice Miller
Treasury Building
PO Box 30045
Lansing, MI 48918

Dear Secretary Miller:

Enclosed are resolutions establishing Local Districts in the City of Muskegon pursuant please call me at (231) 724-6705.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

Enc. 2001-133(c)
2001-133(d)

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

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

Cemetery Department
(231)724-6703
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)722-4180

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

STATE OF MICHIGAN



CANDICE S. MILLER, Secretary of State
MICHIGAN DEPARTMENT OF STATE
LANSING, MICHIGAN 48918-0001

December 5, 2001

City of Muskegon
Linda Potter, Deputy City Clerk
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Potter:

This letter acknowledges receipt and filing by the Muskegon City Commission on November 29, 2001, with the Secretary of State, a resolution creating the Muskegon Lakeshore SmartZone, District 3 and the Seaway Business Park, District 4 in accordance with Act 281 of the Public Acts of 1986.

Sincerely,

A handwritten signature in cursive script that reads "Joanie Kollek".

Joanie Kollek
Office of the Great Seal
(517) 335-0718

cc: Planning

DATE: October 29, 2001
TO: Honorable Mayor and Commissioners
FROM: Robert Grabinski, Director of Inspections
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-025 Address: 1420 Getty St. (Garage Only)

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1420 Getty (G)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-025 – 1420 S. Getty (Garage Only) Muskegon, MI 49442

Location and ownership: This structure is located on Getty Street between Louis & Catawba. It is owned by James Gutierrez.

Staff Correspondence: A dangerous building inspection was conducted on 4/20/01. A notice and order to repair or demolish was issued on 7/11/01, a notice of hearing before the HBA was issued 9/24/01, HBA ordered to demolish on 10/4/01.

Owner Contact: There has been no contact from owner.

Financial Impact: The cost will be covered by ~~CDBG funds~~ *General Funds*.

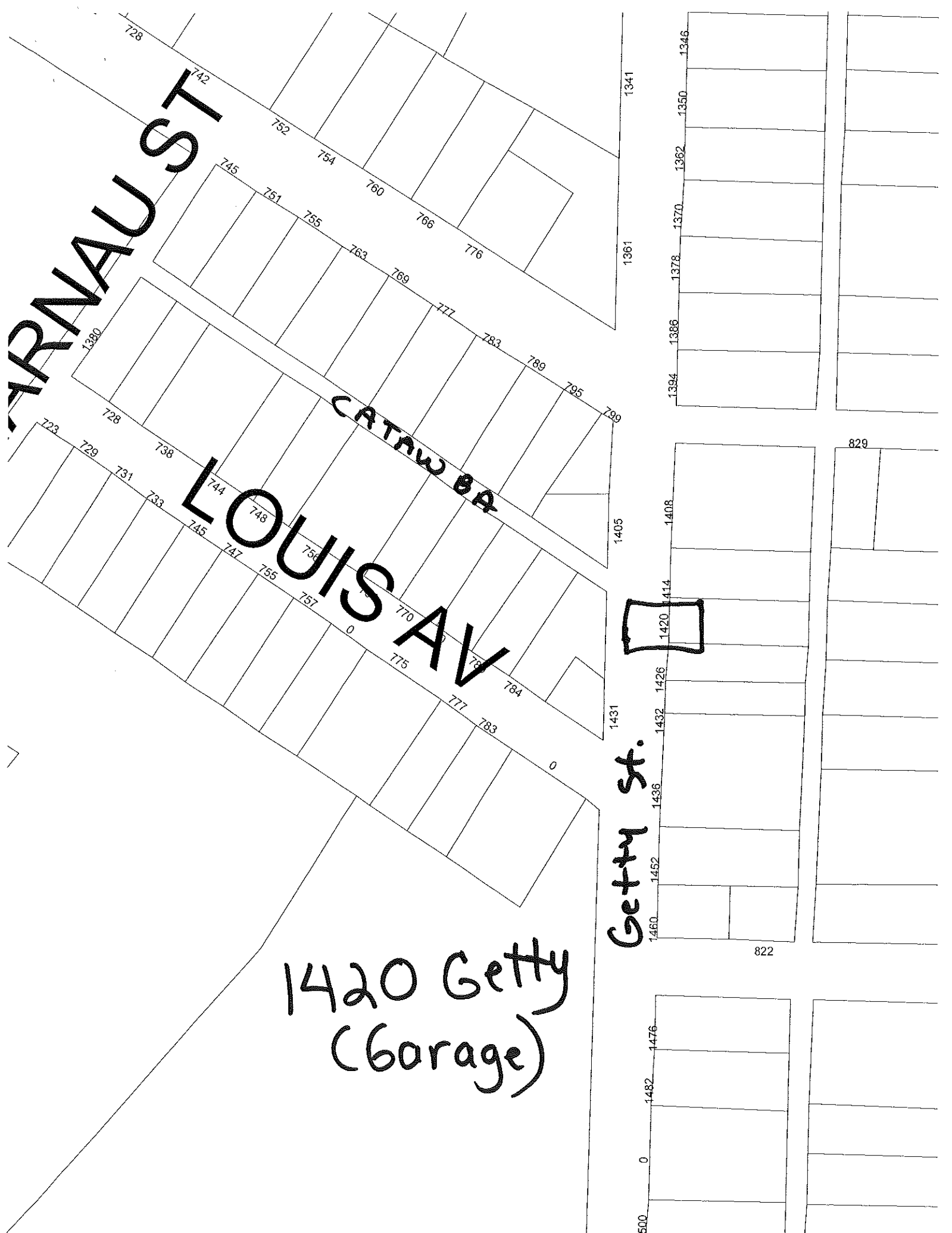
Budget action required: None

State Equalized value: \$19,900

Estimated cost to repair: \$900

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 13, 2001.



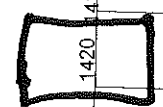
ARNOLD ST

CATAWBA

LOUIS AV

Getty St.

1420 Getty
(Garage)





1420 Getty
(Garage)



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120486

June 7, 2001

1. Beginning Date: 10/22/99, at 8:00 A.M.

Please See Attached Liber 2302, Page 459, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/4/2001, at 8:00 A.M.

Documents

Deeds:

Liber 2302, Page 459

Mortgages:

Liber 2302, Page 460

Liber 3010, Page 020 (Assignment)

Liber 3079, Page 879 (Assignment)

Taxes:

Payment of the delinquent water & sewer usage bill, due and payable to the City of Muskegon, in the amount of \$44.65, if paid by June 30, 2001.

Note:

2000 Winter taxes were paid in the amount of:
\$662.56.

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-220-001-0001-00.

2001 State Equalized Value: \$19,900.00.

2001 Taxable Value: \$18,988.00.

Homestead Property.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

James Gutierrez
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.

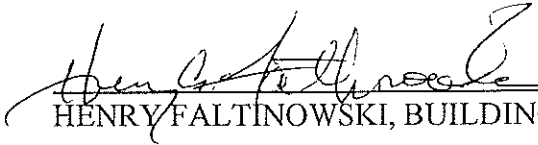
**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

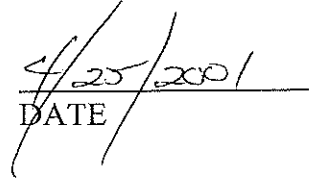
*1420 Getty Street
(Garage)
4/20/01*

Inspection noted:

1. Garage – Shed in state of collapse.
2. Roof caving in.
3. Walls caving in.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 11, 2001

Address of the Property: 1420 Getty (Garage Only), Muskegon, Michigan

Description of the Structure: Cramers Addition, Lot 1, Block 1

TO: James Gutierrez, 1420 Getty St. Muskegon, MI 49442
[Name & Address of Owner]

American Financial Mortgage Corp, 2628 Three Mile Rd N. Traverse City, MI 49686

Community Mortgage Svcs. 24275 Northwestern Hwy. Ste. 201, Southfield, MI 48075

Fidelity Bank, 100 East English, Wichita, KS 67201

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

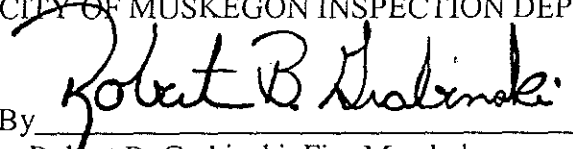
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1420 Getty (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By


Robert B. Grabinski, Fire Marshal

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: September 24, 2001

Address of the Property: 1420 Getty St. (Garage Only) Muskegon, Michigan

Description of the Structure: Cramers Addition, Lot 1, Block 1

TO: James Gutierrez, 1420 Getty St. Muskegon, MI 49442
[Name & Address of Owner]

American Financial Mortgage Corp. 2628 Three Mile Rd. N Traverse City, MI 49686
Names & Addresses of Other Interested Parties]

Community Mortgage Svcs. 24275 Northwestern Hwy. Ste. 201, Southfield, MI 48075

Fidelity Bank, 100 East English, Wichita, KS 67201

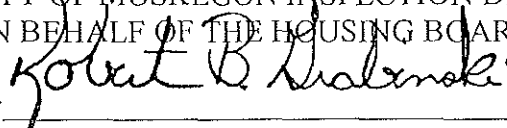
Please take notice that on **Thursday, October 4, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 7/11/01.

At the hearing on Thursday, October 4, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: October 8, 2001

To: James Gutierrez, 1420 S. Getty St., Muskegon, MI 49442
Owners Name & Address

American Financial Mortg Corp. 2628 Three Mile Rd. N. Traverse City, MI 49686

Community Mortg Svcs 24275 Northwestern Hwy Ste. 201, Southfield, MI 48075

Fidelity Bank 100 East English, Wichita, KS 67201

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 4, 2001, does hereby order that the following structure(s) located at 1420 Getty St. (Garage Only) Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

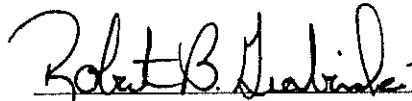
The director of inspections is ordered to place before the Muskegon City Commission on November 13, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

she could not be here today. Mr. Grabinski stated that since the structure is secured he doesn't have a problem with her request.

Staff recommendation: Table the case for 30 days to allow Ms. Bankhead to represent her property to the board.

Motion: Motion made by John Warner, seconded by Randy Mackie, to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

DANGEROUS BUILDING NEW CASES:

Case #01-025 – 1420 S. Getty St. (Garage Only) – James Gutierrez, 1420 S. Getty, Muskegon

No one was present to represent this case. Mr. Grabinski gave a history. This case was forwarded by the police department.

Staff recommendation: Declare the structure a dangerous building, unsafe, a public nuisance, substandard and forward the case to the City Commission for concurrence.

Motion made by Randy Mackie, supported by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: October 31, 2001

1420 Getty St. (Garage Only)

(Address of Property)

TO: All owners and interested parties:

James Gutierrez, 1420 Getty St. Muskegon, MI 49442

(Name of Owner)

Community Mortgage Svcs. 24275 Northwestern Hwy Ste.201 Southfield, MI 48075

American Financial Mortgage Corp. 2628 Three Mile Rd.N, Traverse City, MI 49686

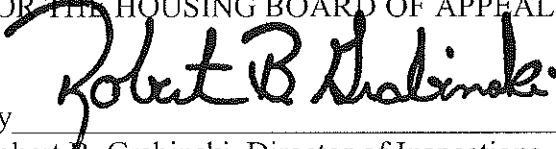
Fidelity Bank, 100 East English, Wichita, KS 67201

On October 4, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **November 13, 2001**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 13, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

DATE: October 29, 2001
TO: Honorable Mayor and Commissioners
FROM: Robert Grabinski /Director of Inspections
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 99-39 Address: 896 Pine St.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **896 Pine St.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 99-39, 896 Pine St., Muskegon, MI

Location and ownership: This structure is located on Pine Street between E. Walton & E. Muskegon Ave. It is owned by Leath Furniture of Atlanta, Georgia.

Staff Correspondence: A dangerous building inspection was conducted on 7/30/98, A notice and order to repair or demolish was issued on 8/11/98. HBA ordered demolished 12/99. Because of confusion with the correct address of the structure, it was brought before the HBA again 12/00. It was ordered demolished on that date, but the property owner notified was incorrect. It was again brought before the HBA 10/01 with correct owner being notified and the HBA ordered demolished.

Owner Contact: There has been no contact from Leath Furniture.

Financial Impact: To be paid with CDBG funds.

Budget action required: None

State Equalized value: \$13,700

Estimated cost to repair: \$5,000 exterior. Interior costs unknown.

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 13, 2001.



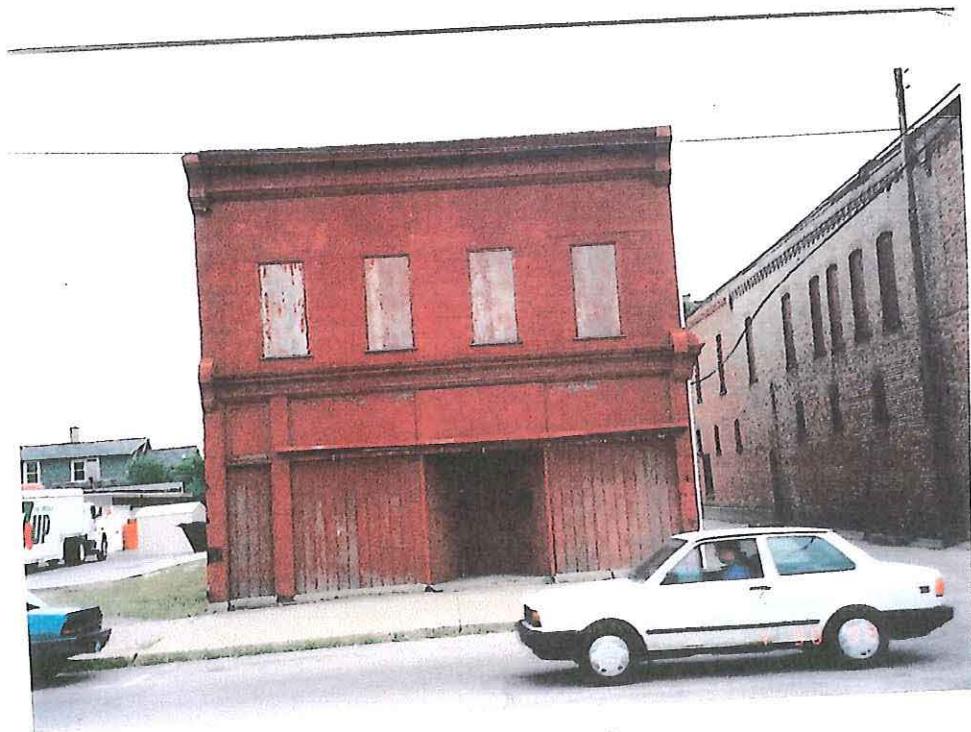
E MUSKEGON AVE

E WALTHAM ST

TERRACE ST

PINE ST

896 Pine St.



896 PINE ST.
census #2



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100121582
September 27, 2001

1. Beginning Date: 8/1/49, at 8:00 A.M.

Please See Attached Liber 905, Page 405, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 8/31/2001, at 8:00 A.M.

Documents

Deeds:

Liber 573, Page 323
Liber 915, Page 310
Liber 915, Page 311

Liber 905, Page 405

Mortgages:

n/a

Taxes:

Note:

2000 Winter taxes were paid in the amount of:
\$564.57.

No 2001 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-189-0010-00.

2001 State Equalized Value: \$13,700.00.

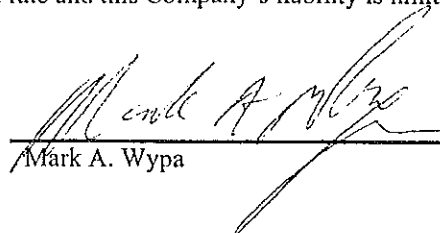
2001 Taxable Value: \$10,752.00.

Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Leath Furniture

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Mark A. Wypa

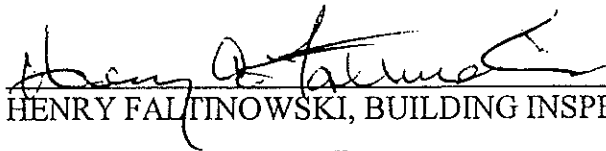
DANGEROUS BUILDING INSPECTION

07/30/98

 PINE STREET 896 PINE

1. METAL SIDING PROTRUDING OFF NORTH SIDE OF BUILDING.
2. ROTTED WOODEN SIDING THROUGH TO THE LATH ON NORTHSIDE.
3. FOUNDATION FAILING ON NORTHSIDE OF BUILDING. BRICK FALLING OUT.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

8/11/98
DATE

CONCURRED IN: 
JERRY MCINTYRE, BUILDING OFFICIAL

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

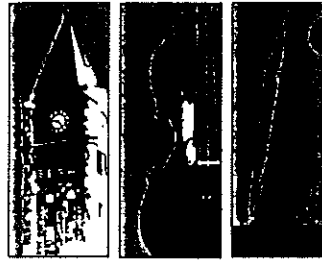
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

Howe
722 1175

NOTICE AND ORDER

August 11, 1998

Leath Realty
375 N. Ridge Road, Ste. 400
Atlanta, Ga 30350

Leath Furniture Depot
896 Pine
Muskegon, Mi. 49442

Dear Property Owner:

Subject: 902 Pine (Commercial Building)
Lots 11, 12 & 13, Block 189

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on December 7, 2000, does hereby order that the following structure(s) located at 902 Pine (Warehouse), Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

Lots 11 through 16, inclusive, Block 189, revised plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of plats, page 71, Muskegon County Records. More commonly known as: 902-908 Pine St., Muskegon MI 49442

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

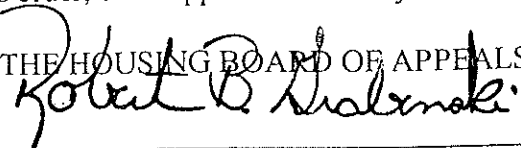
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinksi, Fire Marshal/Inspection Services

Dated: 12/11 —, 2000

Dec 2, 1999 meeting

No one attended meeting. Permit was voided due to confusion of information on the permit and the lack of inspections that was requested by the Inspection Department. Motion made by Mackie, supported by Warner to support staff recommendation to declare structure at 1282 Arthur unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES

NAYS

ABSENT

EXCUSED

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

#99-39 - 902 PINE - LEATH REALTY CO, 375 N. RIDGE, STE. 400, ALANTA, GA

No one present for meeting. Permit that was pulled in Sept. of 98 was voided because of no inspections. Robert Grabinski stated that it looks as if work has been performed. Motion made by Warner, supported by Mackie to support staff recommendation to declare structure at 902 Pine unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES

NAYS

ABSENT

EXCUSED

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

#99-40 - 127 HOLBROOK - VERSEY BEACHMAN, 58 E. ISABELLA, MUSKEGON

No one present at meeting. Fire case, no inspection, no permit, looking in the window some (little) work completed. Motion made by Mackie, supported by Warner to support staff recommendation to declare structure at 127 Holbrook unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES

NAYS

ABSENT

EXCUSED

Robert Johnson
Randy Mackie
John Warner

None

William Anderson

Greg Borgman

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: September 25, 2001

Address of the Property: 896 Pine St. Muskegon, Michigan

Description of the Structure: Lot 10, Block 189

TO: Leath Furniture Inc. 4370 Peachtree RD NE, Atlanta, GA 30319
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

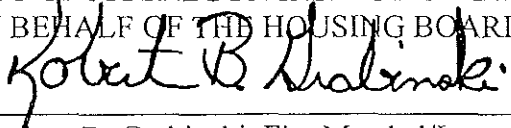
Please take notice that on **Thursday, October 4, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 8/11/98.

At the hearing on Thursday, October 4, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

12/00

Randy Mackie, supported by Clinton Todd, made a motion to declare the building dangerous, a public nuisance and to forward the case to the City Commission in 60 days if the Dobbins do not take the property back and start repairs. If the Dobbins decide to take back the property and commence work on the repairs needed, the case will not be forwarded to the City Commission. A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Clinton Todd
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen

ABSENT:

William Anderson

The motion carried.

REVIEW CASE: Item # 1. Case # 99-39 - 902 PINE ST. - Charlott Gustafson & Pauline Lisky, 2865 S. Deerwood Dr., Twin Lake MI 49457.

Greg Borgman asked Bob Grabinski to give a little history on this case. Grabinski stated that Leath Furniture previously owned the property. If you recall, you have already declared the building a dangerous building. However, since then, the building was sold and in an effort to give the new owners a chance to do something. However I am not aware of any contact with owners for this property. Cathy Everett stated that the new owners came into the Inspections office and told us that it was not their property. That is why there are copies of the deed in your packet. They are from the assessor's - equalization office and the deed clearly states the legal description that this warehouse is located. It also states that Ms. Lisky and Ms. Gustafson are the owners. Greg Borgman said he wished that more people could see this stuff that happens like this, people buy parcels like this because the majority of the cases this is what happens. Oh they don't want to make claim to it. We get so much of this that's why they run scared. We get a lot of this.

Grabinski stated that staff recommended declaring the building dangerous and a public nuisance. We will notify the new owner of that and see if they do anything then.

John Warner asked if the owner's are occupying the warehouse. Grabinski said no, but they are occupying the new antique store. Everett stated again that the owner believes the warehouse is not their property. Don Labrenz stated that it was for sale by Prudential right now. Grabinski stated that we would notify Prudential as well and see if we get a reply.

John Warner, supported by Randy Mackie, made a motion to declare the building dangerous, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Clinton Todd
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen

ABSENT:

William Anderson

The motion carried.

New Case: Item #6. Case # 00-72 - 485 E APPLE - USA HUD, 451 7th St. SW Washington DC 20024

No one attended the meeting to represent this case. Grabinski stated that this is a new case. We offered the owner an opportunity to make the repairs. We sent it on 10/31/00 It appears this has gone back to HUD. We have not had any contact with the owners and no one has attempted to apply for permits or commence work on the repairs. Therefore Staff recommends declaring this building dangerous, and a public nuisance and forwarding the case to the City Commission.

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: October 8, 2001

To: Leath Furniture Inc. 4370 Peachtree Rd NE, Atlanta, GA 30319
 Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 4, 2001, does hereby order that the following structure(s) located at **896 Pine St.** Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

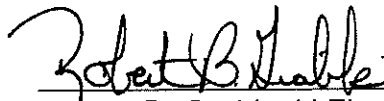
The director of inspections is ordered to place before the Muskegon City Commission on November 13, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

**Case # 99-39 – 896 Pine St. – Leath Furniture, 4370 Peachtree Rd. NE,
Atlanta, GA 30319**

No one was in attendance to represent this case. Mr. Grabinski gave a history of the case. It is a vacant piece of property. We have not heard back from the owner. It is back before the board because the address was previously noted as 902 Pine, which is the Antique store. We now have the correct address and have notified the appropriate party.

Staff recommendation: To declare the structure substandard, unsafe, a dangerous building, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Jerry Bever, supported by John Warner, made a motion to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

**Case #01-014 – 1878 Smith St. – Alan & Delores Blood, 2170 Becker Rd.,
Muskegon**

Mrs. Blood was present to represent this property. She stated that they had not received any paperwork until the notice for the HBA hearing. They have been working on the property, inside and out and their intention is to repair it and then either rent it out or sell. Mr. Grabinski stated because of their address change, and not receiving the Notice and Order to repair he would like to give them time to come into the office and see the list of repairs needed to be done.

Staff recommendation: Table this case for 30 days to allow owners time to come into office and submit time line and schedule interior inspection.

Motion: Motion made by Randy Mackie, supported by John Warner to support staff's recommendation.

A roll call vote was taken:

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: October 31, 2001

896 Pine St.
(Address of Property)

TO: All owners and interested parties:

Leath Furniture Inc. 4370 Peachtree Rd NE, Atlanta, GA 30319
(Name of Owner)

None
(Other interested parties)

On October 4, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on November 13, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 13, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

DATE: October 31, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-038 Address: 1113 Williams

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1113 Williams** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-038, 1113 Williams, Muskegon, MI

Location and ownership: This structure is located on Williams St. between Wood and Scott. It is owned by Teresa London of 774 Amity Avenue in Muskegon.

Staff Correspondence: A dangerous building inspection was conducted 7/23/01, a notice and order to repair or demolish was issued 8/1/01, a notice of HBA hearing was sent 9/25/01. Order by HBA to demolish was sent 10/8/01.

Owner Contact: There has been no contact from owner.

Financial Impact: To be paid with CDBG funds.

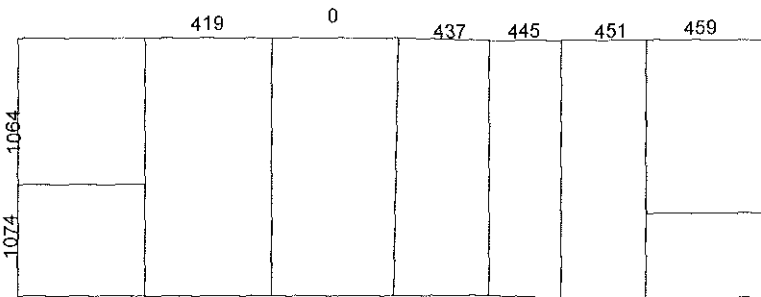
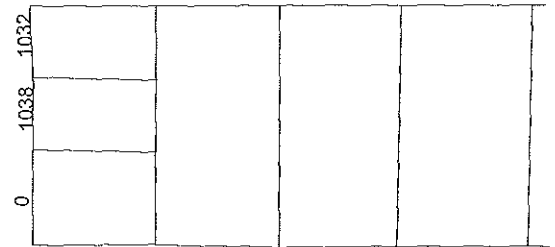
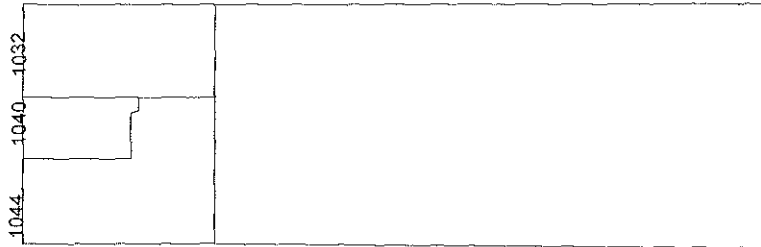
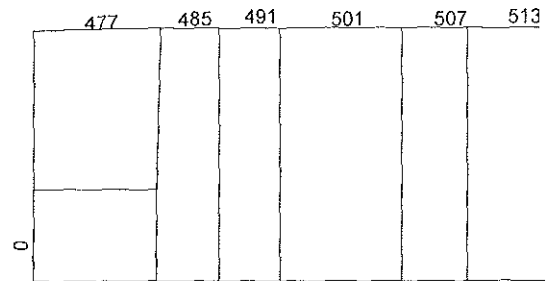
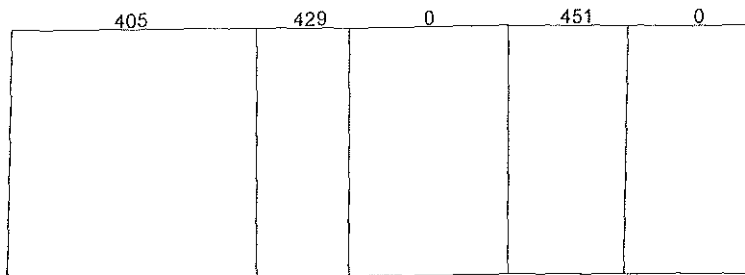
Budget action required: None

State Equalized value: \$13,700

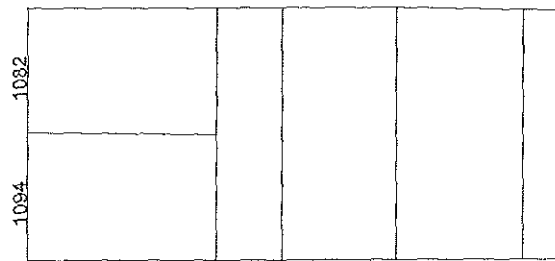
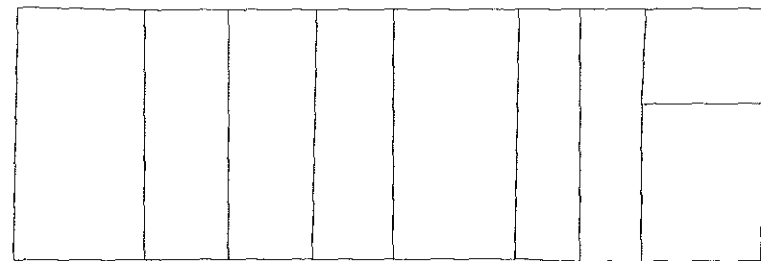
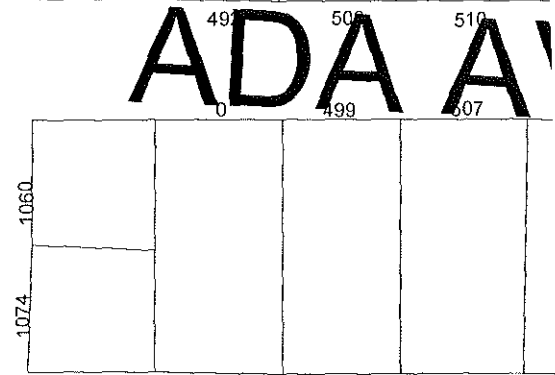
Estimated cost to repair: \$5,000 exterior. Interior costs unknown.

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

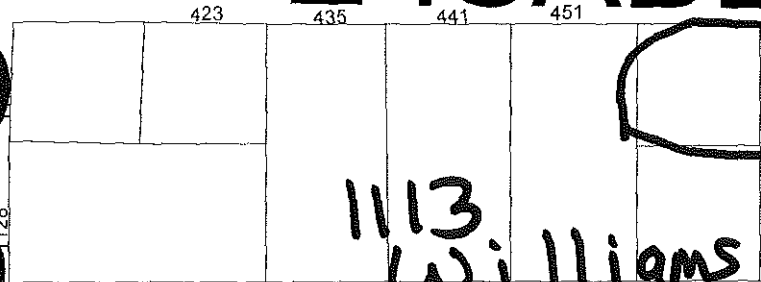
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 13, 2001.



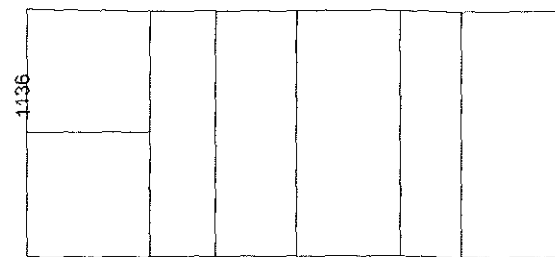
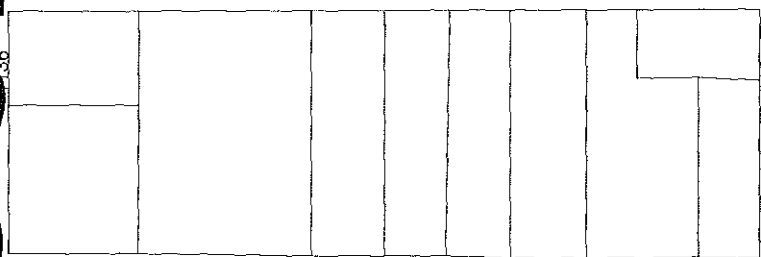
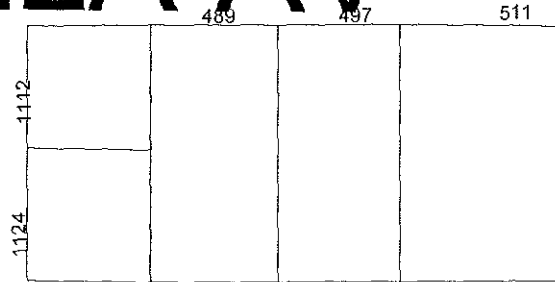
3 WILLIAMS



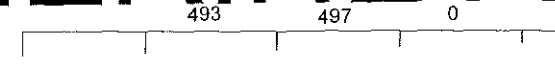
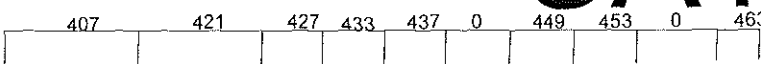
E ISABELLA AV



1113 Williams



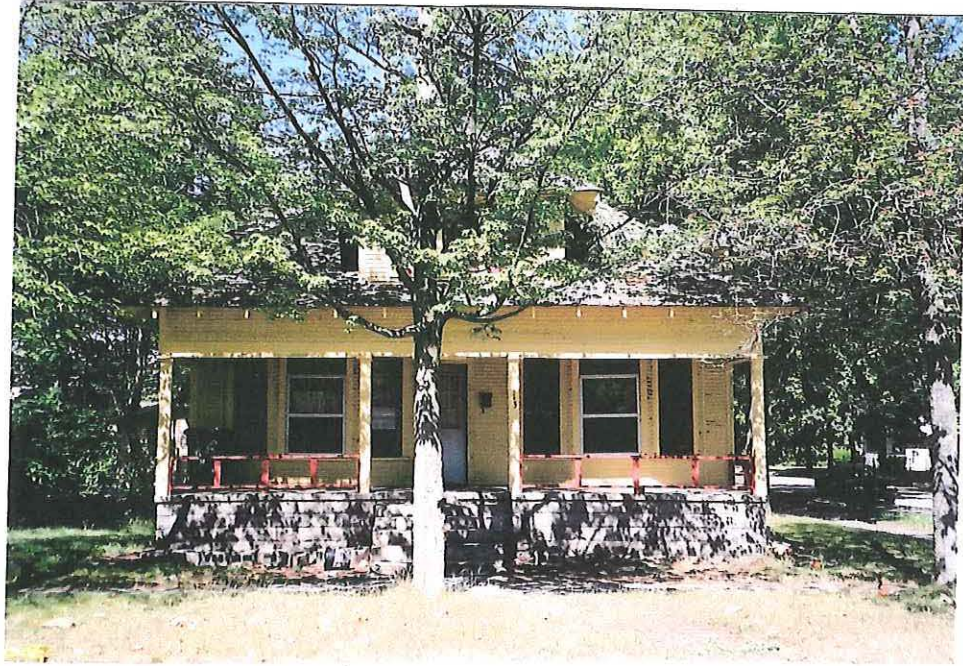
CATHERINE AV



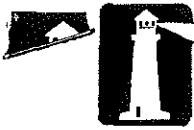
WOODST



1113 Williams
Census # 3



1113 Williams
Census # 3



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120992
July 31, 2001

1. Beginning Date: 8/27/99, at 8:00 A.M.

Please See Attached Liber 2282, Page 640, County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 6/22/2001, at 8:00 A.M.

Deeds:	Documents	Mortgages:
Liber 2282, Page 640 Liber 3087, Page 553 Liber 3139, Page 79	Liber 3071, Page 587	NONE

Taxes:

Proof of payment of delinquent water/sewer usage bill, due and payable to the City of Muskegon Treasurer in the amount of \$64.87, if paid by August 31, 2001.

Proof of payment of civil infraction fees, due and payable to the 60th Muskegon County District Court in the amount of \$84.00.

Proof of payment of invoice fees, due and payable to the City of Muskegon Treasurer in the amount of \$269.85.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$689.65, if paid by August 31, 2001.

Note:

Permanent Parcel No.: 61-24-205-078-0001-00.

2001 State Equalized Value: \$13,700.00.

2001 Taxable Value: \$13,700.00.

Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of County, Michigan, against:

Teresa London

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1113 Williams St.

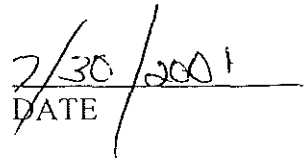
7/23/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Roof covering on home severely deteriorated. Shingles need to be stripped to investigate any sheathing or rafter damage.
3. Numerous broken out windows.
4. Paint severely peeling on home siding, windows, and sills.
5. Steps and guardrails unstable – not to code.
6. Home is vacant and open.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: August 1, 2001

Address of the Property: 1113 Williams, Muskegon, Michigan

Description of the Structure: N ½ Lot 1 Blk 78

TO: Teresa London, 774 Amity, Muskegon, MI 49444
[Name & Address of Owner]

Equivest Limited Partnership, P.O. Box 4010, East Lansing, MI 48826

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

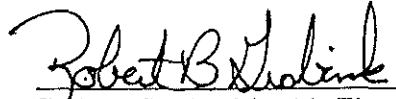
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1113 Williams St. Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: September 25, 2001

Address of the Property: 1113 Williams, Muskegon MI

Description of the Structure: N ½ Lot 1 Blk 78

TO: Teresa London, 774 Amity, Muskegon, MI 49444
[Name & Address of Owner]

Equivest Limited Partnership, P.O. Box 4010, East Lansing, MI 48826
Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, October 4, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 8/1/01.

At the hearing on Thursday, October 4, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: October 8, 2001

To: Teresa London, 774 Amity, Muskegon, MI 49444
Owners Name & Address

Equivest Limited Partnership, P.O. Box 4010, East Lansing, MI 48826
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 4, 2001, does hereby order that the following structure(s) located at 1113 Williams Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

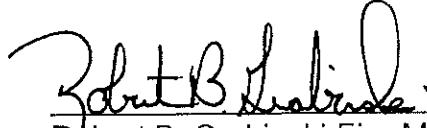
The director of inspections is ordered to place before the Muskegon City Commission on November 13, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

Case #01-038 – 1113 Williams – Teresa London, 774 Amity, Muskegon

No one present to represent this case. Mr. Grabinski gave history. The structure is boarded, no contact from owner. It has recently been sold through ReMax, but we have had no contact from the new owner.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Randy Mackie, supported by John Warner made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
Fred Nielsen
John Warner
Jerry Bever

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

Old Business:

New Business

Meeting adjourned at 6:30 P.M.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: October 31, 2001

1113 Williams

(Address of Property)

TO: All owners and interested parties:

Teresa London, 774 Amity, Muskegon, MI 49444

(Name of Owner)

Equivest Limited Partnership, P.O. Box 4010, East Lansing, MI 48826

On October 4, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **November 13, 2001**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 13, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS



By _____

Robert B. Grabinski, Director of Inspections

DATE: October 29, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-019 Address: 181 E. Walton.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **181 E. Walton** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-019, 181 E. Walton, Muskegon, MI

Location and ownership: This structure is located on Walton between Murphy and Rathborne Streets. It was owned by Lance May of 1657 New St., Muskegon, MI, but was taken over by state(DNR) for back taxes.

Staff Correspondence: A dangerous building inspection was conducted 5/8/00 and a notice and order to repair or demolish was issued 5/10/00. Home was boarded 1/01 and another dangerous building inspection was conducted 4/13/01. A notice and order to repair or demolish was issued 4/30/01 and a notice of HBA hearing was issued 9/24/01. On 10/4/01 HBA ordered demolished.

Owner Contact: There has been no contact from owner.

Financial Impact: Demolition will be funded with CDBG funds.

Budget action required: None

State Equalized value: \$4,800

Estimated cost to repair: \$1,500 exterior. Interior costs unknown.

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 13, 2001.

MURPHY ST

RATHBORNE ST

E WALTON AV

RTLE AV

ST

181 E. Walton





181 E. Walton
Census #3

For The Inspection Dept.
City of Muskegon

410879

FROM CITY ASSESSOR'S RECORDS

OWNER Lance May

PROPERTY 181 E. Walton

PLATE # 03123

DESCRIPTION Lot 1, Blk 206

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 1866

PAGE: 233

DATE OF DEED: November 14, 1995

GRANTOR: Ethel Woods

GRANTEE: Lance D. May

LIENS OR MORTGAGES: None

DATE: April 20, 2000 at 8:00 AM

ABSTRACTED BY: Crane McKnoll
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT Affecting land in Muskegon County, Michigan described as follows:

Lot 1, Block 206 of the Revised Plat (of 1903) of the City of Muskegon as per plat of record.

Permanent Property No. 61-24-205-206-0001-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 Summer taxes.

STATE AND COUNTY TAXES

1. 1996 County tax due in the amount of \$584.70 if paid by May 31, 2000.
2. 1997 County tax due in the amount of \$924.01 if paid by May 31, 2000.
3. 1998 County tax due in the amount of \$588.24 if paid by May 31, 2000.
4. 1999 County tax due in the amount of \$361.97 if paid by May 31, 2000.

TAX SALES

State Equalized Value \$4,800.00.
Taxable Value \$4,504.00.

NOTE: No Homestead filed.

NOTE: Special Assessments, Invoices and Infractions were not checked.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

essor
31/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

181 E WALTON

5/8/00

Inspection Noted:

1. Front porch door missing.
2. Home has been boarded up past ordinance.
3. Interior inspection required - track inspectors.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski
Henry Faltinowski, Building Inspector

5/10/2000
Date

CONCURRED IN:

Jerry McIntyre
Jerry McIntyre, Building Official

5/10/00
Date

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

FILE

NOTICE AND ORDER

May 10, 2000

Lance May
3079 Spring Dr.
Freemont MI 49412-6504

Lance May
982 Amity
Muskegon MI 49442

Lance May
181 E Walton
Muskegon MI 49442

Dear Property Owner:

Subject: 181 E Walton
LOT 1 BLK 206

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at (231) 724-6715.

Sincerely yours,
Robert B. Grabinski
Robert B. Grabinski

Fire Marshal/Inspection Services

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

181 E. WALTON

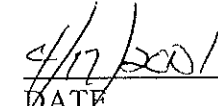
4/13/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).
2. Front porch door missing.
3. Home has been boarded up past the ordinance.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: April 30, 2001

Address of the Property: 181 E Walton, Muskegon, Michigan

Description of the Structure: Lot 1 Block 206

TO: Lance May 1657, New Street, Muskegon MI 49442
[Name & Address of Owner]

State of MI DNR (Realestate Div), PO Box 30448 Lansing MI 48909
[Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

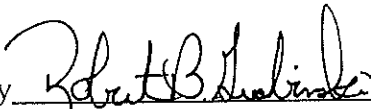
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **181 E WALTON**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By 
Robert B. Grabinski, Fire Marshal

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: September 24, 2001

Address of the Property: 181 E. Walton, Muskegon, Michigan

Description of the Structure: Lot 1 Blk 206

TO: Lance May, 1657 New St. Muskegon, MI 49442
[Name & Address of Owner]

State of MI DNR (Real Estate Div) P.O. Box 30448 Lansing, MI, 48909
Names & Addresses of Other Interested Parties]

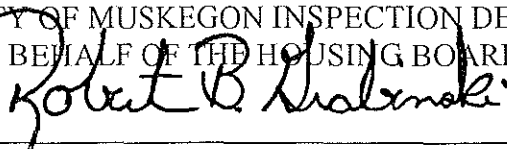
Please take notice that on **Thursday, October 4, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 4/30/01.

At the hearing on Thursday, October 4, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: October 8, 2001

To: Lance May, 1657 New St. Muskegon, MI 49442
Owners Name & Address

State of MI DNR (Real Estate Div) P.O. Box 30448 Lansing, MI 48909
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 4, 2001, does hereby order that the following structure(s) located at 181 E. Walton Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

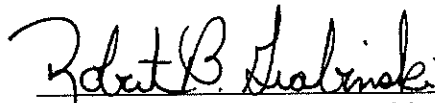
The director of inspections is ordered to place before the Muskegon City Commission on November 13, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

AYES:

Greg Borgman
Randy Mackie
Fred Nielsen
John Warner
Jerry Bever

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

Case # 01- 019 – 181 Walton, Lance May, 1657 New St., Muskegon

Mr. Grabinski stated that the owner, Mr. May, has not talked to the Inspection Office and he believes this is going to be a tax reverted property this year. At this point, no interior inspection has been done. From the outside there is not a lot done. However, the city had to board it because of vandals running from police and hiding in the house.

Staff Recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Jerry Bever, supported by Randy Mackie, made a motion to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Fred Nielsen
John Warner
Jerry Bever

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

Case #01-038 – 1113 Williams – Teresa London, 774 Amity, Muskegon

No one present to represent this case. Mr. Grabinski gave history. The structure is boarded, no contact from owner. It has recently been sold through ReMax, but we have had no contact from the new owner.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: October 31, 2001

181 E. Walton
(Address of Property)

TO: All owners and interested parties:

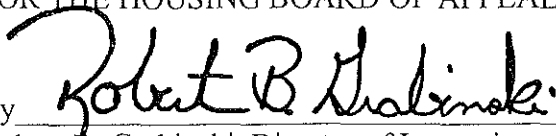
Lance May, 1657 New St. Muskegon, MI 49442
(Name of Owner)

State of MI DNR (Real Estate Div) P.O. Box 30448 Lansing, MI 48909
(Other interested parties)

On October 4, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **November 13, 2001**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 13, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Director of Inspections

DATE: October 31, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-042 Address: 2463 Lakeshore Dr.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **2463 Lakeshore Dr.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-042, 2463 Lakeshore Dr. Muskegon, MI

Location and ownership: This structure is located on Lakeshore Dr. between Lincoln and Clifford St. It is owned by Option One Mortgage.

Staff Correspondence: A dangerous building inspection was conducted on 8/21/01. A notice and order to repair or demolish was issued 8/27/01, a notice of HBA hearing was sent 9/24/01. HBA ordered demolished on 10/4/01.

Owner Contact: This property has been foreclosed on and a representative from Trott & Trott was present at the October HBA meeting to represent Option One. He stated that Option One was in the process of taking bids for repair and mowing of the property, but there is a gray area for the mortgage company. On a foreclosure the mortgage company has no rights, except securing the building, during the redemption period.

Financial Impact: This demolition would be funded from General Funds.

Budget action required: None

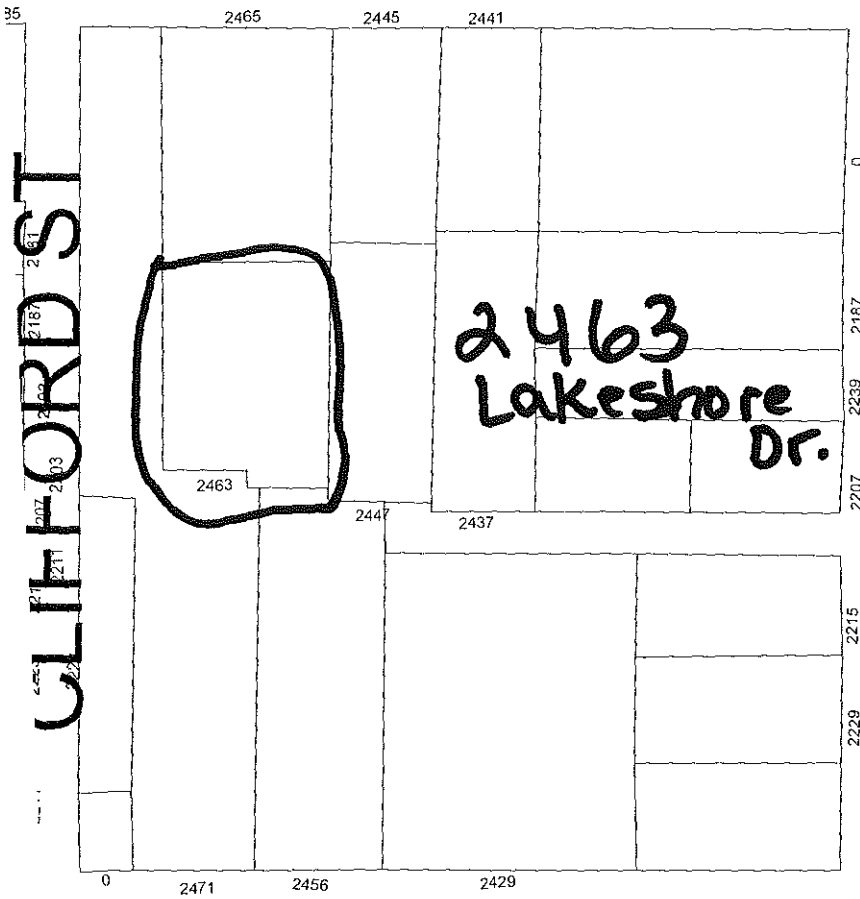
State Equalized value: \$29,800

Estimated cost to repair: \$35,000

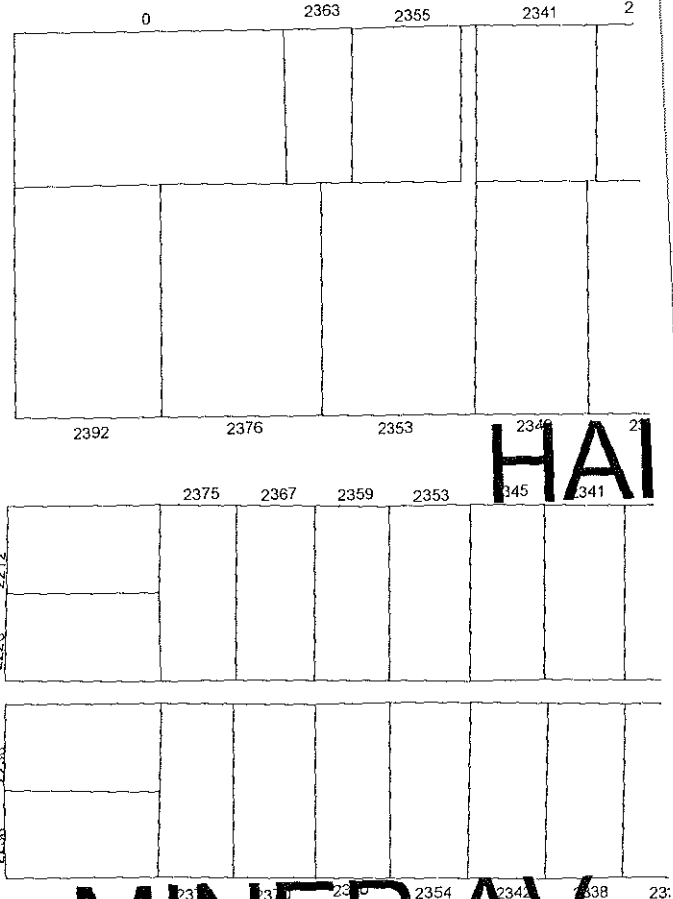
Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 13, 2001.

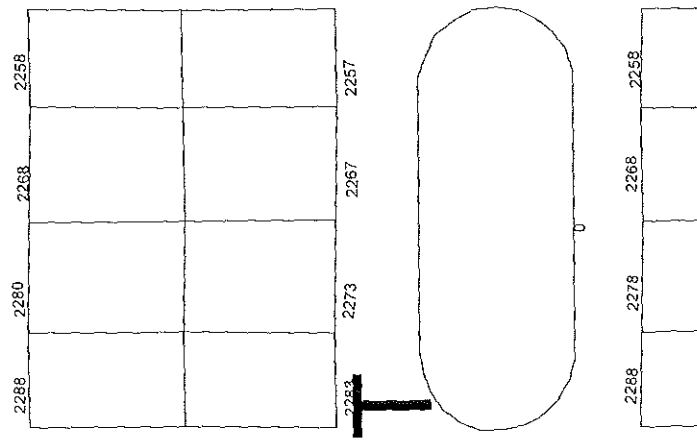
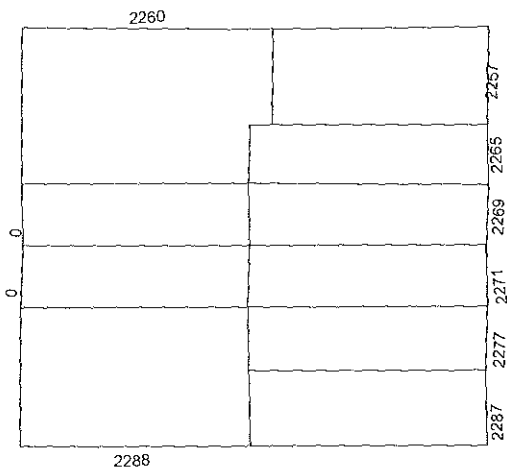
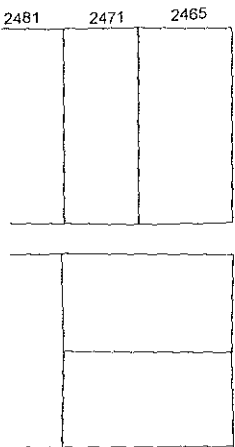
LAKESHORE DR.



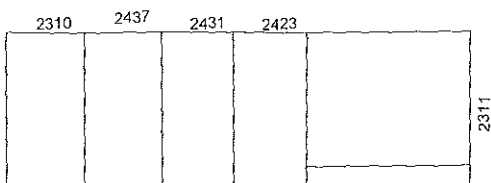
Lincoln



MINER AV



N AV



RECT



2463 Lakeshore Dr.
Census # 9



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100121231
August 24, 2001

1. Beginning Date: 7/12/2001, at 8:00 A.M.

Please See Attached Liber 3230, Page 834, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 8/1/2001, at 8:00 A.M.

Documents

Deeds:

Liber 3230, Page 834

Mortgages:

NONE

Taxes:

Proof of payment of delinquent water/sewer usage bill, due and payable to the City of Muskegon Water Department in the amount of \$107.57, if paid by August 31, 2001.

Proof of payment of invoice fees, due and payable to the City of Muskegon in the amount of \$244.00. (Invoices for mowing fees #9819654 and #9820791)

Note:

2000 Winter taxes were paid in the amount of:

\$1,362.45. (Base amount - \$1,273.46**)

No 2001 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-678-0001-01.

2001 State Equalized Value: \$29,800.00.

2001 Taxable Value: \$24,253.00.

Non-Homestead Property.

****NOTE:** A Delinquent Water/Sewer Usage Bill was included in the amount of \$88.99 in the 2000 Winter Tax Bill.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Wells Fargo Bank
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

2463 Lakeshore Dr.

8/21/01

Inspection noted:

1. Wiring in home needs to meet Michigan Residential Code 2000.
2. Home left open to public.
3. Broken out windows and doors.
4. Partial basement walls caving in – need to structurally stabilize.
5. Rotting, missing siding. Siding in contact with ground – needs to meet protection from decay requirements.
6. Interior incomplete drywall on walls & ceilings. Damaged drywall – graffiti.
7. Rotted wood window frames.
8. Home needs paint.
9. Must have mechanicals certified safe by licensed mechanical contractor.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

8/22/2001
DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: August 27, 2001

Address of the Property: 2463 Lakeshore Dr. Muskegon, Michigan

Description of the Structure: E 110 ft. of S 151.5 ft. of N 303 Ft. Blk 678

TO: Wells Fargo Bank, 3 Ada, Irvine CA 92618

[Name & Address of Owner]

None
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

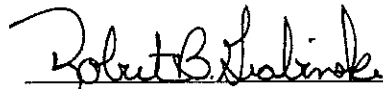
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **2463 Lakeshore Dr.** Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: September 24, 2001

Address of the Property: 2463 Lakeshore Dr. Muskegon, Michigan

Description of the Structure: E 110 ft. of S 151.5 ft. of N 303 ft. Blk 678

OPTION one
TO: Wells Fargo Bank, 3 Ada Irvine, CA 92618
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, October 4, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 8/27/01.

At the hearing on Thursday, October 4, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By

Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: October 8, 2001

To: Option One Mortgage Corp. 3 Ada, Irvine, CA 92618
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 4, 2001, does hereby order that the following structure(s) located at **2463 Lakeshore Dr.** Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

The director of inspections is ordered to place before the Muskegon City Commission on November 13, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

Case #01-042 – 2463 Lakeshore Dr. – Option One Mortgage, 3 Ada, Irvine, CA 92618

Jim Batchelor from Trott & Trott was present on behalf of Option One to represent this property. He stated that Option One is in the process of taking bids for repair and mowing of the property. He also stated that there is a problem the board should be aware. There is a gray area for the mortgage company because technically, on a foreclosure, a mortgage company has no rights during the redemption period, other than to secure the property from damage. Mr. Grabinski stated that they (Option One) have contacted the Inspection office in reference to the board up. They were going to contact their contractor to do it, but that did not happen and the city took care of the board up. Mr. Grabinski asked Mr. Batchelor if Option One has no obligation to repair the property. Mr. Batchelor stated that this is the gray area, but they are taking bids to repair to make sure the property is secured. Mr. Grabinski stated that he understands the situation, but our goal is to remove blight from the city. From past experience with foreclosures, if the mortgage company is really serious about saving the structure then we get into a temporary restraining order at some point and we get into a position where we have a consent agreement.

Neighbor of the property, Jim Austin, spoke about the mess of the property, vandalism, length of grass, and his distress at having this ongoing problem with the abandoned house. He just doesn't want this to be a lengthy process. He's tired of this blight in his neighborhood. He wants closure to the property. He inquired about the lengthy waiting period on abandoned properties such as this. Borgman explained the process.

Staff recommendation: To declare the structure substandard, unsafe, a dangerous building, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Motion made by Fred Nielsen, seconded by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: October 31, 2001

2463 Lakeshore Dr.
(Address of Property)

TO: All owners and interested parties:

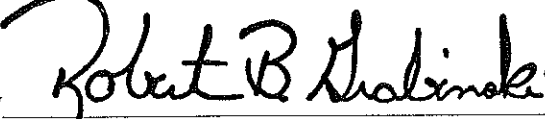
Option One Mortgage Corp. 3 Ada, Irvine, CA 92618
(Name of Owner)

None
(Other interested parties)

On October 4, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on November 13, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 13, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Director of Inspections

Mayor under any other business

Study: Arsenic hazard high in pressure-treated lumber

LOS ANGELES TIMES

WASHINGTON — A study of commonly used pressure-treated lumber purchased at home improvement stores nationwide suggests that the risk of arsenic exposure from the boards is higher than previously feared, an environmental organization says.

The Environmental Working Group, working with public interest groups in 13 metropolitan areas and a government-approved lab, said last week it detected levels of arsenic high enough that one in 500 children who regularly play on arsenic-treated decks or playground equipment would be likely to develop lung or bladder cancer later in life.

The release of the study comes just a week after the Bush administration embraced a tougher standard for arsenic in drinking water and as two government agencies are in the midst of assessing the risks posed by arsenic-treated wood.

"The residue data certainly enhances our understanding of the degree to which arsenic leaches out of treated wood," said Jim Jones, deputy director of the Environmental Protection Agency's pesticide office.

But Mel Pine, an industry spokesman, accused the environmental group of "repack-

The group said one in 500 children who regularly play on arsenic-treated decks or playground equipment would be likely to develop lung or bladder cancer later in life.

aging its questionable data in ways calculated to alarm the public," and denied the arsenic-treated wood posed a danger to children. Scientists working for the industry have assured him that the product is safe, he added.

In recent years, scientists have tested playground equipment and other structures built from wood pressure-treated with the pesticide chromated copper arsenate to make it resistant to insects and decay. Recent news accounts have highlighted the risks associated with products treated with the widely used pesticide, but the Environmental Working Group's study is the first to test newly treated lumber.

"I would love to hear from EPA," said Don Harrison, a spokesman for Home Depot, one of the retailers targeted by the study.

Within six months, the EPA expects to pub-

lish its assessment of the risks posed to children by decks and playground equipment made of arsenic-treated wood. The Consumer Product Safety Commission, working with EPA, plans to test playgrounds to determine if equipment built with arsenic-treated wood is safe for children. Ten years ago, after a much narrower study, the commission found no such health risk.

Those who have monitored the controversy predict that arsenic-treated wood is on the way out. They believe that the combination of mounting scientific evidence, emerging availability of alternative chemicals, growing public awareness of the problem and increasing legal pressures will force a change.

In response to public concern, the wood processing industry recently started a program to attach tags to all of its lumber warning buyers against burning the wood and advising them to wear gloves, goggles and masks when working with it. Retailers are urged to post information sheets, which include precautions against using the treated wood for cutting boards or in other ways that would put it in contact with human or animal food.

But there are no warnings against using it for play equipment or picnic tables.