

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 13, 2015

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
- CITY MANAGER'S REPORT:
- CONSENT AGENDA:
 - A. Approval of Minutes City Clerk
 - B. Fiber Technologies Networks, LLC – METRO Act Permit Engineering
 - C. Lakeshore Trail – Exchange of Property Between the Muskegon Community College (MCC) and the City Planning & Economic Development
 - D. Contribution to (LBC) Lakeshore Baseball Club Engineering
 - E. Transfers to Engineering, Major and Local Streets Funds Finance
 - F. Approval of a Neighborhood Enterprise Zone Certificate-314 Terrace Point Circle Planning & Economic Development
 - G. Approval of a Neighborhood Enterprise Zone Certificate-349 Terrace Point Circle Planning & Economic Development
 - H. Safebuilt Collection Contract (amendment proposal) Director of Public Safety
- PUBLIC HEARINGS:
 - A. Public Hearing – Request for the establishment of an Industrial Development District at 441 W. Western Avenue Planning & Economic Development

B. Public Hearing – Request for an Industrial Facilities Exemption Certificate – Pigeon Hill Brewing Company, LLC Planning & Economic Development

C. Public Hearing – Create City Wide Special Assessment for Street Lights
Treasurer

☐ **COMMUNICATIONS:**

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following Public Safety

357 Mason

229 E. Grand

236 Washington – garage only

725 Ellifson

597 W. Muskegon – garage only

733 Marcoux

1445 Park

1451 Park

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

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

☐ **CLOSED SESSION:**

☐ **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 ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: October 7, 2015

There are a significant number of important items on the agenda this week. Accordingly, I thought you could use a little background on them as you prepare for our meeting.

1. Under the consent agenda, we are asking the Commission for approval of the following:
 - a. Last meeting's minutes.
 - b. A permit from Fiber Technologies to access and use the public right-of-way within the city. The purpose of the access is to construct a fiber optic network extension that will service certain properties in the city. According to the map, the expansion will affect the following areas:
 1. Parts of Henry Street between Sherman and Hackley
 2. Parts of Roberts Street between Sherman and Keating
 3. Parts of Creston Street between Laketon and Apple
 4. Parts of Apple between Creston and US 31
 5. Parts of Harvey Street
 6. Parts of Keating Avenue
 - c. A property exchange with Muskegon Community College. We are asking to swap a piece of property that now hosts a small portion of the lakeshore trail (owned by MCC) with a similar property in the general vicinity. It appears that a number of years ago, we purchased our piece of property for the trail, but actually built it on another piece of property that was owned by the YMCA. This transaction will clean that situation up.
 - d. We want to authorize a contribution to the Lakeshore Baseball Club in the amount of \$23,256 to repair/upgrade the bleachers at Marsh Field. This amount is 90% of the anticipated cost for the needed repairs and Lakeshore Baseball Club will be paying 10%.
 - e. Approval of a transfer of funds from the General Fund to the Engineering, Major Streets, and Local Streets Funds. This concept was discussed at a commission meeting back in June, but staff asked the Commission to wait until the fiscal year's

final numbers were a bit clearer. Staff is recommending that the Commission formally make a transfer to each of these funds because the funds needed the cash and there was a possibility that the general fund would finish stronger than originally projected. Accordingly, we are requesting the following transfers from the General Fund be formally approved by the Commission (staff has already completed the transfers internally):

1. \$75,000 to the Engineering Fund
 2. \$300,000 to the Local Street Fund
 3. \$500,000 to the Major Street Fund
- f. Approval of a neighborhood enterprise zone certificate for 314 Terrace Point Circle. This is a model home that was constructed by the developer. The model home is eligible for this certificate up to 6 months after completion.
- g. Approval of a neighborhood enterprise zone certificate for 349 Terrace Point Circle. This is a custom home that is currently under construction.
2. Public Hearings:
- a. We are seeking to establish an industrial redevelopment district at 441 West Western to facilitate the owner's desire to operate a craft beer canning operation.
 - b. Once the district is established, we will be seeking approval of an Industrial Facilities Exemption certificate for the property at 441 West Western.
 - c. Streetlight Assessment - \$35 per parcel. I will do an introduction to the rationale for the assessment, the value of the assessment, and the process for the assessment before we take comments from the public.
3. Under New Business:
- a. We are asking for concurrence with the HBA's recommendation to demolish eight structures – including six houses and two garages. Staff does not recommend any further extensions for any of these structures.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.



Frank Peterson
City Manager

Date: September 15, 2015
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the September 22, 2015 City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 22, 2015

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, MI at 5:30 p.m., Tuesday, September 22, 2015.

Commissioner Willie German, Jr., opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Rinsema-Sybenga, Turnquist, Johnson, Hood, and German, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2015-67 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the September 8, 2015 City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Fly the Breast Cancer Ribbon Flag City Clerk

SUMMARY OF REQUEST: As they have done in the past, Tempting Tables is requesting use of City Flag Poles at the Farmer's Market, Hackley Park, City Hall, on Shoreline Drive, and at Root Park to fly a Breast Cancer Ribbon Flag during the week of October 11, 2015 in conjunction with the Tempting Tables fundraiser event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

D. Transportation Improvements Program Submittal for 2018-2020 Projects Engineering

SUMMARY OF REQUEST: Authorize staff to submit the following projects to the West Michigan Shoreline Regional Development Commission for funding consideration and inclusion in the Fiscal Year 2018 – 2020 Transportation Improvement Program (TIP).

- 1- For 2018: Black Creek Road from Sherman to Latimer & Beach Street from Lakeshore to Oval
- 2- For 2019: Lakeshore Drive from Beach to Lincoln
- 3- For 2020: Lakeshore Drive from Lincoln to Laketon

Projects submitted will be considered for Federal and State transportation funding. Adoption of the resolution is required as part of the submittal to commit the local match should funds become available.

FINANCIAL IMPCAT: None at this time; however, a local match will be required should we receive a grant for all/any projects.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the project submittal and resolution.

E. Request to Distribute Proposed Amendments to Master Land Use Plan to Regional Entities Planning & Economic Development

SUMMARY OF REQUEST: Staff has initiated a request to amend the City of Muskegon Master Land Use Plan to remove all references to Fisherman's Landing. This will include amendments to the 1997 Master Land Use Plan and the 2008 Downtown & Lakeshore Redevelopment Plan. The Planning Commission recommended approval of these amendments and now the City Commission must approve the distribution of the amended plan to regional entities. The regional entities will have 42 days to review and make comments. Then, a public hearing must be held at the Planning Commission meeting and they must approve the amendments by a 2/3rds vote.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the proposed amendments.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the proposed amendments at their September 10, 2015 meeting, with one member absent.

F. Vacant Building Registration Ordinance Amendment Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Code of Ordinances, Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of clarifying that the vacant building registration fees are a lien

against the property. The change is to section 10-107(b)(7) *Delinquent registration fees as a lien*.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose stated.

G. Certificate of Compliance for Rental Dwellings Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Subdivision III. Rental Property Section 10-352. Certificate of Compliance for rental dwellings in order to clarify the following:

Section 10-352(b) was amended to clarify that a certificate of compliance may be suspended if any fees and debts to the city are incurred and not paid in full after the initial issuance of the certificate.

Section 10-352(b)(5) was amended to clarify that the fees, fines, penalties or debts that must be paid to maintain a valid certificate of compliance may be based on any provision within all of Chapter 10, not only under the property maintenance code.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 10-352(b) and Section 10-352 (b)(5), for the purpose stated.

H. Moratorium on fees for Vacant Buildings Planning & Economic Development

SUMMARY OF REQUEST: Request to allow the moratorium to continue with the guidelines that are in place so staff would not need to bring this before the City Commission for approval each year. Should the need arise to change this in the future; this will be brought back to the City Commission.

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval to continue the fee moratorium for vacant building invoice fees for 2016 and into the future.

Motion by Commissioner Johnson, second by Vice Mayor Spataro, to accept the Consent Agenda as read with the exception of item C.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga.

Nays: None

MOTION PASSES

2015-68 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Adopt a resolution to set October 13, 2015 Public Hearing Date for Proposed Special Assessment (Street Lights) City Treasurer

SUMMARY OF REQUEST: To approve and adopt a resolution to set a public hearing date of Tuesday, October 13, 2015 regarding creation of a city-wide special assessment for street lights.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval recommended.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to approve and adopt a resolution to set a public hearing date of Tuesday, October 13, 2015 regarding creation of a city-wide special assessment for street lights.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist.

Nays: None

MOTION PASSES

2015-69 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the following structures are unsafe, substandard, public nuisances, and that they be demolished within thirty days or infraction tickets may be issued. 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 contracts for demolition with the lowest possible responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structures.

1506 Park Street – garage only

1280 Sanford Street

FINANCIAL IMPACT: CDBG or General Funds.

BUDGET ACTION REQUIRED: None.

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

Motion by Vice Mayor Spataro, second by Commissioner Hood to concur with the Housing Board of Appeals decision to demolish 1506 Park Street, garage only, and 1280 Sanford Street.

ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson.

Nays: None

MOTION PASSES

B. Amendment to the Zoning Ordinance Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend section 400 of the zoning ordinance to allow multiple family dwellings under certain circumstances in R-1, Single Family Residential Districts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the ordinance amendment by a 7-1 vote, with one member absent.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to approve the zoning ordinance amendment.

ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron.

Nays: None

MOTION PASSES

C. Allen Edwin Homes – Contract Negotiations Planning & Economic Development

SUMMARY OF REQUEST: Staff has been working with Allen Edwin Homes to develop plans for 9 homes on property bounded by Houston, Monroe, Fourth and Fifth. Meanwhile, City Commission authorized staff to proceed with the acquisition of this property from MSI at the August 25, 2015 Commission meeting. As staff is prepared to implement plans for the new homes, it is necessary to enter into a formal contract with Allen Edwin Homes for the home construction.

FINANCIAL IMPACT: This will be dependent on the actual terms of the Contract.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To authorize staff to negotiate with Allen Edwin Homes for the construction of nine homes, with final terms and execution to be determined by staff.

Motion by Vice Mayor Spataro, second by Commissioner German to authorize staff to negotiate with Allen Edwin Homes for the construction of nine homes, with final terms and execution to be determined by staff.

Motion by Commissioner Johnson, second by Commissioner Hood to amend original motion to authorize staff to negotiate with Allen Edwin Homes for the construction of nine homes with final terms to be approved by the City Commission and signed by the Mayor and City Clerk with execution to be determined by staff.

ROLL VOTE ON AMENDMENT: Ayes: German, Turnquist, Johnson, and Hood.

Nays: Rinsema-Sybenga, Gawron, and Spataro.

MOTION PASSES

ROLL VOTE ON ORIGINAL MOTION (with amendment): Ayes: Spataro, German, Turnquist, Johnson, Gawron, and Hood.

Nays: Rinsema-Sybenga

MOTION PASSES

D. PILOT-General Capital Acquisitions, LLC – Planning and Economic Development

SUMMARY OF REQUEST: Josh Hafron, General Capital Acquisitions, LLC presented plans to City Commission at the September 8 meeting for an affordable senior housing development at 275 W. Clay. The City Commission was generally favorable with his plans. Mr. Hafron is now requesting a Payment in Lieu of Taxes (PILOT) for the project. The development, Berkshire Housing Apartments, will include 47 units (60% Area Median Income), 26 units (40% Area Median Income), and 6 units (30% Area Median Income). Berkshire Housing Apartments will contain both 1- and 2- bedroom units, common area, a community room, exercise room, library/business center and outdoor courtyard and terrace areas. In addition, Mr. Hafron is in discussions with Tanglewood, to include a satellite office on site that would provide services for Berkshire residents and the larger community. It will also include 2,200 square feet for commercial space on the first floor of the building (an increase from the original amount of 1,800 square feet presented to Commission at the last meeting). The minimum service charge of 4% will be imposed, as well as a service fee to the City of 2%. If approved, this will be the first building downtown to comply with the new Form Base Code standards.

FINANCIAL IMPACT: Although the PILOT for the project will be less than the taxes captured for a similar market-rate project, the situation with this particular property is that the contribution towards the City will be greater to the City with the development under a PILOT than it is a vacant lot. In addition, taxes would apply to the commercial square footage within the building.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATIONS: To approve the "Contract for Housing Exemption" and the "Development Agreement" and authorize the Mayor and Clerk to sign.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to approve the Contract for Housing Exemption and the Development Agreement and authorize the Mayor and Clerk to sign.

ROLL VOTE: Ayes: Rinsema-Sybenga, Johnson, Gawron, Hood, Spataro, and German.

Nays: Turnquist

ANY OTHER BUSINESS: Vice Mayor Spataro introduced a resident from West Forest who voiced concerns about a neighbor fixing and selling cars from his residence. Commissioner Turnquist asked about two homes that are boarded up across the street from Muskegon High School. Chief Lewis indicated that Inspection Notices had been sent to the owners.

PUBLIC PARTICIPATION: Public Comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:28 p.m.

Respectfully submitted,

Ann Marie Meisch, MMC
City Clerk

Date: October 13, 2015
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Fiber Technologies Networks, LLC – METRO Act Permit

SUMMARY OF REQUEST: Approve the request for a permit from Fiber Technologies Networks, LLC to access and use the public right-of-way within the city. The purpose of the access is to construct a fiber optic network extension that will service certain properties in the city. The expansion will affect the following areas:

1. Parts of Henry Street between Sherman and Hackley
2. Parts of Roberts Street between Sherman and Keating
3. Parts of Creston Street between Laketon and Apple
4. Parts of Apple between Creston and US 31
5. Parts of Harvey Street
6. Parts of Keating Avenue

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the permit and sign the documents.



phone 585-697-5100
fax 585-442-8845
300 Meridian Centre
Rochester, NY 14618

September 8, 2015

VIA FEDERAL EXPRESS

Ann Cummings
City Clerk
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

RE: METRO Act Permit Application Form

Dear Ms. Cummings:

Please accept this letter as a request by Fiber Technologies Networks, L.L.C. ("Fibertech") for a METRO Act Permit in the City of ("Muskegon") for access to and ongoing use of public rights-of-way within the City for the purpose of constructing a fiber optic network extension to service its customers. I have also included a METRO Act Permit Bilateral Form, for your convenience.

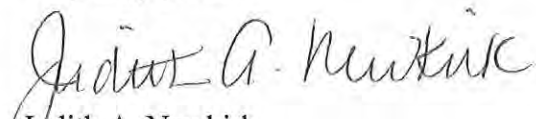
Per the METRO Act Application Requirements, Attachments A-E are included with our application for your review. Here is a brief description of the attachments:

- Fibertech is a limited liability company formed in the State of New York. A copy of the New York Department of State's certification is included in Attachment A.
- Attachment B is a copy of Fibertech's Michigan Department of Licensing and Regulatory Affairs Filing Endorsement.
- Fibertech's Certificate of Authority from the Public Service Commission is included in Attachment C.
- A proposed network route map is shown in Attachment D.
- Attachment E includes a valid Certificate of Insurance and Worker's Compensation documentation.
- Check #148065 for five hundred dollars and no cents (\$500.00) is included to cover a one-time application fee.

If you have questions concerning this application please contact me directly at 585-568-8485 or jnewkirk@lighttower.com.

Thank you.

Very truly yours,


Judith A. Newkirk
Director of Access & Permitting

JAN/yf
Enclosures

Customer Driven. To The Last Mile.

www.fibertech.com 

**METRO Act Permit
Bilateral Form
Revised 12/06/02**

**RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT**

TERMS AND CONDITIONS

1 Definitions

- 1.1 Company shall mean Fiber Technologies Networks, L.L.C. organized under the laws of the State of New York whose address is 300 Meridian Centre, Rochester, New York 14618.
- 1.2 Effective Date shall mean the date set forth in Part 13.
- 1.3 Manager shall mean Municipality's [Mayor/Manager/Supervisor/Village President] or his or her designee.
- 1.4 METRO Act shall mean the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.5 Municipality shall mean City of Muskegon, a Michigan municipal corporation.
- 1.6 Permit shall mean this document.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public right-of-way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunication Facilities or Facilities shall mean the Company's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, 2-way communications device.
- 1.9 Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby grants a permit under the METRO Act to Company for access to and ongoing use of the Public Right-of-Way to construct, install and maintain Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A on the terms set forth herein.
- 2.1.1 Exhibit A may be modified by written request by Company and approval by Manager.
- 2.1.2 Manager shall not unreasonably condition or deny any request for a modification of Exhibit A. Any decision of Manager on a request for a modification may be appealed by Company to Municipality's legislative body.
- 2.2 Overlashing. Company shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Company Contacts. The names, addresses and the like for engineering and construction related information for Company and its Telecommunication Facilities are as follows:

The address, e-mail address, phone number and contact person (title or name) at Company's local office (in or near Municipality) is Jean Miller, Director of NW Expansion, 585-568-8483, 300 Meridian Centre, Rochester, New York 14618, jmiller@lighttower.com.

- 3.1.1 If Company's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is Jean Miller, Director of NW Expansion, 585-568-8483, 300 Meridian Centre, Rochester, New York 14618, jmiller@lighttower.com.

- 3.1.2 The name, title, address, e-mail address and telephone numbers of Company's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is Jean Miller, Director of NW Expansion, 585-568-8483, 300 Meridian Centre, Rochester, New York 14618, jmiller@lighttower.com.
- 3.1.3 The address, phone number and contact person (title or department) at Company's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Mike Dziulko, 585-743-1723, Vice President Regional Operations NW, 300 Meridian Centre, Rochester, New York 14618, mdziulko@lighttower.com.
- 3.1.4 Company shall at all times provide Manager with the phone number at which a live representative of Company (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency. Network Operating Center: 1-800-497-5578.
- 3.1.5 The preceding information is accurate as of the Effective Date. Company shall notify Municipality in writing as set forth in Part 12 of any changes in the preceding information.
- 3.2 Route Maps. Within ninety (90) days after the substantial completion of construction of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).
- 3.3 As-Built Records. Company, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Company shall inform Municipality as soon as reasonably possible, of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 Use of Public Right-of-Way

- 4.1 No Burden on Public Right-of-Way. Company, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Company's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Company, at its sole

expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Company shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Company over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Company, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Company's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Company's option, better) condition as that which existed prior to the disturbance. In the event that Company, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Company shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Company shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Company's lines on alternate poles which shall state Company's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Company's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Company's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Company, shall be marked at its entrance into and exit from each manhole and handhole with Company's name and a toll-free telephone number.

- 4.5 Tree Trimming. Company may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Company shall dispose of all trimmed materials. Company shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Company shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Company's use, or the facilities of all users of the poles are required to go underground then Company shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Company may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Company shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Company shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Company to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Company shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Company shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Municipality shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Company shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and

the National Electric Code (latest edition). Company shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Company's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.

- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Company's Facilities in the vacated Public Right-of-Way, Company shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Company shall relocate its Facilities to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards.
- 4.10 Relocation. If Municipality requests Company to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Company shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Company if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality shall attempt to provide notice to Company. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Company shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Company shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 Underground Relocation. If Company has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Company shall relocate its Facilities underground in the same location at Company's sole cost and expense.

- 4.14 Identification. All personnel of Company and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Company's name, their name and photograph. Company shall account for all identification cards at all times. Every service vehicle of Company and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Company's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Company shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Company, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Company's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Company, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality shall notify Company promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality shall cooperate with Company in every reasonable way to facilitate the defense of any such claim. Municipality shall consult with Company respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality shall not settle any claim subject to indemnification under this Part 5 without the advance written consent of Company, which consent shall not be unreasonably withheld. Company shall have the right to defend or settle, at its own expense, any claim against Municipality for which Company is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Company shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Company may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Company shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Company shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Company's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Company, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Company's policies).
- 6.6 Insurance Primary. Company's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Company's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
- 7.1.1 Fifteen years (15) from the Effective Date; provided, however, that following such initial term there shall be three subsequent renewal terms of five (5) years. Each renewal term shall be automatic unless Municipality notifies Company in writing, at least twelve (12) months prior to the end of any term then in effect, that due to changed circumstances a need exists to negotiate the subsequent renewal with Company. Municipality shall not unreasonably deny a renewal term; or
- 7.1.2 When the Telecommunication Facilities have not been used to provide telecommunications services for a period of one hundred and eighty (180) days by the Company or a successor or an assign of the Company; or
- 7.1.3 When Company, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or

7.1.4 Upon either Company or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

7.1.5 Unless Manager grants a written extension, one year from the Effective Date if prior thereto Company has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Effective Date if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

8.1 Municipal Requirement. Municipality may require Company to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

10.1 Removal; Underground. As soon as practicable after the Term, Company or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Company shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Company's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Company, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of

its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Company as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.
- 11 Assignment. Company may assign or transfer its rights under this Permit, or the persons or entities controlling Company may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Company's business, or by other means, subject to the following:
 - 11.1 No such transfer or assignment or change in the control of Company shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Effective Date until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.
 - 11.2 After the completion of such construction, Company must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,
 - 11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and
 - 11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Company's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Company shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.
 - 11.3 Company may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, _____
_____.

12.1.2 If to Company, to Judith Newkirk, Director of Access & Permitting,
300 Meridian Centre, Rochester, New York 14618.

12.2 Change of Address. Company and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Company to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Duties. Company shall faithfully perform all duties required by this Permit.

13.3 Effective Date. This Permit shall become effective when issued by Municipality and Company has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acceptance of the Permit.

13.4 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.5 Amendment. Except as set forth in Section 2.1 this Permit may be amended by the written agreement of Municipality and Company.

13.6 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Company and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.7 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

[City of Muskegon]

Attest:

By: _____
Clerk

By: _____

Its: _____

Date: _____

“Company accepts the Permit granted by Municipality upon the terms and conditions contained therein.”

By: Fiber Technologies Networks, L.L.C.

By: _____

Mike Dziulko

Its: Vice President Regional Operations NW

Date: _____

::ODMA\PCDOCS\GRR\759319\6

Exhibit A

**Public Right-of-Way to be used by Telecommunication Facilities
(See Attachment D of Application Form)**

Exhibit B

Bond

METRO Act Permit Application Form
Revised April 6, 2012

Muskegon City, Muskegon County, Michigan
Name of Local Unit of Government

APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS
UNDER
METROPOLITAN EXTENSION TELECOMMUNICATIONS
RIGHTS-OF-WAY OVERSIGHT ACT
2002 PA 48
MCL SECTIONS 484.3101 TO 484.3120

BY

Fiber Technologies Networks, L.L.C.
("APPLICANT")

Unfamiliar with METRO Act?--Assistance: Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act") permits for telecommunications providers should seek assistance, such as by contacting the Telecommunications Division of the Michigan Public Service Commission at 517-241-6200 or via its web site at http://www.michigan.gov/mpsc/0,4639,7-159-16372_22707---,00.html.

45 Days to Act—Fines for Failure to Act: The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

Where to File: Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows]:

-- Three (3) copies (one of which shall be marked and designated as the master copy) with the Clerk at [insert address].

Ann Cummings
City Clerk
City of Muskegon
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705

Muskegon City, Muskegon County, Michigan

Name of local unit of government

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS**

By
**Fiber Technologies Networks, L.L.C.
("APPLICANT")**

This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3).

This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCL 484.3105(3).

1. GENERAL INFORMATION:

1.1 Date: September 3, 2015

1.2 Applicant's legal name: Fiber Technologies Networks, L.L.C.
Mailing Address: 300 Meridian Centre
Rochester, New York 14618

Telephone Number: (585) 697-5100

Fax Number: (585) 442-8845

Corporate website: <http://www.lighttower.com>

Name and title of Applicant's local manager (and if different) contact person regarding this application:

**Judith Newkirk, Director of Access & Permitting
Lighttower Fiber Networks
300 Meridian Centre
Rochester, New York 14618**

Telephone Number: (585) 568-8485
Fax Number: (585) 442-8845
E-mail Address: jnewkirk@lighttower.com

1.3 Type of Entity: (Check one of the following)

☐ Corporation
☐ General Partnership
☐ Limited Partnership
☒ Limited Liability Company
☐ Individual
☐ Other, please describe: _____

1.4 Assumed name for doing business, if any: _____

1.5 Description of Entity:

1.5.1 Jurisdiction of incorporation/formation; Applicant, Fiber Technologies Networks, L.L.C., is a limited liability company, formed in the State of New York. A copy of the New York Department of State's certification, reflecting Applicant's status as a Limited Liability Company, is attached hereto as Attachment A.

1.5.2 Date of incorporation/formation; December 30, 1998

1.5.3 If a subsidiary, name of ultimate parent company; LTS Group Holdings, LLC

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

**President & CEO – Rob Shanahan
CFO - Eric Sandman
General Counsel & Secretary – David Mayer**

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information. **See Attachment B.**

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe: No.

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes No X

If "yes," please describe the circumstances.

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony; or

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes No X

If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

1.10 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

If no financial statements are provided, please explain and provide particulars.
Applicant is privately held.

2. DESCRIPTION OF PROJECT:

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

Fiber Technologies Networks, L.L.C. is tariffed and registered as a Competitive Access Provider in the State of Michigan. A copy of the ITSP Registry is attached (Attachment C).

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

Service Provider, Fiber Technologies Networks, L.L.C., will build and operate fiber optic networks and associated equipment including Distributed Antenna Systems (DAS) antennas, equipment and supporting poles in Muskegon City. These open-access networks will be available for use by other communications companies wishing to do business in the municipality, and also by other entities desiring fiber-optic-based broadband connections.

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

Proposed network route maps are shown in Attachment D.

2.4 Please provide an anticipated or actual construction schedule.

Construction is anticipated to begin 4th Quarter, 2015 or 1st Quarter, 2016.

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

None, other than Applicant and its present companies.

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

All facilities placed in the Public Right of Ways will be maintained by Applicant. Applicant may be contacted through its Network Operations Center (NOC). The NOC is open 24/7, 365 days a year and can be contacted at 800-497-5578.

Applicant intends to use existing utility poles and underground conduit to install its network facilities. The utility companies have requested that these agreements be kept confidential.

3. TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:

Please provide the following or attach an appropriate exhibit.

3.1 Address of Applicant's nearest local office;
300 Meridian Centre, Rochester, New York 14618

3.2 Location of all records and engineering drawings, if not at local office;
300 Meridian Centre, Rochester, New York 14618

3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system;

Ravi Harcharan, Vice President Network Assurance, 212-337-4088

Kyle Ramirez, Sr. Manager, NOC, 585-697-5119

3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:

A Certificate of Liability Insurance is included in Attachment E.

3.4.1 Worker's compensation;

3.4.2 Commercial general liability, including at least:

3.4.2.1 Combined overall limits;

3.4.2.2 Combined single limit for each occurrence of bodily injury;

3.4.2.3 Personal injury;

3.4.2.4 Property damage;

3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations;

3.4.2.6 Independent contractor liability;

3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage);

3.4.2.8 Environmental contamination;

3.4.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.

3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.

TBD

4. CERTIFICATION:

All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.

9/3/15
Date

NAME OF ENTITY ("APPLICANT")

Fiber Technologies Networks, L.L.C.

By: Mike Dziulko
Type or Print Name: Mike Dziulko

Vice President Regional Operations NW
Title

S:\metroapplicationform.doc

Attachment A

Secretary of State (NY) Incorporation Documents

State of New York
Department of State } ss:

I hereby certify, that FIBER SYSTEMS, LLC a NEW YORK Limited Liability Company filed Articles of Organization pursuant to the Limited Liability Company Law on 04/22/1998, and that the Limited Liability Company is existing so far as shown by the records of the Department.

A Certificate of Amendment FIBER SYSTEMS, LLC, changing its name to FIBER TECHNOLOGIES NETWORKS, L.L.C., was filed 01/11/2001.



*Witness my hand and the official seal
of the Department of State at the City
of Albany, this 31st day of October
two thousand and thirteen.*

Anthony Giardina

Anthony Giardina
Executive Deputy Secretary of State

201311010181 * E2

RECEIVED
STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY
OCT 31 2013

Attachment B

Michigan Department of Licensing and Regulatory Affairs Filing
Endorsement

Michigan Department of Licensing and Regulatory Affairs
Division of Motor Vehicles
3000 West Grand Boulevard
Lansing, Michigan 48202
Phone: (313) 237-2000
Fax: (313) 237-2001
Website: www.michigan.gov/dmv

Michigan Department of Licensing and Regulatory Affairs

Filing Endorsement

This is to Certify that the APPLICATION FOR CERTIFICATE OF AUTHORITY

for

FIBER TECHNOLOGIES NETWORKS, L.L.C.

ID NUMBER: D9251N

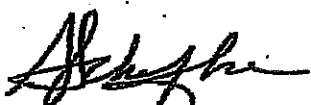
received by facsimile transmission on May 2, 2013 is hereby endorsed

Filed on May 3, 2013 by the Administrator.

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 3RD day of May, 2013.




Alan J. Scheffe, Director
Corporations, Securities & Commercial Licensing Bureau

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF COMMERCIAL SERVICES

Date Received:

(FOR BUREAU USE ONLY)

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Fiber Technologies Networks LLC: Jennifer Heath

Address

300 Meridian Centre

City

Rochester, NY 14618

State

Zip Code

EFFECTIVE DATE:

Document will be returned to the name and address you enter above. If left blank document will be mailed to the registered office.

B

**APPLICATION FOR CERTIFICATE OF AUTHORITY
TO TRANSACT BUSINESS IN MICHIGAN**

For use by Foreign Limited Liability Companies
(Please read information and instructions on last page)

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned limited liability company executes the following Application:

1. The name of the limited liability company is:

Fiber Technologies Networks, L.L.C.

2. (Complete this item only if the limited liability company name in item 1 is not available for use in Michigan.)
The assumed name of the limited liability company to be used in all its dealings with the Bureau and in the transaction of its business in Michigan is:

3. It is organized under the laws of

New York

The date of its organization is

4/22/1998

The duration of the limited liability company if other than perpetual is

4. The address of the office required to be maintained in the state of organization or, if not so required, the principal office of the limited liability company is:

300 Meridian Centre, Rochester, NY 14618

(Street Address)

(City)

(State)

(ZIP Code)

05/02/2013 2:29PM (GMT-04:00)

5. a. The address of its registered office in Michigan is:

30600 Telegraph Road Suite 2345, Bingham Farms, Michigan 48025-5720
(Street Address) (City) (ZIP Code)

b. The mailing address of the registered office if different than above:

Michigan
(Street Address or P.O. Box) (City) (ZIP Code)

c. The name of the resident agent at the registered office is:

The Corporation Company

6. The Department is appointed the agent of the foreign limited liability company for service of process if no agent has been appointed, or if appointed, the agent's authority has been revoked, the agent has resigned, or the agent cannot be found or served through the exercise of reasonable diligence.

The name and address of a member or manager or other person to whom the administrator is to send copies of any process served on the administrator is: (Must be different than agent shown in Item 5c)

Charles Stockdale, Esq. c/o Fiber Technologies Networks, L.L.C.

(Name)

300 Meridian Centre, Rochester, NY 14618

(Street Address)

(City)

(State)

(ZIP Code)

7. The specific business which the limited liability company is to transact in Michigan is as follows:

Wireline Telecommunication

The limited liability company is authorized to transact such business in the jurisdiction of its organization.

Signed this 2nd day of May, 2013

By William J. Woodard
(Signature)

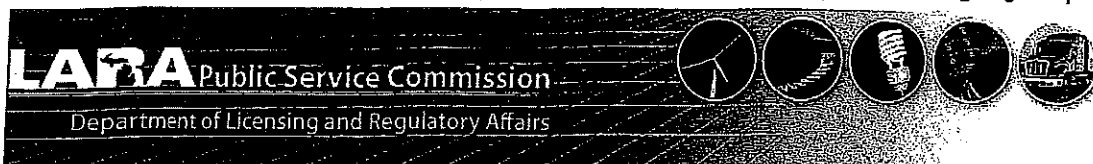
William J. Woodard
(Type or Print Name)

VP & CFO
(Type or Print Title)

Attachment C

Certificate of Authority from the Public Service Commission (PSC)

MPSC Home (<http://www.michigan.gov/mpsc/>)



- [ITSP \(/ITSPHome\)](#)
- [Glossary \(/ITSPGlossary\)](#)
- [Help \(/ITSPHelp\)](#)
- [Search \(/SearchRegisteredProviders\)](#)
- [My Account \(/ProviderRegistration\)](#)

Company Contact Information

MI.gov
(<http://www.michi>)

These companies have registered with the Michigan Public Service Commission (MPSC) per Commission Order U-11900 and Sec. 211a of the Michigan Telecommunications Act (MTA)

<< Back to Registered Companies

Company Contact:	Fiber Technologies Networks, L.L.C. 300 Meridian Centre Rochester, New York 14618, United States Phone: (585) 568-8485 Fax: Email: jnewkirk@fibertech.com (mailto:jnewkirk@fibertech.com) Website: http://www.fibertech.com (http://www.fibertech.com)
Customer Contact:	Judith Newkirk 300 Meridian Centre Rochester, New York 14618, United States Phone: (585) 568-8485 Fax: Email: jnewkirk@fibertech.com (mailto:jnewkirk@fibertech.com)
DBA:	
Registered as:	Competitive Access Provider (CAP)

Michigan.gov (<http://www.michigan.gov/>) : MPSC Home (<http://www.michigan.gov/mpsc/>) : ITSP (/ITSPHome) : State Web Sites (<http://www.michigan.gov/statewebsites>)

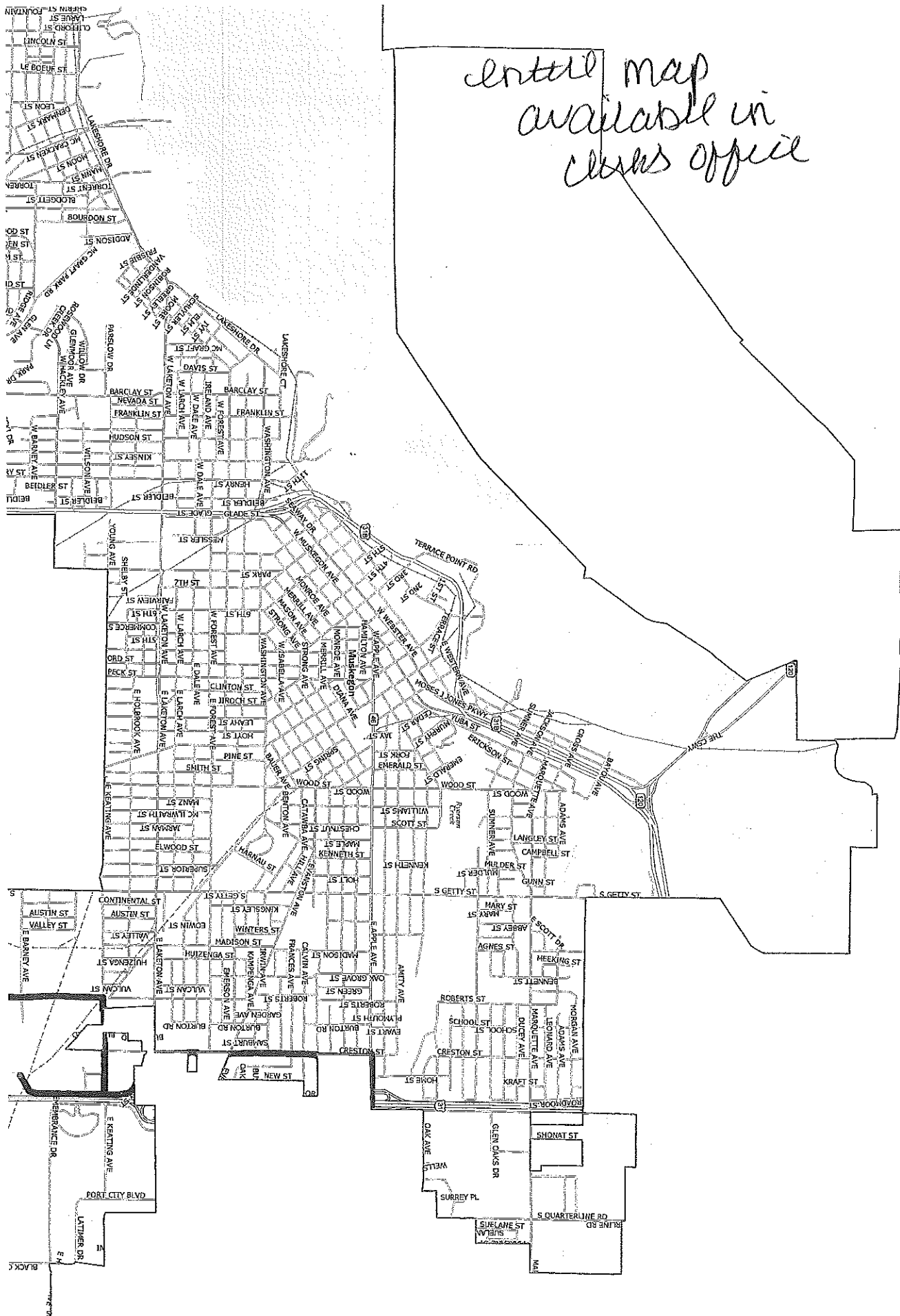
Policies (<http://www.michigan.gov/mpsc/0,4639,7-159-281460--,00.html>) : Michigan News (<http://www.michigan.gov/minewswire>) : Michigan.gov Survey (<http://www.michigan.gov/misurvey>)

Copyright © 2015 State of Michigan

Attachment D

Proposed Network Route Maps

entire map
available in
clerk's office



Attachment E

Certificate of Liability Insurance and Worker's Compensation

1. Name of the insured: _____

2. Address of the insured: _____

3. City and State: _____

4. Zip Code: _____

5. Date of issuance: _____

6. Policy Number: _____

7. Coverage Amount: _____

8. Insurer Name: _____

9. Insurer Address: _____

10. Insurer City and State: _____

11. Insurer Zip Code: _____

12. Insurer Phone Number: _____

13. Insurer Fax Number: _____

14. Insurer Email Address: _____

15. Insurer Website: _____

16. Insurer License Number: _____

17. Insurer License State: _____

18. Insurer License Date: _____

19. Insurer License Expiration Date: _____

20. Insurer License Type: _____

21. Insurer License Class: _____

22. Insurer License Category: _____

23. Insurer License Subcategory: _____

24. Insurer License Subcategory Code: _____

25. Insurer License Subcategory Description: _____

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100. Insurer License Subcategory Code Description: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/04/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MARSH USA, INC. 99 HIGH STREET BOSTON, MA 02110 Attn: Boston.certrequest@Marsh.com Fax: 212-948-4377	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:		
	FAX (A/C, No):		
882520-FIBER-CASP-14-15 INSURED Fibertech Holdings Corp. 300 Meridian Centre, Suite 200 Rochester, NY 14618	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Federal Insurance Company		20281
	INSURER B: Chubb Indemnity Insurance Co		12777
	INSURER C: Great Northern Insurance Company		20303
	INSURER D: Navigators Insurance Company		42307
	INSURER E:		
INSURER F:			

COVERAGES**CERTIFICATE NUMBER:**

NYC-008186544-06

REVISION NUMBER: 1

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.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ CONTRACTUAL LIABILITY GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER:		36012542	08/12/2015	12/01/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 50,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
C	AUTOMOBILE LIABILITY ☒ ANY AUTO ☒ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS		73581335	08/12/2015	12/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ 1,000,000 BODILY INJURY (Per accident) \$ 1,000,000 PROPERTY DAMAGE (Per accident) \$ Comp/Coll. Deductible \$ 1,000/1,000
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000		79837090	08/12/2015	12/01/2015	EACH OCCURRENCE \$ 25,000,000 AGGREGATE \$ 25,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N/A	71736548	08/12/2015	12/01/2015	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Pollution Liability		SF14ECP300813IV	11/25/2014	11/25/2015	Limit: 500,000 Deductible 10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Project #: 15-9911

City of Muskegon is included as additional insured where required by written contract with respect to the General Liability, Automobile and Umbrella policies. This insurance is primary and non-contributory over any existing insurance and limited to liability arising out of the operations of the named insured and where required by written contract. The General Liability policy includes Completed Operations and XCU.

CERTIFICATE HOLDER

City of Muskegon 933 Terrace Street Muskegon, MI 49440	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Susan Molloy <i>Susan Molloy</i>
--	--

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AGENCY CUSTOMER ID: 882520

LOC #: Boston



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

AGENCY MARSH USA, INC.		NAMED INSURED Fibertech Holdings Corp. 300 Meridian Centre, Suite 200 Rochester, NY 14618
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

ADDITIONAL NAMED INSURED:

Fibertech Networks, LLC
Fiber Technologies Networks LLC
Fiber Technologies New York Networks, Inc.
Fibertech Facilities Corp.

Commission Meeting Date: October 13, 2015

Date: October 5, 2015
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Lakeshore Trail- Exchange of Property Between
the Muskegon Community College (MCC) and the
City**

SUMMARY OF REQUEST: MCC has purchased the former YMCA property in Muskegon. As the title company was in the process of preparing their title commitment, it was found that a piece of property purchased by the City in November 1998 for the Lakeshore Trail, was actually never used for the trail. However, a similar sized property in the same area was used for this small portion of the trail and was actually YMCA property. The attached Quit Claim deeds will deed from MCC to the City the property where the Lakeshore Trail was actually built and will deed from the City to MCC the property purchased by the City but never built on.

FINANCIAL IMPACT: MCC will pay for the necessary costs to close on the property transactions.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the sale of property to MCC from the City, described in "Exhibit A", attached to the Quit Claim Deed and to accept the property from MCC to the City, as described in "Exhibit A", attached to the Quit Claim Deed, and authorize the necessary staff signature's.

QUIT CLAIM DEED

THE GRANTOR: CITY OF MUSKEGON, a Michigan municipal corporation

WHOSE ADDRESS IS: 933 Terrace Street
Muskegon, Michigan

CONVEYS AND QUIT CLAIMS
TO THE GRANTEE: MUSKEGON COMMUNITY COLLEGE

WHOSE ADDRESS IS: 221 South Quarterline Road
Muskegon, Michigan 49442

the real estate situated in the City of Muskegon, Muskegon County, Michigan, more fully described in **Exhibit A** attached hereto, together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate ("**Property**"), subject to easements, restrictions, interests, and reservations of record; and taxes and assessments not yet due and payable.

This Deed is exempt from the real estate transfer taxes under MCLA §§ 207.505(a) and 207.526(a) because the value of the consideration given is less than One Hundred Dollars (\$100).

Dated: _____, 2015

GRANTOR:

CITY OF MUSKEGON,
a Michigan municipal corporation

By:_____

Its: _____

STATE OF MICHIGAN)
)ss:
COUNTY OF MUSKEGON)

Acknowledged before me in Muskegon County, Michigan on _____, 2015, by _____, as _____ of CITY OF MUSKEGON, a Michigan municipal corporation.

Notary Public, Muskegon County, Michigan
My commission expires: _____
Acting in Muskegon County, Michigan

PREPARED BY AND RETURN TO:
Michael H. Schubert (P42174)
WARNER NORCROSS & JUDD LLP
700 Terrace Point Road, Ste. 350, P.O. Box 900
Muskegon, MI 49443-0900
Telephone: (231) 727-2600

13326264

EXHIBIT A

Legal Description of Property

Real property located in the City of Muskegon, County of Muskegon, State of Michigan, described as follows:

Entire Block 573 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records

(1) EXCEPT the following described parcel: Commencing at the Southwest corner of said Block 573 for point of beginning; thence North 1 degree 40 minutes West along the West line of said Block 347.00 feet; thence North 21 degrees 40 minutes West along the Westerly line of said Block 241.00 feet; thence North 29 degrees 28 seconds West along the Westerly line of said Block 187.50 feet; thence South 35 degrees 37 minutes East 258.20 feet; thence South 09 degrees 53 minutes East 504.80 feet to the Northerly line of West Western Avenue; thence South 59 degrees 34 minutes West along said Northerly line 53.00 feet to point of beginning.

(2) ALSO EXCEPT the following described parcel: That part of Block 573 of the Revised Plat of 1903, City of Muskegon, described as commencing at the Southwest corner of said Block 573; thence North 60 degrees 05 minutes 41 seconds East along the North right-of-way line of Western Avenue 53.00 feet; thence North 09 degrees 21 minutes 19 seconds West 29.43 feet to the point of beginning; thence North 09 degrees 21 minutes 19 seconds West 16.04 feet; thence North 84 degrees 04 minutes 59 seconds East 33.42 feet; thence North 59 degrees 38 minutes 22 seconds East 62.76 feet; thence North 52 degrees 45 minutes 15 seconds East 167.30 feet; thence South 09 degrees 50 minutes 32 seconds East 18.10 feet; thence South 52 degrees 45 minutes 15 seconds West 159.87 feet; thence South 59 degrees 38 minutes 22 seconds West 67.26 feet; thence South 84 degrees 04 minutes 59 seconds West 35.77 feet to the point of beginning.

(3) ALSO EXCEPT the following described parcel: Part of Block 573 of the Revised Plat of 1903 of the City of Muskegon, Section 25, Town 10 North, Range 17 West, Muskegon County, Michigan, described as: Commencing at the Southwest corner of said Block 573; thence North 59°34'00" East 294.90 feet along the Southerly line of said Block; thence North 47°34'00" East 15.96 feet along said South line to the true place of beginning; thence North 09°50'32" West 331.22 feet; thence North 26°32'53" East 23.87 feet; thence North 09°52'00" West 49.44 feet; thence North 36°59'18" East 10.12 feet to an intermediate traverse line to Muskegon Lake; thence South 86°29'00" East 60.00 feet along said traverse line; thence North 59°48'00" East 144.46 feet along said traverse line; thence South 31°52'00" East 143.01 feet along the Easterly line of said Block; thence South 01°52'00" East 153.80 feet along said East line; thence South 47°34'00" West 293.89 feet along the Southerly line of said Block to the place of beginning.

Together with an easement for ingress and egress over the following described property: Commencing at the Southwest corner of said Block 573 for point of beginning; thence North 1 degree 40 minutes West along the West line of said Block 150.00 feet; thence North 88 degrees 20 minutes East 28.48 feet; thence South 9 degrees 53 minutes East 125.79 feet

to the Northerly line of West Western Avenue; thence South 59 degrees 34 minutes West along said Northerly line 53.00 feet to point of beginning.

The property address listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description as listed, the legal description shall control.

Property Address: **900 West Western Avenue**
 Muskegon, Michigan

13326264

QUIT CLAIM DEED

THE GRANTOR: MUSKEGON COMMUNITY COLLEGE

WHOSE ADDRESS IS: 221 South Quarterline Road
Muskegon, Michigan 49442

CONVEYS AND QUIT CLAIMS
TO THE GRANTEE: CITY OF MUSKEGON, a Michigan municipal corporation

WHOSE ADDRESS IS: 933 Terrace Street
Muskegon, Michigan 49440

the real estate situated in the City of Muskegon, Muskegon County, Michigan, more fully described in **Exhibit A** attached hereto, together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate ("**Property**"), subject to easements, restrictions, interests, and reservations of record; and taxes and assessments not yet due and payable.

This Deed is exempt from the real estate transfer taxes under MCLA §§ 207.505(a) and 207.526(a) because the value of the consideration given is less than One Hundred Dollars (\$100).

Dated: _____, 2015

GRANTOR:

MUSKEGON COMMUNITY COLLEGE

By:_____

Its: _____

STATE OF MICHIGAN)
)ss:
COUNTY OF MUSKEGON)

Acknowledged before me in Muskegon County, Michigan on _____, 2015, by _____, as _____ of MUSKEGON COMMUNITY COLLEGE.

Notary Public, Muskegon County, Michigan
My commission expires: _____
Acting in Muskegon County, Michigan

PREPARED BY AND RETURN TO:

Michael H. Schubert (P42174)
WARNER NORCROSS & JUDD LLP
700 Terrace Point Road, Ste. 350, P.O. Box 900
Muskegon, MI 49443-0900
Telephone: (231) 727-2600

EXHIBIT A

Legal Description of Property

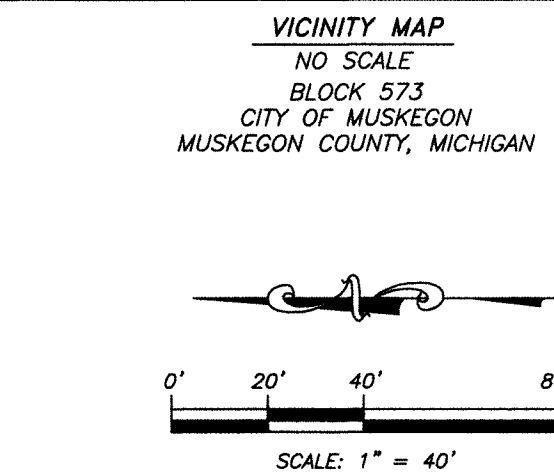
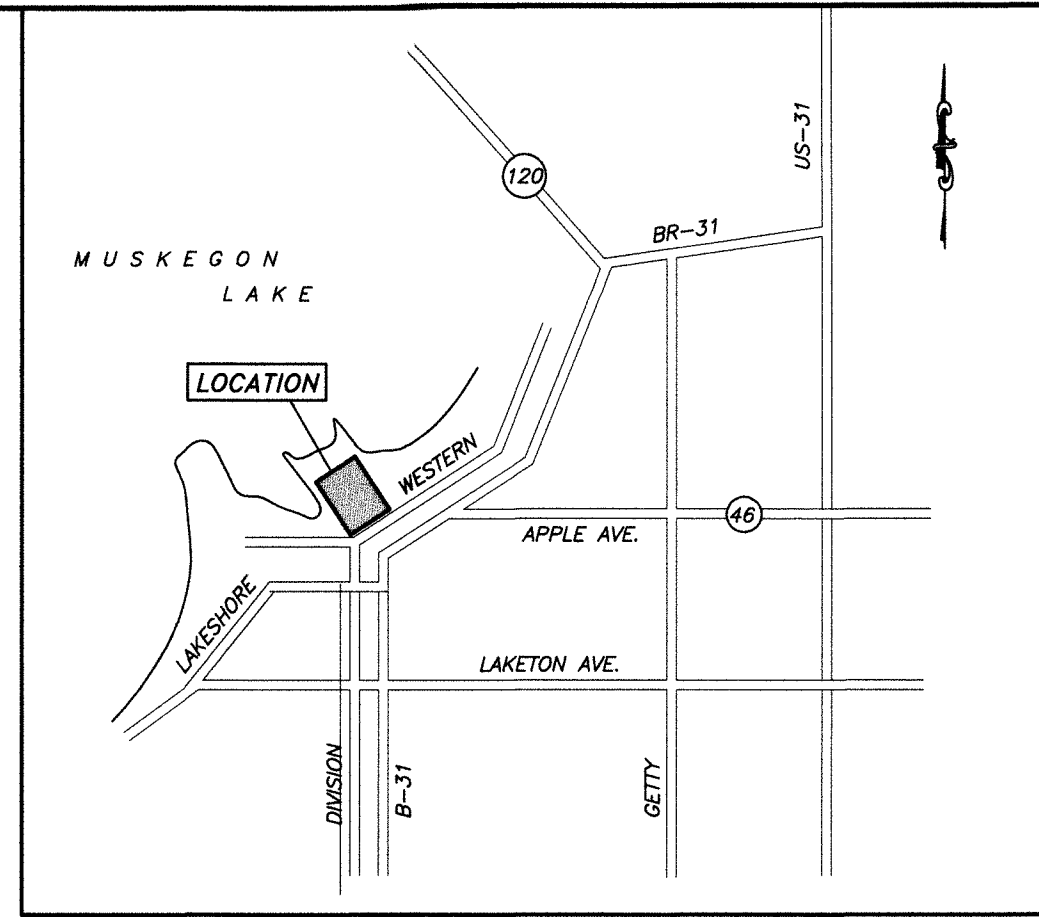
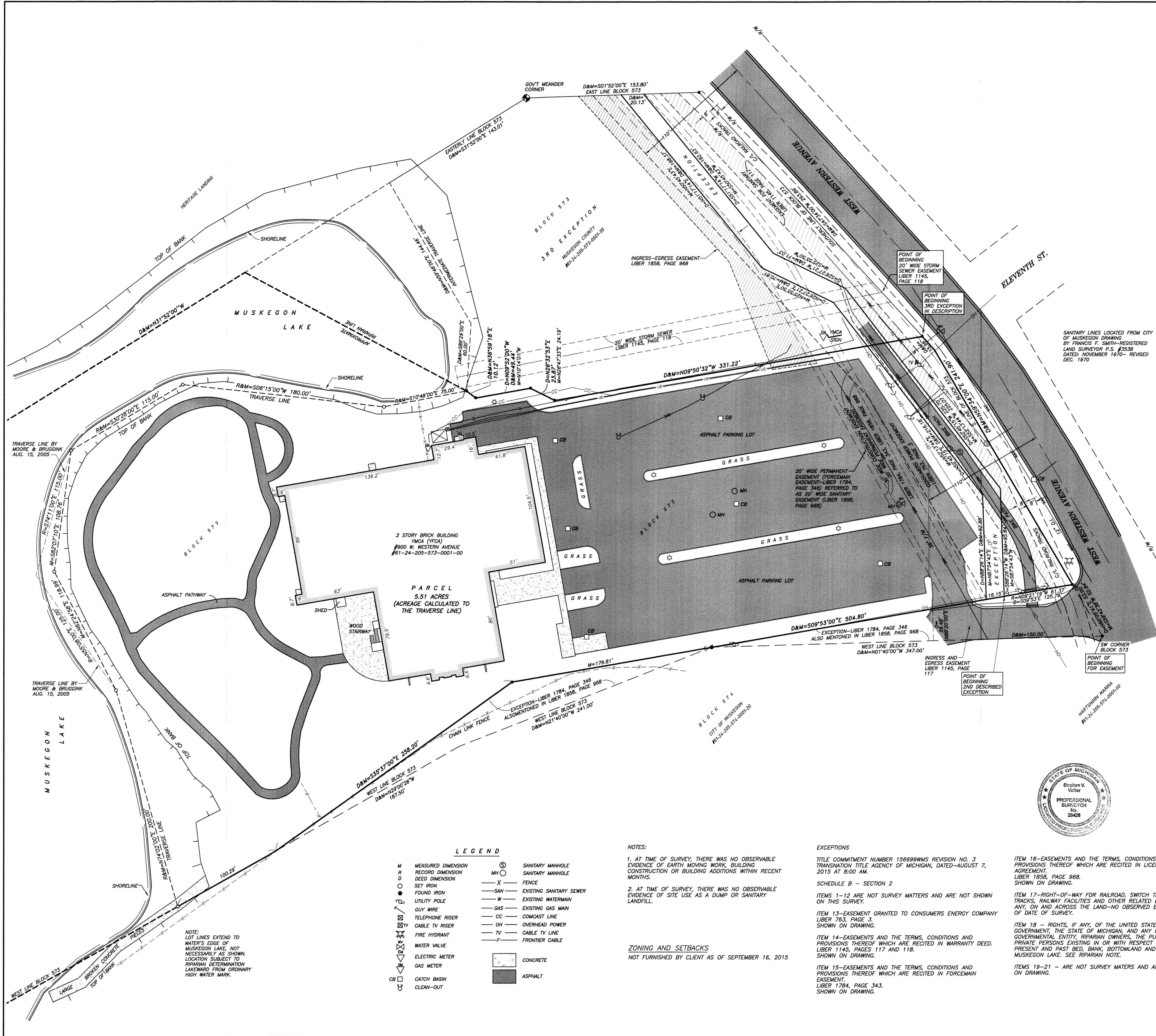
Real property located in the City of Muskegon, County of Muskegon, State of Michigan, described as follows:

That part of Block 573 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, described as commencing at the Southwest corner of said Block 573; thence North 60 degrees 05 minutes 41 seconds East along the North right-of-way line of Western Avenue 53.00 feet; thence North 09 degrees 21 minutes 19 seconds West 29.43 feet to the point of beginning; thence North 09 degrees 21 minutes 19 seconds West 16.04 feet; thence North 84 degrees 04 minutes 59 seconds East 33.42 feet; thence North 59 degrees 38 minutes 22 seconds East 62.76 feet; thence North 52 degrees 45 minutes 15 seconds East 167.30 feet; thence South 09 degrees 50 minutes 32 seconds East 18.10 feet; thence South 52 degrees 45 minutes 15 seconds West 159.87 feet; thence South 59 degrees 38 minutes 22 seconds West 67.26 feet; thence South 84 degrees 04 minutes 59 seconds West 35.77 feet to the point of beginning.

The property address listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description as listed, the legal description shall control.

Property Address: **912 West Western Avenue
Muskegon, Michigan**

13326336



FURNISHED DESCRIPTION:

Located in the City of Muskegon, County of Muskegon, State of Michigan.

Entire Block 573 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records; except the following described parcel: Commencing at the Southwest corner of said Block 573 for point of beginning; thence North 1 degree 40 minutes West along the West line of said Block 547.00 feet; thence North 21 degrees 40 minutes West along the Western line of said Block 241.00 feet; thence North 29 degrees 28 seconds West along the Western line of said Block 187.50 feet; thence South 35 degrees 37 minutes East 258.20 feet; thence South 09 degrees 53 minutes East 504.80 feet to the Northern line of West Western Avenue; thence South 59 degrees 34 minutes West along said Northern line 53.00 feet to point of beginning.

Also except the following described parcel: That part of Block 573 of the Revised Plat of 1903, City of Muskegon, described as commencing at the Southwest corner of said Block 573; thence North 80 degrees 05 minutes 41 seconds East along the North right-of-way line of Western Avenue 53.00 feet; thence North 09 degrees 21 minutes 19 seconds West 61.37 feet to the point of beginning; thence North 08 degrees 21 minutes 19 seconds West 16.15 feet; thence North 88 degrees 26 minutes 14 seconds East 92.88 feet; thence North 52 degrees 45 minutes 15 seconds East 216.18 feet; thence North 26 degrees 27 minutes 21 seconds East 70.81 feet; thence North 51 degrees 17 minutes 14 seconds East 198.37 feet to the Eastern line of Block 573; thence South 01 degrees 20 minutes 19 seconds East along said line 20.13 feet; thence South 51 degrees 17 minutes 14 seconds West 182.63 feet; thence South 26 degrees 27 minutes 21 seconds West 71.03 feet; thence South 52 degrees 45 minutes 15 seconds West 225.7 feet; thence South 88 degrees 26 minutes 14 seconds West 95.84 feet to the point of beginning.

Also except the following described parcel: Part of Block 573 of the Revised Plat of 1903 of the City of Muskegon, Section 25, Town 10 North, Range 17 West, Muskegon County, Michigan, described as: Commencing at the Southwest corner of said Block 573; thence North 59°34'00" East 294.90 feet along the Southerly line of said Block; thence North 47°34'00" East 15.96 feet along said South line to the true place of beginning; thence North 09°50'32" West 331.22 feet; thence North 26°32'53" East 23.87 feet; thence North 09°52'00" West 43.44 feet; thence North 36°59'18" East 10.12 feet to an intermediate traverse line to Muskegon Lake; thence South 86°29'00" East 60.00 feet along said traverse line; thence North 59°48'00" East 144.46 feet along said traverse line; thence South 31°52'00" East 143.01 feet along the Easterly line of said Block; thence South 01°52'00" East 153.80 feet along said East line; thence South 47°34'00" West 293.89 feet along the Southerly line of said Block to the place of beginning.

Together with an easement for ingress and egress over the following described property: Commencing at the Southwest corner of said Block 573 for point of beginning; thence North 1 degree 40 minutes West along the West line of said Block 150.00 feet; thence North 88 degrees 20 minutes East 28.48 feet; thence South 9 degrees 53 minutes East 125.79 feet to the Northern line of West Western Avenue; thence South 59 degrees 34 minutes West along said Northern line 53.00 feet to point of beginning.

TO TRANSMISSION TITLE AGENCY OF MICHIGAN, MUSKEGON COMMUNITY COLLEGE AND MUSKEGON FAMILY YMCA

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 15, 2015.

DATE OF PLAT OR MAP: SEPTEMBER 16, 2015.

STEPHEN V. VALLIER, P.S. DATE 9/17/15
2534 BLACK CREEK ROAD
MUSKEGON, MI. 49444
PHONE: (231) 777-3447
FAX: (231) 773-3453

- LEGEND
- M MEASURED DIMENSION
 - R RECORD DIMENSION
 - D DEED DIMENSION
 - SET IRON
 - FOUND IRON
 - UTILITY POLE
 - GUY WIRE
 - TELEPHONE RISER
 - CABLE TV RISER
 - FIRE HYDRANT
 - WATER VALVE
 - ELECTRIC METER
 - GAS METER
 - CATCH BASIN
 - CLEAN-OUT
 - SANITARY MANHOLE
 - SANITARY MANHOLE
 - FENCE
 - SAN EXISTING SANITARY SEWER
 - W EXISTING WATERMAIN
 - GAS EXISTING GAS MAIN
 - CC COMCAST LINE
 - OH OVERHEAD POWER
 - TV CABLE TV LINE
 - F FRONTIER CABLE
 - CONCRETE
 - ASPHALT

- NOTES:
- AT TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - AT TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A DUMP OR SANITARY LANDFILL.

ZONING AND SETBACKS
NOT FURNISHED BY CLIENT AS OF SEPTEMBER 16, 2015

- EXCEPTIONS
- TITLE COMMITMENT NUMBER 156699WMS REVISION NO. 3
TRANSMISSION TITLE AGENCY OF MICHIGAN, DATED-AUGUST 7, 2015 AT 8:00 AM.
- SCHEDULE B - SECTION 2
- ITEMS 1-12 ARE NOT SURVEY MATTERS AND ARE NOT SHOWN ON THIS SURVEY.
- ITEM 13-EASEMENT GRANTED TO CONSUMERS ENERGY COMPANY
LIBER 763, PAGE 3.
SHOWN ON DRAWING.
- ITEM 14-EASEMENTS AND THE TERMS, CONDITIONS AND PROVISIONS THEREOF WHICH ARE RECITED IN WARRANTY DEED.
LIBER 1145, PAGES 117 AND 118.
SHOWN ON DRAWING.
- ITEM 15-EASEMENTS AND THE TERMS, CONDITIONS AND PROVISIONS THEREOF WHICH ARE RECITED IN FOREGAIN EASEMENT.
LIBER 1784, PAGE 343.
SHOWN ON DRAWING.



ITEM 16-EASEMENTS AND THE TERMS, CONDITIONS AND PROVISIONS THEREOF WHICH ARE RECITED IN LICENSE AGREEMENT.
LIBER 1858, PAGE 968.
SHOWN ON DRAWING.

ITEM 17-RIGHT-OF-WAY FOR RAILROAD, SWITCH TRACKS, SPUR TRACKS, RAILWAY FACILITIES AND OTHER RELATED EASEMENTS IF ANY, ON AND ACROSS THE LAND-NO OBSERVED EVIDENCE AS OF DATE OF SURVEY.

ITEM 18 - RIGHTS, IF ANY, OF THE UNITED STATES GOVERNMENT, THE STATE OF MICHIGAN, AND ANY OTHER GOVERNMENTAL ENTITY, RIPARIAN OWNERS, THE PUBLIC OR PRIVATE PERSONS EXISTING IN OR WITH RESPECT TO THE PRESENT AND PAST BED, BANK, BOTTOMLAND AND WATERS OF MUSKEGON LAKE. SEE RIPARIAN NOTE.

ITEMS 19-21 - ARE NOT SURVEY MATERS AND ARE NOT SHOWN ON DRAWING.

DATE:	9-16-15	SURVEYED BY:	SVK	DESIGNED BY:	15-0155
DRAWN BY:	NSS	CHECKED BY:	SVK	DWG NAME:	15-0155
WESTERN MICHIGAN OFFICE	2534 Black Creek Road Muskegon, MI 49444 Ph: (231) 777-3447 Fax: (231) 773-3453	NORTHERN MICHIGAN OFFICE	P.O. Box 7669 Muskegon, MI 49444 Ph: (231) 773-3453 Fax: (231) 773-3453	Service@WestshoreConsulting.com	
PROJECT NAME:	ALTA/ACSM LAND TITLE SURVEY PORTION OF BLOCK 573, OF THE REVISED PLAT (OF 1903) CITY OF MUSKEGON MUSKEGON COUNTY, MICHIGAN	PROJECT:	15-0155	SHEET:	1 OF 1



ALTA/ACSM
LAND TITLE SURVEY
PORTION OF BLOCK 573, OF THE REVISED PLAT
(OF 1903) CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

Date: **October 13, 2015**
To: **Honorable Mayor and City Commissioners**
From: **Engineering**
RE: **Contribution to LBC (Lakeshore Baseball Club)**

SUMMARY OF REQUEST:

Authorize a \$23,256 contribution to LBC to fund the necessary upgrades to the bleachers at Marsh Field.

FINANCIAL IMPACT:

Staff negotiated a 90% contribution (\$23,256) toward the cost of repairs with LBC paying the other 10%.

BUDGET ACTION REQUIRED:

If approved, staff will add to the upcoming budget reforecast.

STAFF RECOMMENDATION:

Approve contribution to LBC.

COMMITTEE RECOMMENDATION:



Bleacher Inspection, Repairs & Renovations and Replacement Boards
Scoreboards * Backboards, Hoists, Safety Straps, Rims
Safety Padding * Gymnasium Equipment Inspections

gary@americanathletix.com 888.399.4999 f 888.295.2319 P.O. Box 1881 ~ Muskegon, MI 49443

Quotation

August 11, 2015

Marsh Field Bleacher Renovation

Lakeshore Baseball Club

Seating Capacity

420

Furnish and install (54) 2 x 10 Anodized Finish Seat Planks to replaced wood planks - includes adapter plates
Furnish and install (100) 2 x 10 Mill Finish Foot Planks to replace wood planks - includes adapter plates
Furnish and install (56) 1 x 6 Mill Finish Riser Planks to close off unsafe gaps - includes riser straps
Remove 1st row of bleacher seating to expand existing main concourse
Construct elevated shelf surface in place of row 2 seat to serve as guest table and safety guard barrier
Furnish and install (60') of 36" Chainlink fabric (or other infill product) to enclose the underside of row 2 shelf
Furnish and install (18) 2 x 5 leading edge aisle planks with vinyl tread/nosing - includes aisle stiffeners
Furnish and install aluminum mid-aisle handrails for both existing aisles
Widen existing aisles (2) to maximum width structure allows (approx. 46") to accommodate rails, 2-way traffic
Repair and reinforce loose, damaged and missing seat supports
Repair or replace loose or damaged frame supports and hardware

Bleacher Project Total: \$25,840

IMPORTANT NOTE: Additional items are available which may be required to meet IBC, BOCA, NFPA, SBC, UBC or other applicable safety codes; such as aisles, guardrails, anchors, ground sills, double foot plank, risers, ADA accessibility, etc. Drawings stamped by a registered professional engineer are not included unless noted above. Please refer to included features above and consult with local code officials to determine any additional features which may be desired or required. The features described above represents the interpretation of National Building & Safety Codes by American Athletix, LLC. The owner remains responsible for compliance with local codes, official interpretation and application rests solely with local authorities. American Athletix, LLC and its representatives cannot assume liability for code compliance and presents information as unofficial guidelines only. This quotation is valid for 30 days from date above.

Proposal by: American Athletix, LLC

Accepted by _____ Date _____

Purchase Order _____

Thank you for the opportunity to present this important information. Please refer all inquiries regarding this proposal and related information to:

American Athletix, LLC
PO Box 1881
Muskegon, MI 49443
Phone: 888-399-4999
Fax: 231-798-7337
Email: gary@americanathletix.com

Visit our website at: www.americanathletix.com

Commission Meeting Date: October 13, 2015

Date: October 6, 2015
To: Honorable Mayor and City Commissioners
From: Finance
RE: Transfers to Engineering, Major and Local Streets Funds

SUMMARY OF REQUEST: During the close out of fiscal year 2014-15 and based on the financial results for the fiscal year ended June 30, 2015, staff transferred \$75,000 from the general fund to the engineering services fund to eliminate a fund balance deficit in that fund. In addition, staff transferred \$500,000 from the general fund to the major streets fund to be used to assist with costs of reconstructing Muskegon and Webster and \$300,000 to support the local streets fund. The possibility of transferring funds was discussed during the City Commission work session meeting held on June 8, 2015.

FINANCIAL IMPACT: \$75,000 from the general fund to the engineering services fund, \$500,000 from the general fund to the major streets fund, and \$300,000 from the general fund to the local streets fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Formal approval of the transfers from the general fund to the engineering services fund, major streets fund, and local streets fund, effective June 30, 2015.

Commission Meeting Date: October 13, 2015

Date: October 8, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Approval of a Neighborhood Enterprise Zone Certificate – 314 Terrace Point Circle

SUMMARY OF REQUEST:

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Terrace Point Landing, LLC for the new construction of a home at 314 Terrace Point Circle. The property is located in a Neighborhood Enterprise Zone for new construction. This unit has already been built and is being used as the model for sales. The State Tax Commission allows applicants to apply for an NEZ up to six (6) months after construction commencement if the local unit of government is willing to approve. The application states that the estimated cost for construction was \$273,492. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT:

Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the NEZ certificate.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Terrace Point Landing, LLC to construct a home at 314 Terrace Point Circle in the Terrace Point Condominium neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the local unit of government is allowing the six (6) month grace period after construction commencement to apply, which is allowed under the law;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be good for twelve (12) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the new construction of a home by Terrace Point Landing, LLC be approved.

Adopted this 13th day of October, 2015.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____

Ann Meisch
City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on October 13, 2015.

By: _____
Ann Meisch
City Clerk

Commission Meeting Date: October 13, 2015

Date: October 8, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Approval of a Neighborhood Enterprise Zone Certificate – 349 Terrace Point Circle

SUMMARY OF REQUEST:

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Orville and Susan Crain for the new construction of a home at 349 Terrace Point Circle. The property is located in a Neighborhood Enterprise Zone for new construction. The application states that the estimated cost for construction will be \$513,688. This unit is currently under construction. The State Tax Commission allows applicants to apply for an NEZ up to six (6) months after construction commencement if the local unit of government is willing to approve. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT:

Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the NEZ certificate.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Orville and Susan Crain to construct a home at 349 Terrace Point Circle in the Terrace Point Condominium neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the local unit of government is allowing the six (6) month grace period after construction commencement to apply, which is allowed under the law;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be good for twelve (12) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the new construction of a home by Orville and Susan Crain be approved.

Adopted this 13th day of October, 2015.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____
Ann Meisch

City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on October 13, 2015.

By: _____
Ann Meisch
City Clerk

Date: September 20th, 2015
To: Honorable Mayor & City Commissioners
From: Director of Public Safety Jeffrey Lewis
RE: Safebuilt Collection Contract (amendment proposal)

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and consider approving an amendment to the professional service contract with Safebuilt. The agreement is being amended to accommodate the collections of the issued municipal civil infractions (MCI) that have gone unresolved.

Safebuilt issues the MCI in cases in which a verbal and/or written warning has not encouraged compliance with the noted ordinance violation. Safebuilt advised that many recipients of the MCI are neither contacting nor complying with the issued MCI citation.

2015 MCI's issued that are not resolved within thirty (30) days after issuances will be forwarded to a local collection agency. The proposed amendment addresses the administrative fee Safebuilt will receive as it relates to amounts collected and disbursed (*see attached amendment*).

FINANCIAL IMPACT:

Collected fees from Paramount will be received and disbursed per the amended contract.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of this action to amend.



AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT(S)

Amendment to the Professional Services Agreement(s) between the City of Muskegon, ("City"), a Michigan municipal corporation and SAFEbuilt Michigan, Inc., whom as of October 01, 2014 has merged into and consolidated with SAFEbuilt Michigan, LLC, ("SAFEbuilt"). The City and SAFEbuilt shall be jointly referred to as the "Parties".

Agreement Amendment Effective Date: This Amendment shall be effective on the latest date on which the Amendment is fully executed by both parties.

Agreement is hereby amended to include Municipal Civil Infractions (MCI) Collections:

Scope of Service:

- ✓ Administer the MCI collections program for citations issued by SAFEbuilt on behalf of the City
 - SAFEbuilt issues citations for Building, Rental and Code Enforcement Departments only
- ✓ Collect and document unpaid MCI's for submittal to a collection agency designated by the City
 - Citation documentation will be submitted electronically to the collection agency
 - Collection agency will submit payment directly to the City
 - Citation documentation will be submitted for collection a minimum of once per quarter and a maximum of once per month

Fee for Service:

- ✓ SAFEbuilt will receive 50% of fees paid to the City by the collection agency for MCI citations submitted by SAFEbuilt

The original Agreement, Exhibits and terms shall remain in effect.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

City of Muskegon, Michigan

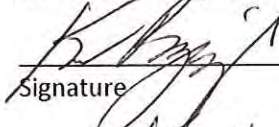
Signature

Name: _____

Title: _____

Date: ____/____/____

SAFEbuilt Michigan, LLC



Signature

Name: MARK BRIGGS

Title: BUILDING OFFICIAL

Date: 9 / 18 / 15

Commission Meeting Date: October 13, 2015

Date: October 8, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for the establishment of an Industrial Development District at 441 W Western Ave.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Pigeon Hill Brewing Company, LLC, has requested to establish an Industrial Development District at 441 W Western Ave. The establishment of the district will allow the company to become eligible for Industrial Facilities Tax Abatements (IFTs).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the establishment of the Industrial Development District.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING AN INDUSTRIAL DEVELOPMENT DISTRICT AT 441 W WESTERN AVE,
MUSKEGON, MI 49440
PIGEON HILL BREWING COMPANY, LLC**

WHEREAS, pursuant to PA 198 of 1974, as amended, the City Commission of the City of Muskegon has the authority to establish an Industrial Development Districts within the City of Muskegon; and

WHEREAS, Pigeon Hill Brewing Company, LLC has petitioned the City Commission of the City of Muskegon to establish an Industrial Development District on its property located in the City of Muskegon hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Muskegon Chronicle and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 13, 2015 a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Muskegon were afforded an opportunity to be heard thereon; and

WHEREAS, the City Commission of the City of Muskegon deems it to be in the public interest of the City of Muskegon to establish the Industrial Development District as proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Muskegon that the following described parcel of land situated in the City of Muskegon, Muskegon County, and State of Michigan, to wit:

**CITY OF MUSKEGON REVISED PLAT OF 1903 PART LOT 5 BLK 313 DESC AS FOLS COM AT
SELY COR SD LOT 5 FOR POB TH N 41D 55M 22S W ALNG ELY LN SD LOT A DIST OF 140.29 FT
TH N 48D 10M 43S E ALNG NLY LN SD LOT A DIST OF 46.08 FT TH S 41D 59M 25S E A DIST OF
140.12 FT TH S 47D 58M 26S W ALNG SLY LN SD LOT A DIST OF 46.23 FT TO POB SBJT TO
ESMTS RECOR'D 3361/537 SBJT TO ESMTS RECOR'D 3473/376 SBJT TO ESMTS RECOR'D
3473/385**

is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as Pigeon Hill Industrial Development District.

Adopted this 13th Day of October, 2015.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

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 October 13, 2015.

Ann Meisch
Clerk

Commission Meeting Date: October 13, 2015

Date: October 8, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – Pigeon Hill Brewing Company, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Pigeon Hill Brewing Company, LLC, has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The company will be investing \$193,700 in real property. The investment is expected to create up to 20 jobs. This qualifies them for a tax abatement of 12 years on real property.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of 12 for real property.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*PIGEON HILL BREWING COMPANY, LLC***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 13, 2015, this Commission by resolution established an Industrial Development District as requested by Pigeon Hill Brewing Company, LLC, including the property they lease at 441 W Western Ave, Muskegon, Michigan 49440; and

WHEREAS, Pigeon Hill Brewing Company, LLC has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to building improvements that will occur within said Industrial Development District ; and

WHEREAS, said application was filed no later than six months after project commencement and the Muskegon City Commission held a public hearing on October 13, 2015, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the building improvements are calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Pigeon Hill Brewing Company, LLC , for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to building improvements on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903 PART LOT 5 BLK 313 DESC AS FOLS COM AT SELY COR SD LOT 5 FOR POB TH N 41D 55M 22S W ALNG ELY LN SD LOT A DIST OF 140.29 FT TH N 48D 10M 43S E ALNG NLY LN SD LOT A DIST OF 46.08 FT TH S 41D 59M 25S E A DIST OF 140.12 FT TH S 47D 58M 26S W ALNG SLY LN SD LOT A DIST OF 46.23 FT TO POB SBJT TO ESMTS RECOR'D 3361/537 SBJT TO ESMTS RECOR'D 3473/376 SBJT TO ESMTS RECOR'D 3473/385

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of 12 years on real property.

Adopted this 13th Day of October 2015.

Ayes:

Nays:

Absent:

BY: _____
Stephen J Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

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 October 13, 2015.

Ann Meisch
Clerk

Memo

To: City Commission
From: Planning & Economic Development
cc:
Date: October 7, 2015
Re: Industrial Facilities Tax Abatement

The City Commission approved Pigeon Hill Brewing Company, LLC for a Commercial Facilities Exemption Certificate for their new building at 441 W Western Ave on May 12, 2015. However, the State Tax Commission has decided that they cannot approve the Certificate for the entire building, only for the brewpub portion. They stated that the beer production portion of the building would have to apply for an Industrial Facilities Tax Abatement (IFT).

Pigeon Hill and City staff were not expecting this, since the State Tax Commission had already approved a Commercial Facilities Exemption Certificate for the brewery at 500 W Western Ave. The State Tax Commission stated that this was an error on their part and they should have applied for an IFT for that project a few years ago. They have encouraged Pigeon Hill to apply for the IFT for the project at 441 W Western, even though they have started the work before the Industrial Development District was created. They have ensured us that if the City approves the IFT, the State Tax Commission will take it through a special process to approve the IFT, even though normal procedures were not followed.

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, (“City”) and Pigeon Hill Brewing Company, LLC (“Company”).

Recitals:

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company’s subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City’s determination whether or not to create the district.

C. The Company intends to install the project set forth in its application (“project”) which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation or increase of economic activity, planning and zoning considerations and the City’s general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company’s proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

- 1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission.
- 1.2 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate.
- 1.3 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$193,700 in real property improvements as shown in the application.
- 1.4 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.5 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.6 The Company shall not appeal the valuation of any real or personal property at the facility to the Michigan Tax Tribunal or the State Tax Commission.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY.** Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to create the district and receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll.

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced.

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statute, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By _____
Stephen J. Gawron, Mayor

Date _____

and _____
Ann Meisch, Clerk

Date _____

By _____

Its _____

Date _____

MUSKEGON



West Michigan's Shoreline City

City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Employment Information: 15 employees

Racial Characteristics:

White	14
Minority	1
Total	15

Gender Characteristics:

Male	9
Female	6
Total	15

Total No. of Anticipated New Jobs: 20

Investment Information:

Real Property:	\$193,700
Personal Property	\$0
Total:	\$193,700

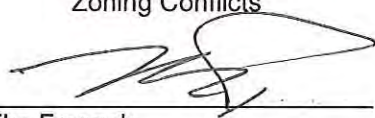
Property Tax Information: (Annual)	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$ 5,536	\$ 1,072
Value of Abatement	\$ 2,768	\$ 536
Total New Taxes Collected	\$ 2,768	\$ 536

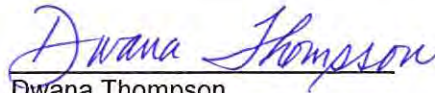
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$ 3,494

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	☐ No
Meeting w/ City Affirmative Action Director	☒ Yes	☐ No
Signed Tax Abatement Contract	☒ Yes	☐ No
Taxes Paid In Full	☒ Yes	☐ No
Zoning Conflicts	☐ Yes	☒ No


Mike Franzak
Planner III


Dwana Thompson
Affirmative Action Director

AGENDA ITEM NO. _____

CITY COMMISSION MEETING: October 13, 2015

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Treasurer

DATE: October 6, 2015

RE: Public Hearing
Create City Wide Special Assessment for Street Lights.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for the entire city and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT:

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To create the special assessment for all eligible parcels for the entire city and assign two City Commissioners to the Board of Assessors by adopting the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For Street Lights

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

RECITALS:

1. By resolution of the City Commission, a hearing has been held on October 13, 2015, 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 on October 13, 2015, there were _____ objections by the owners of the property in the city 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, 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 to be assessed in the district with the continuation of street lighting. The City Commission determines that the assessments of costs of the City project will enhance the value of the property to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit and remove a burden from the property associated with the loss of street lighting to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include all of the property in the city.
2. The City Commission determines to proceed with the special assessment.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners _____ and _____ and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon a benefit basis.
4. It is hereby determined that, based on the estimates of cost for street lights, the City will assess \$175 per parcel with a state equalized value of over \$1,000 including all City owned parcels, payable in five installments commencing with the Winter 2015 tax bill, which means that approximately 80% of the cost of street lighting will be paid by special assessments. (A tax parcel having a state equalized value of over \$1,000 will pay an extra \$35 per year for five years for street lighting.)
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 _____

Nays _____

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on _____, 2015. 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 _____
Ann Marie Meisch, Clerk

Exhibit A

All eligible parcels located inside the City of Muskegon with a state equalized value of over \$1,000.

September 30, 2015

Name
ADDRESS
CITY ST ZIP

PROPERTY ADDRESS
PROPERTY NUMBER

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for street lighting:

The proposed special assessment district will be for all eligible parcels with a State Equalized Value of one thousand dollars and above located in the **City of Muskegon**.

It is proposed that a portion of the above street lighting costs will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on OCTOBER 13, 2015 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification, property address, and proposed cost for the special assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held to confirm the special assessment roll after the project is under way. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND 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 THE INITIAL HEARING OR AT THE SECOND 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 properties 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 special assessment.

Estimated Costs

It is hereby determined that, based on the estimates of cost for street lights, the City will assess \$175 per parcel with a state equalized value of over \$1,000 including all City owned parcels, payable in five installments commencing with the Winter 2015 tax bill, which means that approximately 80% of the cost of street lighting will be paid by special assessments. (A tax parcel having a state equalized value of over \$1,000 will pay an extra \$35 per year for five years for street lighting.)

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Finance Department located on the second floor of City Hall. Regular business hours are from 8:30 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,

Kenneth D. Grant
City Treasurer

Name
ADDRESS
CITY ST ZIP

PROPERTY ADDRESS
PROPERTY NUMBER

HEARING RESPOND CARD-STREET LIGHTING SPECIAL ASSESSMENT
YOUR RESPONSE MUST BE RECEIVED BY OCTOBER 13, 2015

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. Please return the bottom portion of this letter to indicate whether you Oppose or Favor this special assessment for street lighting for the listed parcel on this notice, sign the form and return it to the City Clerk's Office.

City of Muskegon
Clerk's Office
PO Box 536
Muskegon MI 49443

IF YOU DO NOT SEND IN THIS FOR YOUR VOTE COUNTS AS "IN FAVOR" OF THE ASSESSMENT.

Special Assessment Cost will be \$35.00 per year for the next 5 years. Total Costs \$175.00

«NUMBER»

Please vote either in favor or opposed to the Special Assessment for Street Lighting

I AM IN FAVOR FAVOR _____ I AM OPPOSED _____

Owner Name _____ Signature _____

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

**ALL PARCELS IN THE CITY OF MUSKEGON WITH A STATE EQUALIZED VALUE OF OVER \$1,000
INCLUDING ALL CITY OWNED PARCELS**

THE DEPONENT 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 1ST DAY OF OCTOBER, 2015.



KENNETH GRANT, CITY TREASURER

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15th DAY OF October, 2015

Gene Dempsey
NOTARY PUBLIC MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES April 7, 2016

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners
FROM: Jeffrey Lewis, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN157076

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 357 Mason is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN157076 – 357 Mason

Location and ownership: This structure is located on Mason between 7th and 6th and is owned by Norris Roberts.

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/31/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 16,200

Estimated cost to repair: \$ 25,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: The cards were returned & signed. The owner scheduled a trades inspection for 8/27/2015 with SAFEbuilt. On 9/3/2015 (same day as the HBA meeting) Mr. Roberts had called and informed staff that because of the amount of items that needed to be repaired; he cannot fix them. He was also informed that it would be less expensive if he were to contract for the demolition.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.





CITY OF MUSKEGON - CODE COMPLIANCE DEPARTMENT
 933 TERRACE ST STE 202, MUSKEGON, MI 49440
 (231) 724-6702 (Office) (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

357 MASON AVE

Inspection noted:

1. Where repairs to existing roof are made, materials and color must blend with balance of roof. Roof has some shingles or parts of shingles missing. Roof has shingles that are deteriorated and need replacing.
2. Side of the roof has rotted or missing roof boards. Roof is totally deteriorated - must be replaced.
3. Have eave boards that are rotted or missing.
4. Siding has peeling paint--and is not protected from weather by a properly applied water resistant paint or finish. This must be properly scraped before painting.
5. Siding is loose or falling off. Has broken siding.
6. Has trim that has holes in it or is rotted or missing.
7. Is not protected from weather by a properly applied water-resistant paint or waterproof finish. Surface must be scraped prior to applying any water -resistant paint or waterproof finish.
8. Has peeling paint that needs to be scraped and needs to be protected from weather by properly applied water-resistant paint or waterproof finish.
9. Ceiling is deteriorated or missing.
10. Block walls have joints where the mortar is missing.
11. Trim is broken, missing or incomplete. Trim is rotted. Trim is bare wood - must be painted, varnished or sealed.
12. Exterior trim has peeling paint that needs to be properly scraped and needs to be protected from weather by properly applied water-resistant paint or waterproof finish.
13. Window has glazing that is missing or deteriorated.
14. Window screen(s) is/are torn or damaged.
15. Door threshold is broken, rotted or missing.

This listing is a list of exterior items. An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.



Owner ROBERTS NORRIS
1144 FRANCIS AVE
MUSKEGON, MI 49442

Enforcement #

Property Address: 357 MASON AVE

Parcel # 24-205-390-0005-00

Date completed: 8/27/2015

DEFICIENCIES:

1. Electric service to be replaced to code
2. Hard wired, battery back up & interconnected smoke alarms to be installed to code
3. Upper unit bathroom and kitchen to be wired to code
4. Insure all wiring is safe and code compliant in upper unit
5. Lower unit(s) to be rewired to code
6. Replace all receptacles, switches & light fixtures throughout
7. lower roof is deteriorated and must be replaced
8. lower roof has holes rotted through it
9. Exterior has has rotted siding and trim and must be replaced
10. There is multiple broken windows that must be replaced
11. There is multiple areas that have wood soffit falling down
12. INTERIOR:
13. Ceiling has fell in hallway from roof leaking
14. Floor in hallway is rotted from roof leak
15. Main floor has multiple holes in walls
16. To convert to a single unit a new stairway must be installed inside of house
17. Unable to tell how bad structure is rotted from leaks until everything is torn apart
18. Unable to access michigan cellar due to no steps or ladder so I couldn't tell if floor joists are rotten where roof has been leaking
19. The vent cap for the water heater on the north side of the house is damaged and needs to be replace.
20. The water heater vent on the north side of the house vents to close to the house and openable window. Must be 10 feet from a window.
21. The upper unit space heater is too close to combustibles and needs to be changed to a B-vent.
22. Both the water heaters need to be replaced.
23. The one furnace in the basement is newer but needs to have a b-vent connector pipe and a chimney liner installed in the chimney.
24. The b-vent that goes out beside the masonry chimney needs to be raised to the same height as the masonry chimney.
25. The basement was not accessible, therefore, I could only see the one furnace and water heater from the access opening and could not inspect the ducts, gas lines, and furnace for the front unit if there is one there.

Kirk Briggs, Building Official

Date

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners
FROM: Jeffrey Lewis, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN147479

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 229 E Grand is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN147479 – 229 E Grand

Location and ownership: This structure is located on E. Grand between Hoyt and Terrace and is owned by Vincent Robertson.

Staff Correspondence: A dangerous building inspection was conducted on 10/24/2014. This property had been foreclosed on for taxes. Staff sent a request to the County Treasurer asking for permission to demolish and was informed it had been sold. Once the deed was entered in the system; staff proceeded with the demolition process. The Notice and Order to Repair was issued on 7/17/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 9,300

Estimated cost to repair: \$ 17,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: The owner had come in at the beginning stating when he purchased it; no one told him it was a dangerous building. Staff did contact the County Treasurer's Office and was informed that when they sell structures in the City of Muskegon; they let the buyers know they will want to get in touch with the City right away to see if or what may need to be done with the property.

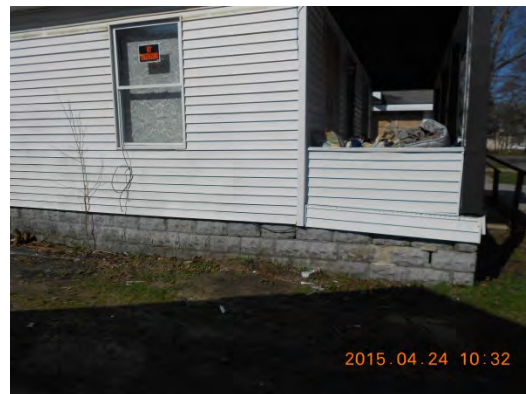
- ✓ The letters to the property owner were returned unclaimed.
- ✓ The letters to the IRS (interested party) were returned signed.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.



East side of structure/roof.



East side of home/cracks in foundation.



Front of structure.



West side foundation buckling.



West side bad roof.



Roof up close.

CITY OF MUSKEGON - CODE COMPLIANCE DEPARTMENT
 933 TERRACE ST STE 202, MUSKEGON, MI 49440
 (231) 724-6702 (Office) - (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

229 E GRAND AVE

Inspection noted:

1. Foundation walls have missing mortar or open cracks.
2. Foundation walls have peeling paint. Paint must be properly scraped prior to painting.
3. Foundation walls have missing brick or block.
4. There are areas where the foundation walls are pulling away from the structure.
5. No gas meter.
6. Roof is deteriorated & may need complete replacement.
7. There are roofing shingles that are curling or deteriorated.
8. Per City of Muskegon Code of Ordinances; Sec. 10-414(b) *Securing buildings*. "No dwelling building or structure shall remain temporarily secured for a period exceeding 180 consecutive days.
9. Soffit is missing.
10. Areas of Soffit have materials that aren't weather safe.
11. There are exposed wire(s) sticking out of the siding.
12. Window trim is exposed & not protected from the weather by a properly applied water-resistant paint or waterproof finish. Surface must be scraped prior to applying any water-resistant paint or waterproof finish.
13. There are trees or bushes that are growing along the foundation. Could help cause the foundation to deteriorate.
14. There are areas where the siding is pulling away from the exterior where the soffit/trim meets.
15. Interior inspection needs to be done by the Trades Inspectors.

This listing is a list of exterior items. An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN156683

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 **236 Washington (garage only)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN156683 – 236 Washington (garage only)

Location and ownership: This structure is located on Washington between 6th and 5th and is owned by Catalina Ortiz.

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/24/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 19,200 (all structures).

Estimated cost to repair: \$ 5,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure. The Ms. Ortiz's son resides in the home.
- 3) All notifications are mailed by certified mail with a return card for signature. Some cards came back signed others were returned unclaimed.

Owner Contact: After the Housing Board of Appeals declared the garage as a dangerous building; Ms. Ortiz's son came in after the HBA's determination was posted and had said he was given more time, but could not remember by whom.

Timeline for dangerous building:

- ❖ 7/24/15 – Notice & Order - Posted/Mailed.
 - 7/27/15-Owner called (SAFEbuilt) & agreed to give a letter explaining when they would have the garage fixed. He did not want the garage inspected. Per KB's note. No letter was found.
 - 8/20/15 – A letter was sent by SAFEbuilt for working without a permit.
- ❖ 8/21/15 – HBA meeting notification – Posted/Mailed.
 - 8/25/15 – Note under work without a permit – Owner called SAFEbuilt & said they are not working on it; but they are trying to get money to fix it.
 - 9/3/15 – HBA meeting held. No one representing this property attended the meeting.
- ❖ 9/11/15 – HBA Determination – Posted/Mailed.
- ❖ 9/25/15 – CC meeting notification – Posted/Mailed.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.

CITY OF MUSKEGON - CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202, MUSKEGON, MI 49440
(231) 724-6702 (Office) (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

236 WASHINGTON AVE (garage only)

Inspection noted:



These pictures are of the garage only. **An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.**

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN157019

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 725 Ellifson is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN157019 – 725 Ellifson

Location and ownership: This structure is located on Ellifson between Mulder and S. Getty and is owned by William Rodriguez.

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/31/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 11,100

Estimated cost to repair: \$ 19,800

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: There has been no contact from the owner. The letters were returned unclaimed. There was a note on one of them stating the owner is deceased.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.





CITY OF MUSKEGON - CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202, MUSKEGON, MI 49440
(231) 724-6702 (Office) (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

725 ELLIFSON AVE

Inspection noted:

1. Where repairs to existing roof are made, materials and color must blend with balance of roof.
2. Roof has some shingles or parts of shingles missing.
3. Roof is totally deteriorated - must be replaced.
4. Have eave boards that are rotted or missing.
5. Siding has holes in it or is rotted or missing.
6. Siding is loose or falling off. Has broken siding.
7. Has trim that has holes in it or is rotted or missing.
8. Is not protected from weather by a properly applied water-resistant paint or waterproof finish. Surface must be scraped prior to applying any water -resistant paint or waterproof finish.
9. Foundation walls have missing mortar or open cracks.
10. Foundation walls have peeling paint. Paint must be properly scraped prior to painting.
11. Foundation walls are badly bowed.
12. Block walls have joints where the mortar is missing.
13. Window screen(s) is/are torn or damaged.
14. Window has glazing that is missing or deteriorated.
15. Door doorstop is broken or missing.
16. Door does not fit tight-install weather seal. Storm door does not operate properly. Door will not latch or shut.

This listing is a list of exterior items. An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners
FROM: Jeffrey Lewis, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN157010

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 **597 W Muskegon (garage only)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN157010 – 597 W. Muskegon (garage only)

Location and ownership: This structure is located on W. Muskegon between 8th and 9th and is owned by Christopher Lynn.

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/31/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 18,900 (entire property)

Estimated cost to repair: \$ 5,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: All letters to the owner were returned unclaimed. The owner was aware of the garage being considered a dangerous building due to the home being posted with each of the notices as well. Mr. Lynn did call and speak with staff. He stated he was unable to make the HBA meeting. Staff suggested he could send someone to represent his wishes. He did allow for a trades inspection on 9/2/15 with SAFEbuilt. He wasn't sure if he would want to rehab the garage or not.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.

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(231) 724-6702 (Office) (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

597 W MUSKEGON AVE (garage only)

Inspection noted:



The pictures of the garage are located above. An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.



DANGEROUS BUILDING INSPECTION REPORT
09/03/2015

Owner LYNN CHRISTOPHER L
597 W MUSKEGON AVE
MUSKEGON, MI 49440

Enforcement #
Property Address: 597 W MUSKEGON AVE
Parcel # 24-205-345-0003-00

Date completed: 9/2/15

DEFICIENCIES:

Garage is leaning to the right severely
Needs a new roof
Needs new windows
Needs a new door
Needs paint
Wall is bowing out
The roof is sagging
It is cheaper to build a new garage

Kirk Briggs, Building Official

Date

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners
FROM: Jeffrey Lewis, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN156657

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 733 Marcoux is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN156657 – 733 Marcoux

Location and ownership: This structure is located on Marcoux between Mulder and S. Getty and is owned by Walter J. Soto

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/24/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 9,400

Estimated cost to repair: \$ 22,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: The certified return cards were returned with signatures that were illegible.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.



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DANGEROUS BUILDING REPORT

733 MARCOUX AVE

Inspection noted:

1. Front roof is falling off the house.
2. Roof is totally deteriorated - must be replaced. Side of the roof has rotted or missing roof boards. Rafters are broken or rotted.
3. Rafters are bowed and the roof is sagging. Roof rafters need bracing in the attic.
4. Have eave boards that are rotted or missing. Has aluminum fascia that is loose, falling off or missing.
5. Siding has holes in it or is rotted or missing. Siding is loose or falling off. Has broken siding. Siding corners are missing.
6. Siding has peeling paint--and is not protected from weather by a properly applied water resistant paint or finish. This must be properly scraped before painting.
7. Has trim that has holes in it or is rotted or missing.
8. Is not protected from weather by a properly applied water-resistant paint or waterproof finish. Surface must be scraped prior to applying any water -resistant paint or waterproof finish.
9. Steps are deteriorated or missing-when installing new, steps must have 36" landing at the top if entering door. Step structure is rotted. Concrete has holes and/or is deteriorated.
10. Foundation walls have missing mortar or open cracks.
11. Numerous windows & doors are boarded up. Prior to City boarding the structure; it was open to the elements.

This listing is a list of exterior items. **An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.**

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners
FROM: Jeffrey Lewis, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN157072

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 **1445 Park** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN157072 – 1445 Park

Location and ownership: This structure is located on Park between Washington and W. Grand and is owned by LoanCare.

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/31/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$ 12,800

Estimated cost to repair: \$ 18,500

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: Loancare had sent a note to staff stating they no longer had interest in the structure. There have been no deeds or any other document recorded with the Register of Deeds Office showing otherwise. Staff continued to send the letters to Loancare with a note to them letting them know that they were still listed as the owner. Staff also sent the mailing to Selene Financing (this was noted in the letter from Loancare). Mark of Champion Property Preservation had also contacted staff regarding this property. A contractor had tried to obtain a permit from SAFEbuilt and was informed that this property was declared as a dangerous building and was scheduled to go to City Commission so any permits for repairs could not be obtained at this time. Hope M. explained the process for dangerous buildings and what the next step would be. Karen C. (City Planning Dept.) had also emailed him copies of the notifications that were mailed and posted to the structure. Staff did inform Mark that this was scheduled to go before the City Commission on 10/13/15 and if the City Commission concurs; the owner/interested party may file paperwork with Circuit Court to obtain superintending control within 21 days.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.





CITY OF MUSKEGON - CODE COMPLIANCE DEPARTMENT
 933 TERRACE ST STE 202, MUSKEGON, MI 49440
 (231) 724-6702 (Office) (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

1445 PARK ST

Inspection noted:

1. Roof has shingles that are deteriorated and need replacing.
2. Siding has holes in it or is rotted or missing. Siding is loose or falling off. Has broken siding.
3. Siding has peeling paint--and is not protected from weather by a properly applied water resistant paint or finish. This must be properly scraped before painting.
4. Is not protected from weather by a properly applied water-resistant paint or waterproof finish. Surface must be scraped prior to applying any water -resistant paint or waterproof finish.
5. Foundation walls have missing mortar or open cracks.
6. Foundation walls have peeling paint. Paint must be properly scraped prior to painting.
7. Block walls have joints where the mortar is missing.
8. Trim is broken, missing or incomplete. Trim is rotted.
9. Trim is bare wood - must be painted, varnished or sealed. Exterior trim has peeling paint that needs to be properly scraped and needs to be protected from weather by properly applied water-resistant paint or waterproof finish.
10. Door is broken or missing.
11. Door threshold is broken, rotted or missing.
12. **No Trades Inspection has been completed for this property. This is being noted due to others having interest in the property that had not shown up in the Register of Deed's files.**

This listing is a list of exterior items. An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

COMMISSION MEETING DATE: October 13, 2015

TO: Honorable Mayor and Commissioners
FROM: Jeffrey Lewis, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN157069

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 **1451 Park** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

Case# & Project Address: # EN157069 – 1451 Park

Location and ownership: This structure is located on Park between Washington and W. Grand and is owned by Antwan Bruce.

Staff Correspondence: A dangerous building inspection was conducted on 5/27/2015. The Notice and Order to Repair was issued on 7/31/2015. On 9/3/2015 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG or General Funds

Budget action required: None

State Equalized value: \$11,700

Estimated cost to repair: \$ 17,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: The owner scheduled a Trades Inspection for 8/14/2015. Some of the pictures that were taken during the inspection are included as well as a report on the electrical.

Permits obtained: The owner had obtained permits in 2014 and had them extended on 8/31/2015. The permits were as follows:

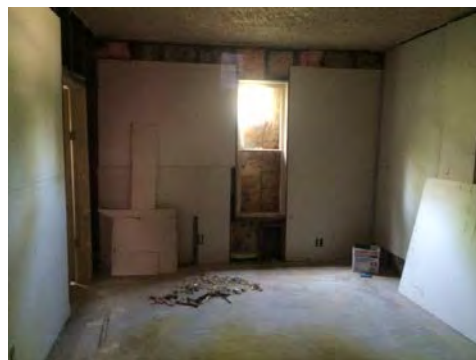
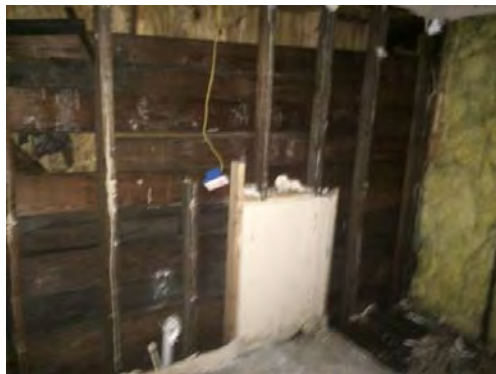
- ✓ PB140740 – Tear off & reroof/repair 2 sections of the lower sections of the house; repair drywall damaged by roof leaks. No progress inspections have been completed.
- ✓ PE140520 – Replace Electrical Service. No progress inspections have been completed.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.





Interior pictures that were taken by SAFEbuilt during a trades inspection:



CITY OF MUSKEGON - CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202, MUSKEGON, MI 49440
(231) 724-6702 (Office) (231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

1451 PARK ST

Inspection noted:

1. Roof flashing is missing or incorrectly installed. Aluminum flashing is loose or missing.
2. Where repairs to existing roof are made, materials and color must blend with balance of roof. Roof has some shingles or parts of shingles missing.
3. Side of the roof has rotted or missing roof boards.
4. Have eave boards that are rotted or missing.
5. Is not protected from weather by a properly applied water-resistant paint or waterproof finish. Surface must be scraped prior to applying any water -resistant paint or waterproof finish.
6. Foundation walls have peeling paint. Paint must be properly scraped prior to painting.
7. Siding has holes in it or is rotted or missing. Siding corners are missing.
8. Siding has peeling paint--and is not protected from weather by a properly applied water resistant paint or finish. This must be properly scraped before painting.
9. Opening in the wall has been closed off with material that does not blend with the rest of the structure.
10. Window(s) has/have broken or cracked glass.
11. Window sill is broken, missing or rotted.
12. Window frame is rotted.
13. Window has glazing that is missing or deteriorated.
14. Many windows are boarded.

This listing is a list of exterior items. An interior inspection had not been completed. You would need to contact SAFEbuilt for a trades inspection to get a complete listing of any additional items that need to be completed.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.



DANGEROUS BUILDING INSPECTION REPORT
08/17/2015

Owner BRUCE ANTWAN
1520 6th STREET APT 1
MUSKEGON, MI 49442

Enforcement #

Property Address: 1451 PARK ST

Parcel # 24-205-408-0001-20

Date completed: 8/14/15

DEFICIENCIES:

- **ELECTRICAL**
 - Electric service to be replaced to 2014 code.
 - Bathroom to be wired to code.
 - Living room to be wired to code.
 - Smoke alarms to be replaced.
 - Replace all broken light fixtures.
 - All switches and receptacles to work, replace as needed.
 - Provide GFI protection to code.

Kirk Briggs, Building Official

Date