

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 9, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
 - a. **Make a Difference Day.**
 - b. **National Breast Cancer Awareness Month 2001.**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. **Approval of Minutes.** CITY CLERK
 - b. **Community Relations Committee Appointments.** CITY CLERK
 - c. **Sale of Buildable Vacant Lot on Marquette Ave.** PLANNING & ECONOMIC DEVELOPMENT
 - d. **Purchase of Tax Reverted Properties.** PLANNING & ECONOMIC DEVELOPMENT
 - e. **Gypsy Moth Agreement.** LEISURE SERVICES
 - f. **Change Order for Cemetery Office Renovations.** CEMETERY
 - g. **Extension of Construction Time Period, Purchase Agreement/The Muskegon Hotel** PLANNING & ECONOMIC DEVELOPMENT
- ❑ **PUBLIC HEARINGS:**
 - a. **Request to Establish on Obsolete Property District West Sherman Plaza.** PLANNING & ECONOMIC DEVELOPMENT
 - b. **Request to Issue an Obsolete Property Certificate, West Sherman Plaza.** PLANNING & ECONOMIC DEVELOPMENT
 - c. **Request for an Industrial Facilities Exemption Certificate, Cole's Quality Foods.** PLANNING & ECONOMIC DEVELOPMENT
 - d. **Request for an Industrial Facilities Exemption Certificate, ASPPI Fine Paper.** PLANNING & ECONOMIC DEVELOPMENT

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

a. **Grant Application and Support Resolution for Great Lakes Naval Memorial & Museum.** GREAT LAKES NAVAL MEMORIAL & MUSEUM COMMITTEE

b. **Approving A Resolution and Contract for refunding outstanding 1989 and 1992 Series Muskegon County Wastewater Management System No. Bonds.** FINANCE

c. **Consumers Energy Memorandum of Understanding.** LEISURE SERVICES

d. **Community Center Survey.** LEISURE SERVICES

e. **Concurrence with the Housinbg Board of Appeals Notice and Order to Demolish the following:**

1) 869 Emerald Ave.

2) 363 McLaughlin

3) 536 W. Muskegon

4) 1457 Seventh

5) 484 & 486 Ottawa

6) 1643 Terrace

7) 723 Isabella

8) 994 Pine

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION:**

➤ ***Reminder: Individuals who would like to address the City Commission shall do the following:***

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

➤ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **ADJOURNMENT:**

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

Date: October 9, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Special Commission Meeting that was held on Tuesday, September 18, 2001, and the Regular Commission Meeting that was held on Tuesday, September 25, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 9, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, October 9, 2001.

Mayor Fred J. Nielsen opened the meeting by offering prayer, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2001-113 Consumers Energy Memorandum of Understanding

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

Motion by Commissioner Spataro, second by Commissioner Schweifler to postpone the adoption the memorandum until it discussed at the next Commission Worksession and take action on this item at the first November Commission meeting.

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

Nays: Benedict, Nielsen, Shepherd

MOTION PASSED

2001-114 HONORS AND AWARDS:

- a. **Make a Difference Day.** Commissioner Jone Wortelboer-Benedict read a proclamation requesting the City set aside October 27th, 2001 as Make A Difference Day to encourage citizens to participate in local activities that make an impact.

Motion by Commissioner Aslakson, second by Commissioner Buie to approve the consent agenda with the exception of item c, d and f.

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

Nays: None

MOTION PASSED

2001-116 ITEMS REMOVED FROM THE CONSENT AGENDA

c. Sale of Buildable Vacant Lot on Marquette Ave. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant buildable lot on Marquette Avenue designated as parcel number 24-611-000-0480-00 described as URBAN RENEWAL PLAT NO. 2, LOT 480 AND THE EASTERLY 51.45 FEET OF LOT 481 to Mr. Starrey Allen of 1333 Isabella Avenue. The subject property is 116.45 x 131.92 feet and is being offered to Mr. Allen for \$9,001. Mr. Allen plans to use the land for the construction of a 1,600 sq. ft single-family home with a two-stall attached garage. The appraised value of the lot is \$9,000 and Mr. Allen submitted the only bid of \$9,001.

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

BUDGET IMPACT: None.

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

Motion by Commissioner Spataro, second by Commissioner Aslakson to sell the lot on Marquette Avenue.

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

Nays: None

MOTION PASSED

d. Purchase of Tax Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To allow Planning Department to submit an application to the Michigan Department of Natural Resources for the purchase of tax reverted properties. The 2001 list consists of over 50 properties. The City would only acquire properties that are vacant and do not have structures in it. Community and Neighborhood Services already selected some parcels for their in-fill program. Other acquired properties will be sold as buildable and non-buildable lots as the Planning Department is already doing.

FINANCIAL IMPACT: The application fee of three hundred (\$300) dollars per application plus twenty (\$20) dollars for each additional parcel over five.

BUDGET IMPACT: None.

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

- b. National Breast Cancer Awareness Month 2001.** Commissioner Karen Buie read a proclamation requesting Mayor Fred J. Nielsen proclaim October 2001 as National Breast Awareness Month and October 19, 2001 as National Mammography Day.

2001-115 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Special Commission Meeting that was held on Tuesday, September 18, 2001, and the Regular Commission Meeting that was held on Tuesday, September 25, 2001.

FINANCIAL IMPACT: None

BUDGET IMPACT: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Community Relations Committee Appointments. CITY CLERK

SUMMARY OF REQUEST: To appoint Laura L. Rowan and Roger Sustaito to the openings on the Equal Opportunity Committee.

FINANCIAL IMPACT: None

BUDGET IMPACT: None

STAFF RECOMMENDATION: To appoint both as members of the Equal Opportunity Committee.

e. Gypsy Moth Agreement. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to work with the County for the Gypsy Moth Suppression Program.

FINANCIAL IMPACT: No known, but we needed no treatment in 2001.

BUDGET IMPACT: None, at this time.

STAFF RECOMMENDATION: Approve

g. Extension of Construction Time Period, Purchase Agreement / The Muskegon Hotel. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the written request from the Westwood Group to extend the construction time period designated in the Purchase Agreement between Westwood and the City of Muskegon for The Muskegon Hotel, through October 2002.

FINANCIAL IMPACT: None.

BUDGET IMPACT: None.

STAFF RECOMMENDATION: To approve the request from Westwood to extend the construction time period for the Muskegon Hotel through October 2002.

Motion by Commissioner Benedict, second by Commissioner Spataro to purchase tax reverted properties from the Michigan Department of Natural Resources.

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

Nays: None

MOTION PASSED

f. Change Order for Cemetery Office Renovations. CEMETERY

SUMMARY OF REQUEST: To approve change order to complete the Cemetery Building (Outside).

FINANCIAL IMPACT: \$16,376

BUDGET IMPACT: None.

STAFF RECOMMENDATION: To approve the change order for the outside building renovations.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to approve the cemetery change order.

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

Nays: None

MOTION PASSED

2001-117 PUBLIC HEARINGS:

a. Request to Establish an Obsolete Property District, West Sherman Plaza.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, West Sherman Plaza LLC, 900 Third Street, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 870-880 W. Sherman Boulevard, Muskegon, MI. Total capital investment for this project is \$585,800. The project will result in the creation of 25-30 employment opportunities.

FINANCIAL IMPACT: If an obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET IMPACT: None.

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 870-880 W. Sherman Boulevard, Muskegon, MI.

The public hearing opened at 6:06 p.m., to hear and consider any comments from the public.

Motion by Commissioner Benedict, second by Vice-Mayor Shepherd to close the public hearing at 6:18 p.m. and establish the district.

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

Nays: None

MOTION PASSED

b. Request to Issue an Obsolete Property Certificate, West Sherman Plaza.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, West Sherman Plaza LLC, 900 Third Street, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 870-880 W. Sherman Boulevard, Muskegon, MI. Total capital investment for this project is \$585,800. The project will result in the creation of 25-30 employment opportunities.

FINANCIAL IMPACT: If an obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET IMPACT: None.

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property District for 870-880 W. Sherman Boulevard, Muskegon, MI for a term of 12 years.

The public hearing opened at 6:19 p.m., to hear and consider any comments from the public.

Motion by Commissioner Benedict, second by Vice-Mayor Shepherd to close the public hearing at 6:25 p.m. and issue the certificate.

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

Nays: None

MOTION PASSED

c. Request for an Industrial Facilities Exemption Certificate, Cole's Quality Foods. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is \$1,505,867 in personal property, this request qualifies Cole's for the standard 6-year exemption. The project will not create any new employment opportunities. Cole's current workforce is 158.

FINANCIAL IMPACT: The City will capture certain property taxes generated by the expansion.

BUDGET IMPACT: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of (6) years.

The public hearing opened at 6:26 p.m., to hear and consider any comments from the public.

Motion by Commissioner Aslakson, second by Commissioner Buie to close the public hearing at 6:29 p.m. and approve the resolution.

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

Nays: None

MOTION PASSED

d. Request for an Industrial Facilities Exemption Certificate, SAPPI Fine Paper.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, SAPPI Fine Paper, 2400 Lakeshore Drive, has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is \$15,313,993 in personal property, this request qualifies for a 9-year exemption. The project will not create any new employment opportunities. SAPPI's current workforce is 705.

FINANCIAL IMPACT: The City will capture certain property taxes generated by the expansion.

BUDGET IMPACT: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of (9) years.

The public hearing opened at 6:30 p.m., to hear and consider any comments from the public. Bill Lavausee of Sappi and Steve K. of 4187 S. Quarterline commented on this item.

Motion by Commissioner Spataro, second by Commissioner Buie to close the public hearing at 6:49 p.m. and approve the certificate.

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

Nays: None

MOTION PASSED

CITY MANAGER'S REPORT: Treasurer Department head, Derek Smith, introduced his new employee, Robert Robles, to the Commission.

2001-118 NEW BUSINESS:

a. Grant Application and Support Resolution for Great Lakes Naval Memorial & Museum. GREAT LAKES NAVAL MEMORIAL & MUSEUM COMMITTEE

SUMMARY OF REQUEST: To approve the resolution for submission of grant application and support for a grant application to MDOT for enhancement funding for Phase I of the Lakeshore Trail.

Motion by Vice-Mayor Shepherd, second by Commissioner Buie to approve the resolution.

ROLL VOTE: Ayes: Buie, Nielsen, Schweifler, Shepherd, Aslakson.

Nays: None

Not Present: Benedict, Spataro.

MOTION PASSED

b. Approving A Resolution and Contract for refunding outstanding 1989 and 1992 Series Muskegon County Wastewater Management System No. 1

Bonds. FINANCE

SUMMARY OF REQUEST: Adoption of the resolution and approving the contract.

Motion by Commissioner Spataro, second by Commissioner Aslakson to approve the 1989 and 1992 bonds.

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

Nays: None

MOTION PASSED

c. Consumers Energy Memorandum of Understanding. LEISURE SERVICES

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

MOVED TO BEGINNING OF THE MEETING

d. Community Center Survey. LEISURE SERVICES

SUMMARY OF REQUEST: To give staff direction on the Community Center Survey and the specifics of meeting your goal of having it statistically correct.

FINANCIAL IMPACT: \$13,500

BUDGET IMPACT: Will need to appropriate additional funds.

STAFF RECOMMENDATION: Approve

Motion by Commissioner Aslakson, second by Vice-Mayor Shepherd to authorize A3C to do the survey and the final survey comes back to the Commission.

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

Nays: None

MOTION PASSED

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

- 1) 869 Emerald Avenue**
- 2) 363 McLaughlin**
- 3) 536 W. Muskegon**
- 4) 1457 Seventh**
- 5) 484 & 486 Ottawa**
- 6) 1643 Terrace**

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that ad-

ministration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG

BUDGET IMPACT: None.

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

Motion by Commissioner Aslakson, second by Commissioner Schweifler to concur with the Housing Board of Appeals on the first six houses.

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

Nays: None

MOTION PASSED

7) 723 Isabella

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

FINANCIAL IMPACT: CDBG

BUDGET IMPACT: None.

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

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

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

Nays: None

MOTION PASSED

8) 994 Pine Street

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

FINANCIAL IMPACT: CDBG

BUDGET IMPACT: None.

STAFF RECOMMENDATION: To Concur with the Housing Board of Appeals decision to de-

molish.

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

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

Nays: None

MOTION PASSED

2001-119 PUBLIC PARTICIPATION: Various comments were heard from the public.

2001-120 CLOSED SESSION:

Motion by Commissioner Aslakson, second by Commissioner Spataro to close session at 8:06 p.m. to discuss pending litigation.

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

Nays: None

Not Present: Benedict, Shepherd

MOTION PASSED

Motion by Commissioner Aslakson, second by Commissioner Benedict to go back to an open session at 8:22 p.m. and authorize the use of the retention fund to settle the matter and authorize the Risk Management Authority to determine the advisability of mediation and to make the decision whether or not to mediate.

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

Nays: None

Not Present: Shepherd

MOTION PASSED

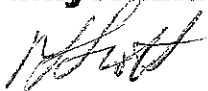
- **ADJOURNMENT:** The Regular Commission Meeting for the City of Muskegon was adjourned at 8:23 p.m.

Respectfully yours,

A handwritten signature in blue ink that reads "Gail Kunding". The signature is written in a cursive, flowing style.

Gail Kunding, CMC/AAE

Clerk

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

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends approval

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-3181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4405

Clerk

231/724-6705
FAX/724-4178

Comm. & Neigh.

Services
231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

Inspection Services

231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4180
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

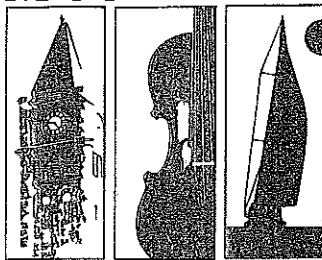
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-3290

MUSKEGON



West Michigan's Shoreline City

Date: September 28, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: Consumers Energy Memorandum of Understanding

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

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

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

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

Thank you for your consideration.

Memorandum of Understanding

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

Recitals

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

B. Consumers intends to close the landfill on the Land in conformance with the B.C. Cobb Plant Ash Disposal Area 4 and 4A Final Closure Plan approved by the Michigan Department of Environmental Quality (MDEQ) on April 23, 2001 (the Plan).

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

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

E. Consumers and the City wish to set forth their intentions and a framework of their respective obligations and commitments that will later form the basis of a formal agreement between the parties, if the stated contingencies occur.

Understanding

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

1. The City will buy the Land from Consumers if sufficient funds, such as Michigan Department of Natural Resources (MDNR) Trust Fund monies, are available to the City. The purchase price will be an amount that the City and Consumers mutually agree on, but if the sole source of funding is MDNR Trust Fund monies, then the purchase price shall be no less than an amount sufficient to enable the City to obtain MDNR Trust Fund monies equal to 75 percent of the value of the Land as determined by a MDNR-accepted appraisal. Consumers will convey to the City marketable title to the Land, by quit-claim deed, reserving minerals but without the right to enter the surface for mineral development.

2. Contemporaneously with the City's payment of the purchase price to Consumers, Consumers will make a donation to the City in the amount of the purchase price, which the City will use as matching funds, together with MDNR Trust Fund monies, for purchase of the site and for site work for the proposed sports complex.

not clear

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

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

5. The City will assume responsibility for preparing and submitting reports required by the MDEQ on surface integrity and for all maintenance work to the surface cover placed by the City over the barrier liner. Consumers will be responsible for preparing and submitting reports required by the MDEQ in connection with the maintenance and integrity of the barrier liner and the status of fly ash deposited at any place on the Land by Consumers.

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

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

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

9. The City will acquire from MDOT as much of the MDOT property located on the West

and South end of the Land as is reasonably possible in order to provide reasonable access to the sports complex and to provide a buffer zone between the highway and the sports complex. The City shall pay all expenses of such acquisition.

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

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

WITNESSES:

CITY OF MUSKEGON

By: _____

Its _____

By: _____

Its _____

WITNESSES:

CONSUMERS ENERGY COMPANY

By: _____

Its _____



A CMS Energy Company

B. C. Cobb Plant
151 North Causeway
Muskegon, MI 49445

Tel: 231 727 6100
Fax: 231 727 6251

October 9, 2001

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

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

Dear Mr. Scott:

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

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

Sincerely,

Robert C. Malec
Generating Plant Manager

Enclosure



City of
Muskegon
State of Michigan

PROCLAMATION
MAKE A DIFFERENCE DAY
October 27, 2001

WHEREAS on October 28, 2000, more than 2.2 million people spent their Saturday help the less fortunate by stocking food banks, repairing dilapidated schools and sheltering homeless veterans; and

WHEREAS the Make A Difference Day proclamation issued by the City of Muskegon provided leadership and inspiration to city citizens about the importance of helping their neighbors and thousands of individual volunteers, civic organizations, religious groups, schools and businesses with the City of Muskegon took action; and

WHEREAS volunteer centers in the City of Muskegon coordinated activities and teamed up with USA WEEKEND Magazine carrier newspapers to publicize the local activities; and

WHEREAS contributions to Make A Difference Day can help create action that changes the lives of many Americans for the better;

THEREFORE, NOW BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside October 27, 2001 as **Make A Difference Day** and encourage our citizens to join in the local activities that will have lasting impact on the whole community.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 9th day of October, 2001.

Fred J. Nielsen, Mayor



City of
Muskegon
State of Michigan

PROCLAMATION

*National Breast Cancer Awareness Month
2001*

WHEREAS October 2001 is National Breast Cancer Awareness Month; and

WHEREAS October 19, 2001 is National Mammography Day; and

WHEREAS an estimated 192,200 new cases of female breast cancer will be diagnosed in 2001 and 40,200 will die of the disease; and

WHEREAS early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease; and

WHEREAS mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt;

NOW, THEREFORE BE IT RESOLVED that I, Fred J. Nielsen Mayor of the City of Muskegon do hereby proclaim the month of October 2001 as **NATIONAL BREAST CANCER AWARENESS MONTH** and October 19, 2001 as **NATIONAL MAMMOGRAPHY DAY** in the City of Muskegon..

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 9th day of October, 2001.

Fred J. Nielsen, Mayor

TO: Mayor and City Commission

FROM: City Clerk on behalf of Community Relations Committee

DATE: October 3, 2001

SUBJECT: New Appointments to Committees

SUMMARY OF REQUEST: To appoint Laura L. Rowan and Roger Sustaito to the openings on the Equal Opportunity Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF & COMMITTEE RECOMMENDATION: To appoint both as members of the Equal Opportunity Committee.

CITY OF MUSKEGON
TALENT BANK APPLICATION

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: LAURA L. ROWAN DATE: 8-13-01

HOME ADDRESS: 1375 WINTERS, Muskegon, 49442
(Street, City, State, Zip)

HOME PHONE #: (231) 767-9621 WORK PHONE #: (231) 724-6174

OCCUPATION: Accounting Clerk
(If retired, give former occupation)

EDUCATION: See resume

PERSONAL & COMMUNITY ACTIVITIES: _____

INTEREST IN SERVING: in any way that's best for the city

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>LOUIS MC MURRAY</u> (Name)	<u>(231) 733-9606</u> (Phone Number)
2. <u>Eugene Fisher</u> (Name)	<u>(231) 733-0782</u> (Phone Number)
3. <u>Dorretta Thomas</u> (Name)	<u>(231) 726-1492</u> (Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|---|--|
| ☐ Board of Canvassers | ☒ Housing Commission |
| ☐ Board of Review | ☐ Housing Stock Review Committee |
| ☐ Cemetery Committee | ☒ Image Committee |
| ☒ Citizen's Police Review Board | ☐ Income Tax Board of Review |
| ☐ City Employees Pension Board | ☐ Land Reutilization Committee |
| ☐ Civil Service Commission | ☐ Leisure Services Board |
| ☐ CDBG-Citizen's District Council | ☐ Loan Fund Advisory Committee |
| ☐ District Library Board | ☐ Local Develop. Finance Authority |
| ☒ Downtown Development Authority/Brownfield Board | ☐ Local Officer's Compensation Com. |
| ☐ Election Commission | ☐ Mechanical Board of Examiners |
| ☐ Electrical Board of Appeals | ☐ Planning Commission |
| ☐ Enterprise Community Citizen Council | ☐ Plumbing Board of Appeals |
| ☒ Equal Opportunity Committee #1 | ☐ Police/Fireman's Pension Board |
| ☐ Historic District Commission | ☐ Tax Increment Finance Authority |
| ☐ Hospital Finance Authority | ☐ Zoning Board of Appeals |
| ☐ Housing/Building Code Board of Appeals | ☒ Other <u>any other committee</u>
<u>was</u> |

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Clerk's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

CITY OF MUSKEGON
TALENT BANK APPLICATION

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Roger Sustaita DATE: _____

HOME ADDRESS: 426 3A Glen Oaks Dr.
(Street, City, State, Zip)

HOME PHONE #: 231-773-7889 WORK PHONE #: 231-777-0548

OCCUPATION: Printing Prod mgr
(If retired, give former occupation)

EDUCATION: Master's Degree

PERSONAL & COMMUNITY ACTIVITIES: _____

INTEREST IN SERVING: _____

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. Paula McClurg-Ziemelis 231-777-0493
(Name) (Phone Number)

2. Brenda McClain 231-777-0492
(Name) (Phone Number)

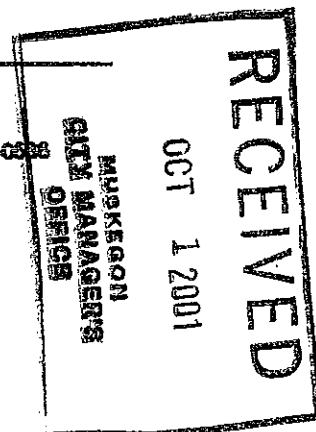
3. PAUL DAIKES 231-728-3777
(Name) (Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|--|
| ☐ Board of Canvassers | ☐ Housing Commission |
| ☐ Board of Review | ☐ Housing Stock Review Committee |
| ☐ Cemetery Committee | ☐ Image Committee |
| ☐ Citizen's Police Review Board | ☐ Income Tax Board of Review |
| ☐ City Employees Pension Board | ☐ Land Reutilization Committee |
| ☐ Civil Service Commission | ☐ Leisure Services Board |
| ☐ CDBG-Citizen's District Council | ☐ Loan Fund Advisory Committee |
| ☐ District Library Board | ☐ Local Develop. Finance Authority |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Local Officer's Compensation Com. |
| ☐ Election Commission | ☐ Mechanical Board of Examiners |
| ☐ Electrical Board of Appeals | ☐ Planning Commission |
| ☐ Enterprise Community Citizen Council | ☐ Plumbing Board of Appeals |
| ☒ Equal Opportunity Committee | ☐ Police/Fireman's Pension Board |
| ☐ Historic District Commission | ☐ Tax Increment Finance Authority |
| ☐ Hospital Finance Authority | ☐ Zoning Board of Appeals |
| ☐ Housing/Building Code Board of Appeals | ☐ Other _____ |

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Clerk's Office, 903 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536



Date: September 28, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Gypsy Moth Agreement

SUMMARY OF REQUEST:

To authorize staff to work with the County for the Gypsy Moth Suppression Program

FINANCIAL IMPACT:

No known, but we needed no treatment in 2001

BUDGET ACTION REQUIRED:

None, at this time

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6738
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

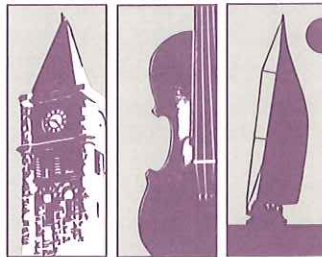
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: September 28, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Gypsy Moth Agreement

Attached is the standard agreement with the county for the City's participation in the Gypsy Moth Suppression Program. Last year we had no spraying done in the city so there was no cost. In past years, we have spent several thousand dollars. The cost will depend on whether there are any infestations that meet the state standards.

I would ask that you authorize staff to proceed with the agreement.

Thank you for your consideration.

INTERGOVERNMENTAL AGREEMENT FOR MUSKEGON COUNTY GYPSY MOTH SUPPRESSION PROGRAM

This agreement is made and entered into this 9th day of October, 2001, by and between **City of Muskegon** (hereinafter referred to as "Municipality"), and the **County of Muskegon** (hereinafter referred to as "County"), with respect to the establishment of an intergovernmental program for the year 2001-2002 for the purpose of managing gypsy moth populations and their subsequent effects, agree to mutually assist each other in the implementation of a comprehensive gypsy moth suppression program. This agreement is to ensure that appropriate commitment to the gypsy moth suppression program's goals and objectives are met by both parties.

County Responsibility

- A. County shall be responsible for general program administration.
- B. County shall be responsible for necessary field audits of areas requiring aerial spraying in accordance to Michigan Department of Agriculture (MDA) specifications and standards.
- C. County shall be responsible for required mapping of areas to be sprayed. This includes providing municipalities with copies of appropriate maps.
- D. County shall provide postage-paid, pre-printed post cards as property owner notification as required by MDA.
- E. County will contract with independent contractors for aerial spraying services.
- F. County will determine time and date for aerial spraying operations in accordance with MDA specifications.
- G. County will invoice Municipality for agreed costs of aerial spraying.

Municipality Responsibility

- A. Provide mailing labels for property owner notifications including a count of properties affected by the program (based on maps of areas to be sprayed as provided by County staff). Provide County staff with copies of mailing list for future survey purposes.
- B. Assist County staff in locating potential areas of infestation by providing County staff with maps indicating such areas (by October 20, 2000).

- C. Approve areas determined to be in accordance with MDA specifications
- D. Reimburse County for one-half (½) of the actual cost of spraying on a per acre basis. This will be based on actual acres sprayed, as digitized, minus any areas deleted due to property owner protest.

Financial Responsibility

The following is the financial responsibility by institution:

County: 50% of administrative costs

MDA: 50% of administrative costs, 50% of spray costs

Municipality: 50% of actual spray costs

Hold Harmless Agreement

To the fullest extent permitted by law, the Municipality shall defend, indemnify, and hold harmless the County, its subsidiaries, departments, divisions, and agencies and their respective officials, officers, directors, employees, and agents from and against any and all liability, litigation, causes of action, and claims, by whomsoever brought or alleged and regardless of the legal theories upon which based, and from and against all losses, costs, expenses, and fees and expenses of attorneys and expert witnesses resulting therefrom on account of, relating to, or arising out of bodily injury to or death of any person or on account of damage to property, including loss of use thereof, arising or allegedly arising out of or resulting from the work. The foregoing indemnity of the County shall include, but is not limited to, claims alleging or involving the negligence of the Contractor, its subcontractors, or the joint negligence of the Contractor, its subcontractors, and or the County, but shall not extend to liability found by way of final judgement to have resulted from the sole negligence of the County.

Withdrawal from Program

The Municipality may withdraw from the program without penalty if notice of such action is received in writing by April 1, 2002. If no written notice is received, the Municipality will be responsible for any associated costs or penalties assessed to the County for withdrawing acres from the program in an untimely manner.

City of Muskegon

County of Muskegon

Fred J. Nielsen, Mayor

Commission Meeting Date: October 9, 2001

Date: October 3, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Extension of Construction Time Period- Purchase Agreement/The Muskegon Hotel (Westwood/City of Muskegon)

SUMMARY OF REQUEST:

To approve the written request from the Westwood Group to extend the construction time period designated in the Purchase Agreement between Westwood and the City of Muskegon for The Muskegon Hotel, through October 2002.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached request from Westwood to extend the construction time period for The Muskegon Hotel through October 2002.

COMMITTEE RECOMMENDATION:

None.



Westwood

October 2, 2001

VIA FACSIMILE AND HAND DELIVERY

Honorable Mayor and City Commission
City of Muskegon
Attn: Ms. Cathy Brubaker-Clarke
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

**RE: The Former Muskegon Hotel
Extension of Construction Time Period – Purchase Agreement**

Dear Mayor and City Commission:

The Muskegon Hotel, L.L.C., an affiliate of The Westwood Group, L.L.C., formally requests an extension of the time period identified in Paragraph 5.03 of the Purchase Agreement, which requires that construction be completed within 18 months from the date of closing.

As indicated to you at the working session on September 18, 2001, The Muskegon Hotel, L.L.C. is looking for one more tenant in order to proceed with financing and construction of this renovation project. It is anticipated that the project will continue to the construction phase in the Spring of 2002 and continue until completed.

Based upon the above, The Muskegon Hotel, L.L.C. requests that the City Commission grant a 12 month extension of time for the project to be under substantial and material construction.

Thank you for your attention to this matter. Your cooperation is greatly appreciated.

Sincerely,

The Muskegon Hotel, L.L.C.

Mark A. VandenBosch
General Counsel

Cc: Michael J. Bowen

Commission Meeting Date: October 9, 2001

Date: September 26, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot on Marquette Ave.

SUMMARY OF REQUEST:

To approve the sale of the vacant buildable lot on Marquette Avenue designated as parcel number 24-611-000-0480-00 described as URBAN RENEWAL PLAT NO. 2, LOT 480 AND THE EASTERLY 51.45 FEET OF LOT 481 to Mr. Starrey Allen of 1333 Isabella Avenue. The subject property is 116.45 x 131.92 feet and is being offered to Mr. Allen for \$9,001. Mr. Allen plans to use the land for the construction of a 1,600 sq. ft single-family home with a two-stall attached garage. The appraised value of the lot is \$9,000 and Mr. Allen submitted the only bid of \$9,001.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None

2001-116(c)
REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made October 9, 2001, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **STARREY ALLEN**, a single man, of 1333 Isabella Avenue, Muskegon, MI 49442 ("Buyer"),

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

Lot 480 and the Easterly 51.45 feet of Lot 481 of
Muskegon Urban Renewal Plat No. 2, Muskegon County Records;

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Nine Thousand One (\$9,001), payable, in cash, to Seller at Closing.

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises one (1) single-family home, up to all codes, within eighteen (18) months of the closing of this transaction and remove only those trees necessary for construction of the home and

driveway. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

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

7. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS." BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER.

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

9. **Closing.** The closing date of this sale shall be on or before January 9, 2008 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Linda Potter
Linda Potter

Jo Ann Krutowski
Jo Ann Krutowski

SELLER: CITY OF MUSKEGON

Fred J. Nielsen
Fred J. Nielsen, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

By Starrey I. Allen
Starrey Allen

Drafted by: G. Thomas Johnson
PARMENTER O'TOOLE
175 W. Apple Avenue
P. O. Box 786
Muskegon, Michigan 49443-0786
Telephone: 231/722-1621

Resolution No. 2001-116(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN MARQUETTE NEIGHBORHOOD FOR \$9,001.

WHEREAS, Mr. Starrey Allen has placed a \$400 deposit for the parcel designated as parcel number 24-611-000-0480-00, located on Marquette Avenue;

WHEREAS, Mr. Starrey Allen has submitted the only bid of \$9,001 for the parcel designated as parcel number 24-611-000-0480-00, located on Marquette Avenue;

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-611-000-0480-00, located on Marquette Avenue be sold to the above-mentioned buyer.

**URBAN RENEWAL PLAT NO. 2, LOT 480
AND THE EASTERLY 51.45 FEET OF LOT 481;**

Adopted this 9th day of October, 2001

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

Nays: None

Absent None

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

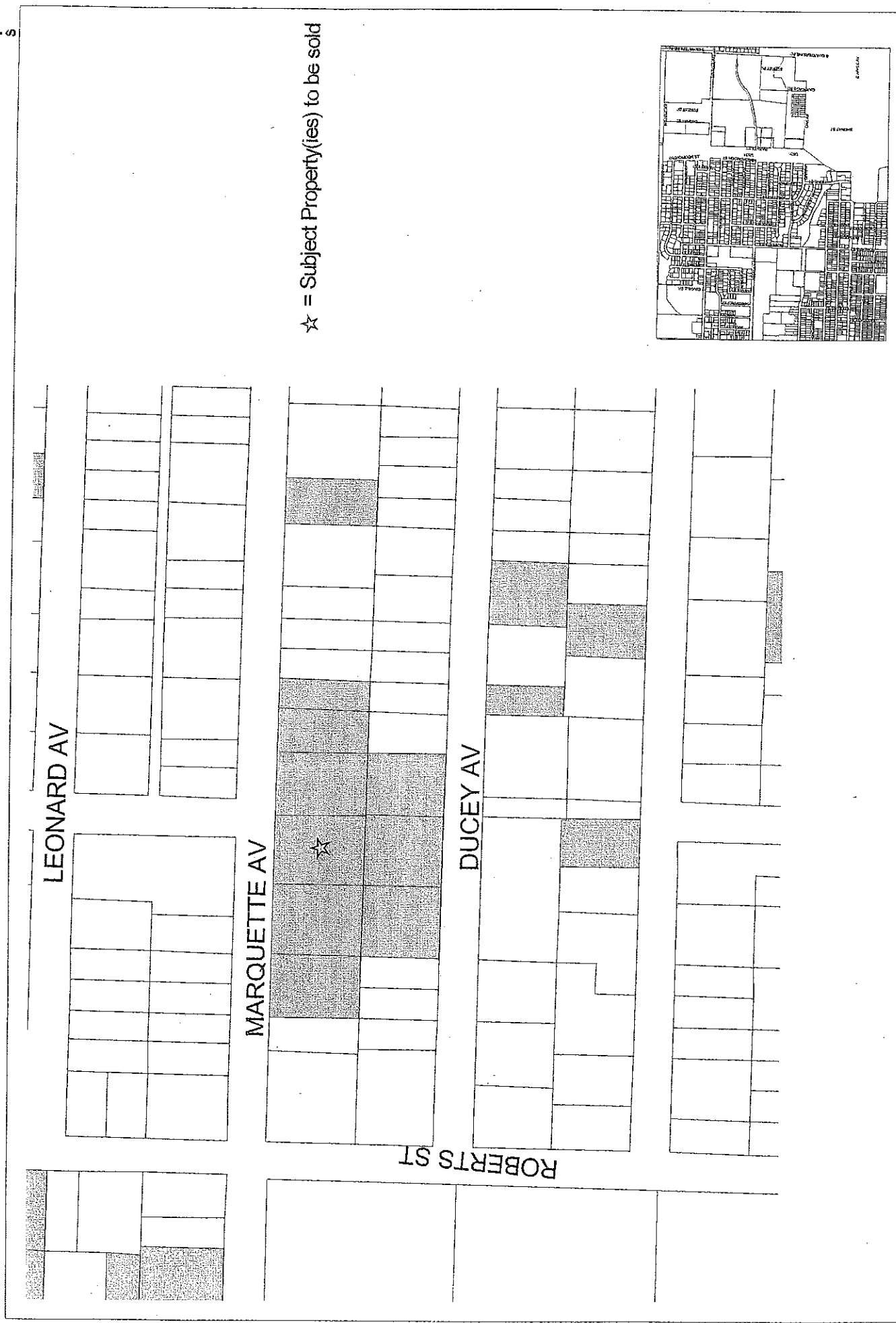
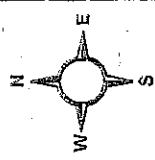
Attest: Gail Kunderger
Gail Kunderger, Clerk

CERTIFICATION

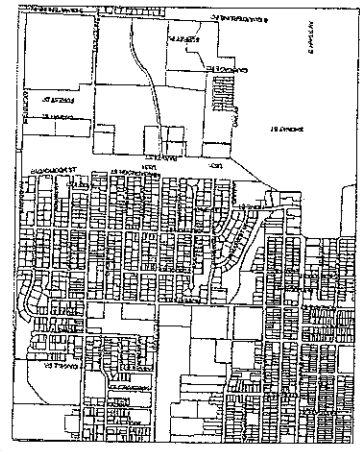
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on October 9, 2001.

By: Gail Kunderger
Gail Kunderger, Clerk

City-Owned Property Map Vacant Lot on Marquette Avenue



☆ = Subject Property(ies) to be sold



QUIT-CLAIM DEED

2001-116(c)

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

QUIT CLAIMS to: STARREY ALLEN, a single man, of 1333 Isabella Avenue, Muskegon, MI 49442,

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

Lot 480 and the Easterly 51.45 feet of Lot 481
of MUSKEGON URBAN RENEWAL PLAT NO. 2, Muskegon County Records;

for the sum of Nine Thousand One Dollars (\$9,001).

PROVIDED, HOWEVER, Grantees, or their assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantees or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantees or their assigns. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantees covenant that the parcel described above shall be improved with not more than one (1) single family home. This covenant shall run with the land.

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

Dated this 11th day of October, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Linda Potter
Linda Potter

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

Jo Ann Krukowski
Jo Ann Krukowski

and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 11th day of October, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

FILE # 416957

DATE: November 13th 2001

PROPERTY ADDRESS: V/L Marquette Ave.

The undersigned hereby acknowledge receipt of a Request to Rescind/Withdraw Homestead Exemption form (Michigan Department of Treasury Form No. 2602) as same is required by Public Act 237 of 1994.

Please check one of the following:

☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

☐ The undersigned have fully and properly completed the forms and request that Transnation Title Insurance Company file the form with the appropriate local tax collecting unit. The undersigned acknowledge and agree that the Company will mail the form by first class mail, and that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event that said form is not received or properly processed by the local tax collecting unit.

SELLER(S) :

City of Muskegon, a Municipal Corporation

BY 
Lonna Anquilm, Assistant City Planner

TRANSNATION TITLE INSURANCE COMPANY
570 Seminole Road
Muskegon, MI 49444

Date: November 13, 2001
Escrow Number: 416957

Property Address: V/L Marquette Ave.
Muskegon, Michigan 49442

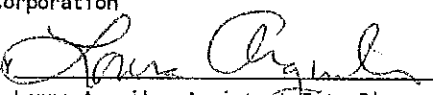
	SELLER'S STATEMENT	
	DEBIT	CREDIT
Purchase Price	\$	\$ 9,001.00
EXISTING LOAN		
Deposit of earnest money	400.00	
CLOSING FEES	75.00	
OWNERS PREMIUM	170.00	
Real Estate Commission		
Sub Total	\$ 645.00	\$ 9,001.00
Amount due Seller	\$ 8,356.00	
TOTALS	\$ 9,001.00	\$ 9,001.00

The undersigned Sellers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and ratifies the disbursement of the funds as stated therein.

Seller(s) Signature(s):

City of Muskegon, a Municipal Corporation

BY


Lonna Anquilm, Assistant City Planner

SURVEY WAIVER

Date: November 13, 2001

RE: 416957

To: TRANSNATION TITLE INSURANCE COMPANY

570 Seminole Road

Muskegon MI 49444

Property Address:

V/L Marquette Ave.

Muskegon, Michigan 49442

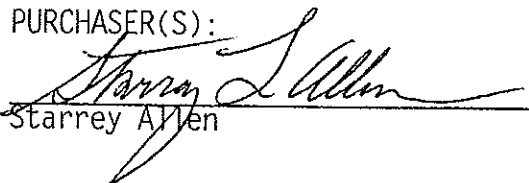
County: Muskegon

We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

We have decided, completely of our own volition, not to obtain a survey and wish to complete the transaction without the recommended survey.

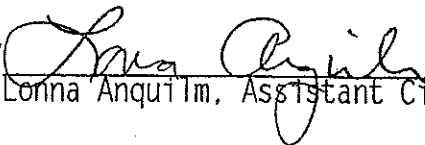
We hereby release TRANSNATION TITLE INSURANCE COMPANY and, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):


Starrey Allen

SELLER(S):

City of Muskegon, a Municipal
Corporation

BY 
Donna Anquill, Assistant City Planner

SURVEY WAIVER

Date: November 13, 2001

RE: 416957

To: TRANSNATION TITLE INSURANCE COMPANY

570 Seminole Road

Muskegon MI 49444

Property Address:

V/L Marquette Ave.

Muskegon, Michigan 49442

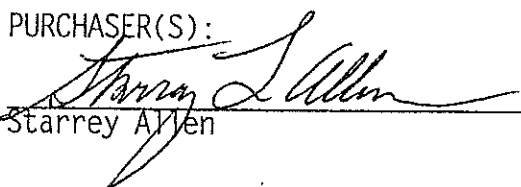
County: Muskegon

We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

We have decided, completely of our own volition, not to obtain a survey and wish to complete the transaction without the recommended survey.

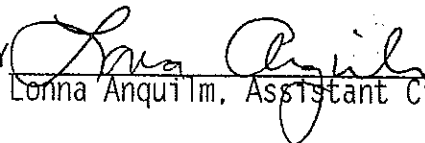
We hereby release TRANSNATION TITLE INSURANCE COMPANY and, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):


Starrey Allen

SELLER(S):

City of Muskegon, a Municipal Corporation

BY 
Donna Anquilm, Assistant City Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN

COUNTY OF Muskegon

}
SS
}

Title Commitment # 416957

That City of Muskegon, a Municipal Corporation being first duly sworn on oath says that they are the true and lawful owner(s) of the premises located at:

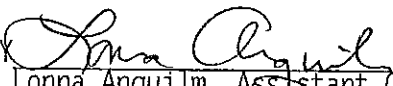
V/L Marquette Ave.
Muskegon, Michigan 49442

AND

1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.
3. That the parties in possession other than the affiant(s) are bona fide tenants only and have no other interest in the premises whatsoever.
4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.
5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.
6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills, mortgage deficiencies, etc. shall be immediately paid by affiant(s) as soon as informed of such.

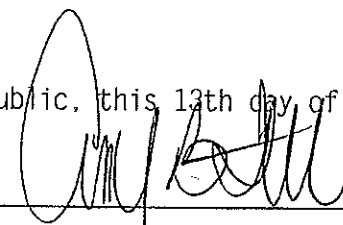
Seller(s):

City of Muskegon, a Municipal
Corporation

BY 
Lonna Anquilm, Assistant City Planner

Subscribed and sworn to, before me a Notary Public, this 13th day of November, 2001

AMY B. FETT
Notary Public, Muskegon County, Michigan
My Commission Expires 4-19-2003



Notary Public _____ County
My Commission Expires: _____

Commission Meeting Date: October 9, 2001

Date: October 1, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Purchase of Tax Reverted Properties

SUMMARY OF REQUEST:

To allow Planning Department to submit an application to the Michigan Department of Natural Resources for the purchase of tax reverted properties. The 2001 list consists of over 50 properties. The City would only acquire properties that are vacant and do not have structures in it. Community and Neighborhood Services already selected some parcels for their in-fill program. Other acquired properties will be sold as buildable and non-buildable lots as the Planning Department is already doing.

FINANCIAL IMPACT:

The application fee of three hundred (\$300) dollars per application plus twenty (\$20) dollars for each additional parcel over five.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-116(d)

MUSKEGON CITY COMMISSION

WHEREAS, Act 451, P. A. 1994, as amended, provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act; and

WHEREAS, the legal descriptions of these parcels are attached;

WHEREAS, the City of Muskegon desires to acquire such lands for purposes of residential developments and its in-fill program;

NOW THEREFORE BE IT RESOLVED that the City of Muskegon is authorized to make application to the State of Michigan, Department of Natural Resources, Real Estate Division for conveyance of said land to the City of Muskegon for a nominal fee as set by the Natural Resources Commission, and;

FURTHER BE IT RESOLVED that City of Muskegon shall set up necessary procedures and controls to provide for the proper distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Adopted this 9th day of October, 2001.

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

Nays: None

Absent: None

By: 
Fred J. Nielsen, Mayor

Attest: 
Gail Kunding, 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 9, 2001.

By: 
Gail Kunding, Clerk

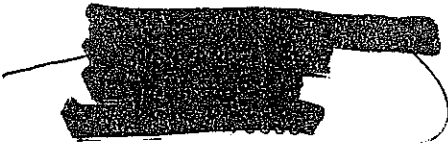
TAX REVERTED PROPERTIES, 2001

	Parcel Number	Address	Lot Size	Zoning
1	24-205-175-0020-00	98 W. Clay Ave.	28.5x66	B2
2	24-205-009-0009-00	509 Adams Ave.	66x132	R
3	24-205-141-0008-00	308 Jackson Ave.	33X132	
4	24-205-011-0163-00	444 Marquette Ave.		
5	24-205-199-0009-10	308 Myrtle Ave.	33x140	RM1
6	24-205-198-0008-10	771 Wood St.	30X66	RM1
7	24-205-206-0001-00	181 E. Walton Ave.	66X140	RM1
8	24-205-208-0005-10	145 Myrtle Ave.	39X115	RM1
9	24-205-204-0001-00	313 Emerald St.	66X74	RM1
10	24-205-204-0017-00	863 Emerald St.	66X74	RM1
11	24-205-203-0004-10	349 Orchard Ave.	56X44	RM1
12	24-205-209-0008-00	222 Allen Ave.	50X132	RM1
13	24-205-213-0006-00	269 Allen Ave.	66X66	B2
14	24-205-040-0011-20	768 Scott St.	66X99	R
15	24-205-041-0008-10	480 Oak Ave.	66X72	RT
16	24-205-045-0011-00	818 Wood St.	132X67 Irreg.	RT
17	24-205-046-0004-00	425 Orchard Ave.	40X132 Irreg.	RT
18	24-205-049-0006-00	625 Oak Ave.	50X110	R
19	24-769-000-0017-00	654 Orchard Ave.	67X110	R
20	24-350-000-0071-00	930 Emerson Ave.	39X117	R
21	24-187-008-0001-00	1125 Fleming Ave.	40X117	R
22	24-205-237-0002-10	1154 Pine St.	33X95	RM1
23	24-205-252-0002-00	1270 Terrace St.	40X132	RM1
24	24-205-269-0003-10	1330 Spring St.	33X132	
25	24-205-077-0010-00	502 Catherine Ave.	56X132	RT
26	24-205-079-0002-10	453 Catherine Ave.	33X132	RT
27	24-205-080-0006-10	1174 Williams St.	42X66	RT
28	24-205-080-0006-20	1180 Williams St.	44X66	RT
29	24-205-298-0012-00	1728 Terrace St.	47X141	R
30	24-205-298-0014-00	1734 Terrace St.	43X96 Irreg.	R
31	24-205-298-0014-10	274 E. Larch Ave.	45X43	R
32	24-205-344-0010-00	1393 9 th St.	44X66	RT
33	24-205-345-0006-00	617 W. Muskegon	66X71	RT
34	24-205-345-0003-10	593 W. Muskegon	33X132	RT
35	24-205-374-0001-00	481 Monroe Ave.	96X109	RT
36	24-205-377-0011-00	1263 5 th St.	33X66	RT
37	24-205-391-0003-00	275 Mason Ave.	66X132	RT
38	24-205-393-0009-00	1298 4 th St.	45X62	RT
39	24-205-436-0016-00	696 W. Dale Ave.	50X165	RT
40	24-205-390-0010-00	308 Washington	46X132	RT
41	24-205-406-0013-00	1472 7 th St.	50X143	

42	24-205-419-0007-10	340 W. Southern	57X50	RT
43	24-205-090-0006-00	667 Hill Ave.	50X96	R
44	24-205-278-0008-00	1531 Jiroch St.	45X126	R
45	24-205-280-0012-00	1499 Hoyt St.58X126	58X126	R
46	24-205-292-0017-00	1725 Terrace St.	50X130	R
47	24-205-294-0006-00	1660 Pine St.	62X73	R
48	24-205-643-0020-00	2076 Morton Ave.	32x132	R
49	24-205-268-0012-00	323 Catawba Ave.	66x132	RM1

City of Muskegon SN1676
ORIGINAL PLAT
Lot 3 Blk 480
61243025404009

✓ 3/13/01



HR 12/12/00

City of Muskegon SN1787
ORIGINAL PLAT
Lot 20 Blk 643
61243035329013

24-205-643-0020-50
2076 Morton Ave

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

Attachment

MUSKEGON
184888

City of Muskegon SN1985
ORIGINAL PLAT
W 28 ft 5 in Lot 20 Blk 175
61243119447009

24-205-175-0020-00 (Taghon, David)
98 W. Clay Ave

City of Muskegon SN2001
ORIGINAL PLAT
N 1/2 Lot 7 & all Lot 8 exc S 1/2 of W 1/2 thereof Blk 141
61243120181014

24-205-141-0088-00
308 Jackson Ave.

City of Muskegon SN2014
ORIGINAL PLAT
Lot 9 Blk 9
61243120206001

24-205-009-0009-00
509 Adams Ave

City of Muskegon SN2019
ORIGINAL PLAT
Lot 13 exc E 3 ft Blk 11
61243120207016

24-205-011-0013-00
444 Marguerite Ave

City of Muskegon SN2045
ORIGINAL PLAT
E 1/2 Lot 9 Blk 199
61243120336012

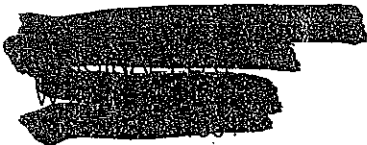
24-205-199-0009-10
308 Myrtle Ave.

City of Muskegon SN2049
ORIGINAL PLAT
S 30 ft Lot 8 Blk 198
61243120339008

24-205-198-0008-10
771 Wood St.

City of Muskegon SN2056
ORIGINAL PLAT
Lot 1 Blk 206
61243120359007

24-205-206-0001-00
181 E. Walton Ave



R/R 9/15/00

City of Muskegon SN2067
ORIGINAL PLAT
E 39 ft Lot 5 Blk 208
61243120361005

24-205-208-0005-10
145 Myrtle Ave

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

Attachment

MUSKEGON

184889

City of Muskegon SN2080
ORIGINAL PLAT
Lot 1 & N 1/2 of E 8 ft Lot 2 Blk 204
61243120380007

24-205-204-0001-00
313 Emerald St.

City of Muskegon SN2081
ORIGINAL PLAT
Lot 17 & S 1/2 of E 8 ft Lot 2 Blk 204
61243120380008

24-205-204-0017-00
863 Emerald

City of Muskegon SN2085
ORIGINAL PLAT
E 1/2 Lot 4 exc S 3 ft of W 25.6 ft & exc S 22 ft of E 40.4 ft & exc E 9.4 ft of N 44 ft Blk 203
61243120381002

24-205-203-0004-10 (Childers, Gregory)
349 Orchard Ave

City of Muskegon SN2089
ORIGINAL PLAT
Lot 9 Blk 209
61243120382012

24-205-209-0009-00
222 Allen Ave

City of Muskegon SN2095
ORIGINAL PLAT
N 1/2 Lot 6 Blk 213
61243120386001

24-205-213-0006-00
269 Allen Ave

City of Muskegon SN2098
ORIGINAL PLAT
N 66 ft of S 178 ft Lot 11 Blk 40
61243120400037

24-205-040-0011-20
768 Scott St.

City of Muskegon SN2114
ORIGINAL PLAT
S 6 ft of W 1/2 Lot 8 & W 1/2 Lot 9 Blk 41
61243120409010

24-205-041-0008-10 (Jones, Barker)
480 Oak Ave.

City of Muskegon SN2121
ORIGINAL PLAT
Lot 1 Blk 45 exc S 12 ft for alley
61243120455010

24-205-045-0001-00
461 Oak Ave.

City of Muskegon SN2122
ORIGINAL PLAT
Lots 11 to 14 incl exc the S 60 ft of Lot 14, also exc the S 65 ft of Lot 13 Blk 45
61243120455012

24-205-045-0011-00
818 Ward St.

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.07a, MCL.

MUSKEGON

184890

Attachment

City of Muskegon SN2127

ORIGINAL PLAT

W 22 ft Lot 4 exc S 33 ft thereof also E 18 ft Lot 5 Blk 46

61243120457002

24-205-046-0004-00
425 Orchard Ave

City of Muskegon SN2152

ORIGINAL PLAT

N 1/2 Lot 6 Blk 49

61243120476010

24-205-049-0006-00
625 Oak Ave

City of Muskegon SN2158

ORIGINAL PLAT

S 100 ft Lot 3 Blk 49 & W 2.72 ft of Lot 16 & E 64.19 ft of Lot 17 sub of Lot 21 Blk 49

61243120476042

24-769-000-0017-00
654 Orchard Ave

City of Muskegon SN2229

ASSESSOR'S PLAT OF STEVENS SUBDIVISION

Lot 7 & E 10 ft Lot 6

61243121378006

R/R 8/10/00

City of Muskegon SN2266

CASTENHOLZ GROVE ANNEX

Lot 2 Blk 2

61243128182010

24-790-002-0002-00 (KE Kenya Int'l)
1032 Langeland Ave

City of Muskegon SN2292

FOREST AVENUE ADDITION

Lot 71

61243128308034

24-350-000-0071-00 (Carr, Robert III)
930 Emerson Ave

City of Muskegon SN2302

CASTENHOLZ GROVE #1

Lot 1 Blk 8

61243128334001

24-187-008-0001-00 (Offace Inc.)
1125 Fleming Ave

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

Attachment

MUSKEGON
184891

City of Muskegon SN2337
ORIGINAL PLAT
S'y 33 ft of W'y 95 ft Lot 2 Blk 237
61243129129010

24-205-237-0002-10 (Damon, Louis)
1154 Pine St.

City of Muskegon SN2385
ORIGINAL PLAT
N 40 ft Lot 2 Blk 252
61243129176009

24-205-252-0002-00
1270 Terrace St.

R/r 9/28/00

City of Muskegon SN2417
ORIGINAL PLAT
S 1/2 Lot 3 Blk 269
61243129187009

24-205-269-0003-10 (Foster, Julianne)
1330 Spring St.

R/r 7/31/00

City of Muskegon SN2441
ORIGINAL PLAT
Lot 10 exc W'y 10 ft Blk 77
61243129208012

24-205-077-0010-00
502 Catherine Ave

City of Muskegon SN2445
ORIGINAL PLAT
E 1/2 Lot 2 Blk 79
61243129210008

24-205-079-0002-10 (Cigzzenes Appraisal)
453 Catherine Ave

R/r 6/21/00

City of Muskegon SN2448
ORIGINAL PLAT
S 42 ft of N 88 ft of Lot 6 Blk 80
61243129211009

24-205-080-0006-10 (Nielsen, Roger)
1174 Williams St.

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

Attachment

MUSKEGON
184892

City of Muskegon SN2449
ORIGINAL PLAT
S 44 ft Lot 6 Blk 80
61243129211010

24-205-080-0006-00 (Webster, Mark)
1180 Williams St.

City of Muskegon SN2480
ORIGINAL PLAT
Lot 6 Blk 90
61243129281006

24-205-090-0006-00 (Connell, Carrie)
667 Hill Ave

APR 11/9/00

City of Muskegon SN2495
ORIGINAL PLAT
N 40 ft Lot 8 & S'y 5 ft Lot 9 Blk 278
61243129306017

24-205-278-0008-00 (Genter, Wallace)
1531 Troch St.

City of Muskegon SN2497
ORIGINAL PLAT
Lot 12 Blk 280
61243129308007

24-205-280-0012-00 (Emmon, James)
1499 Hoyt St.

City of Muskegon SN2529
ORIGINAL PLAT
Lot 17 Blk 292
61243129376033

24-205-292-0017-00
1725 Terrace St.

City of Muskegon SN2536
ORIGINAL PLAT
W 73 ft Lot 6 Blk 294
61243129378009

24-205-294-0006-00 (Erwin, Christopher)
1660 Pine St.

City of Muskegon SN2542
ORIGINAL PLAT
Lot 12 & N 17 ft Lot 13 Blk 298
61243129380007

24-205-298-0012-00
1728 Terrace St.

City of Muskegon SN2543
ORIGINAL PLAT
S 13 ft of W 96 1/2 ft Lot 13 & W 96 1/2 ft Lot 14 Blk 298
61243129380008

24-205-298-0014-00 (Lack, Emory)
1734 Terrace St.

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

Attachment

MUSKEGON

184893

24-205-298-0014-10 (Lack's Grocery)
274 E. Larch Ave.

City of Muskegon SN2544

ORIGINAL PLAT

S 13 ft of E 45 ft of Lot 13 & E 45 ft Lot 14 Blk 298

61243129380009

City of Muskegon SN2610

ORIGINAL PLAT

N 44 ft Lot 10 Blk 344

61243130180007

24-205-344-0010-00

1393 9th St.

City of Muskegon SN2611

ORIGINAL PLAT

N 71 ft Lot 6 Blk 345

61243130181001

24-205-345-0006-00

617 W. MUSKEGON AVE.

City of Muskegon SN2612

ORIGINAL PLAT

E 1/2 Lot 3 Blk 345

61243130181007

24-205-345-0003-10

593 W. Muskegon Ave

R/R 12/28/00

City of Muskegon SN2627

ORIGINAL PLAT

Pt Lot 1 Blk 374 com at a pt on E line Lot 1 37.5 ft N of SE cor Lot 1 th W 87 ft to pob N

118.4 ft to N'y line Lot 1 SW'y 105.55 ft to NW cor Lot 1 S 49.9 ft E 80 ft to beg Blk 374,

also E 1/2 vac adj alley

61243130188002

24-205-374-0001-00

481 Monroe Ave.

City of Muskegon SN2668

ORIGINAL PLAT

N 1/4 Lot 11 Blk 377

61243130256023

R/R 8/7/00

77

City of Muskegon SN2669

ORIGINAL PLAT

N 1/4 Lot 11 Blk 377

61243130256023

24-205-377-0011-00

1263 5th St.

R/R 8/11/00

77

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

Attachment

City of Muskegon SN2693
ORIGINAL PLAT
Lot 3 Blk 391
61243130263006

MUSKEGON
184894

24-205-391-0003-00
275 Mason Ave.

City of Muskegon SN2712
ORIGINAL PLAT
N 45 ft Lot 9 Blk 393
61243130281003

24-205-393-0009-00
1298 4th St.

City of Muskegon SN2745
ORIGINAL PLAT
Lot 16 Blk 436
61243130352011

24-205-436-0016-00 (Bishop, Brian)
696 W. Dale Ave.

City of Muskegon SN2750
ORIGINAL PLAT
Lot 10 Blk 390
61243130402007

24-205-390-0010-00
308 Washington Ave.

City of Muskegon SN2762
ORIGINAL PLAT
Lot 13 Blk 406
61243130405016

24-205-406-0013-00
1472 7th St.

City of Muskegon SN2773
ORIGINAL PLAT
E 56.6 ft Lot 7 Blk 419
61243130408016

24-205-419-0007-10
340 W. Southern Ave.

Michigan Department of Treasury, LPS

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

MUSKEGON

184895

Attachment

City of Muskegon SN2838
PLAT A MUSKEGON HEIGHTS
Lot 9 Blk 3
61243132103022

City of Muskegon SN2862
EASTLAWN SUBDIVISION OF BLKS 3, 4 & 5 R P EASTONS SECOND SUBDIVISION
Lot 28 Blk 4 & S 20 ft of N 100 ft of E 1/2 vac alley adj
61243132204013

City of Muskegon SN2879
CONTINENTAL ADDITION
Lot 9 Blk 1
61243133101008

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PLR 11-13-00

TO: Mayor and City Commission
FROM: Ric Scott
DATE: October 3, 2001
SUBJECT: Change Order for Cemetery Office Renovations

SUMMARY OF REQUEST: To approve change order to complete the Cemetery Building (Outside).

FINANCIAL IMPACT: \$16,376.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the change order for the outside building renovations.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

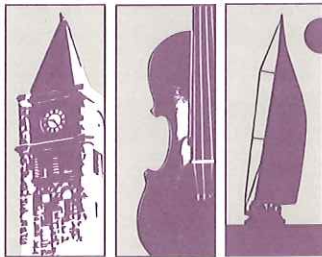
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

TO: Ric Scott, Director of Leisure Services

FROM: Larry DeCou, Cemetery/Forestry Supervisor

DATE: October 3, 2001

RE: Approval for more funds to complete Cemetery Building (outside)

Once the contractor started work on the outside of the Cemetery office he discovered more areas that needed attention and repair. The Contractor, the Architect and myself looked over these areas and feel that in able to completely protect the outside of the building we need to have the contractor fix these areas. The three areas of concern are as follows:

- The old shingles on the roof have to be removed or the shingle company will not guarantee their work. By doing this we can also see if we have any rotten wood that needs to be replaced.
- The Chapel entrance roof was totally rotten and will have to be replaced.
- The architects original bid specs did not include a total paint job of all the outside wood, just the wood that they repaired.

I would recommend we approve at least the first two items. The last one, the paint job could be bid out at a later date, but then the outside of the buildings will not be complete.



Vander Ven Construction Company

1154 Scenic Drive

Muskegon, Michigan 49445

SEPTEMBER 28, 2001

BOSMA ARCHITECTS & ASSOCIATES, P.C.
557 W WESTERN AVENUE
MUSKEGON, MICHIGAN 49440

JOB: MUSKEGON CEMETERY
ATTENTION: TIM BOSMA
REGARDING: PRICING AS REQUESTED

LABOR AND MATERIAL TO PROVIDE THE FOLLOWING:

1. REMOVE EXISTING SHINGLE ROOF

- A. PROVIDE DUMPSTER FOR REMOVAL
- B. REMOVE EXISTING SHINGLE ROOF AND DRIP EDGE
- C. INSTALL NEW DRIP EDGE
- D. INSTALL ICE GUARD ON ALL EAVES AND VALLEYS
- E. INSTALL #15 FELT PAPER

COST \$3,392.00

2. REBUILD FLAT ROOF

- A. PROVIDE DUMPSTER FOR REMOVAL
- B. REMOVE EXISTING ROOF STRUCTURE COMPLETE
- C. BUILD NEW ROOF STRUCTURE USING 2 X 10, 16" O.C,
- D. DECK TO BE 3" ISO INSULATION PANELS
- E. 5/8" DRYWALL WITH KNOCK-DOWN TEXTURE AT INTERIOR
- F. 1 X 2 TRIM AT INTERIOR PERIMETER WALL/CEILING POINT
- G. EXTERIOR TRIM TO MATCH EXISTING
- H. PAINTING OF INTERIOR DRYWALL AND 1 X 2 TRIM

COST \$5,684.00

NOTE: WATER DAMAGE REPAIR IS NOT INCLUDED BUT CAN BE QUOTED IF DISCOVERED.

3. PAINTING OF ALL REMAINING EXTERIOR AREAS NOT INDICATED ON PLANS.

COST \$7,300.00

SUBMITTED BY,

SCOTT VANDER VEN

Commission Meeting Date: October 9, 2001

Date: September 26, 2001
To: Honorable Mayor and City Commissioners *CBC*
From: Planning & Economic Development
RE: Public Hearing - Request to Establish an Obsolete Property District – West Sherman Plaza, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, West Sherman Plaza LLC, 900 Third Street, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 870-880 W. Sherman Boulevard, Muskegon, MI. Total capital investment for this project is \$585,800. The project will result in the creation of 25-30 employment opportunities.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 870-880 W. Sherman Boulevard, Muskegon, MI.

COMMITTEE RECOMMENDATION:

None

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2001-117(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held affording an opportunity to all the owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on October 9, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

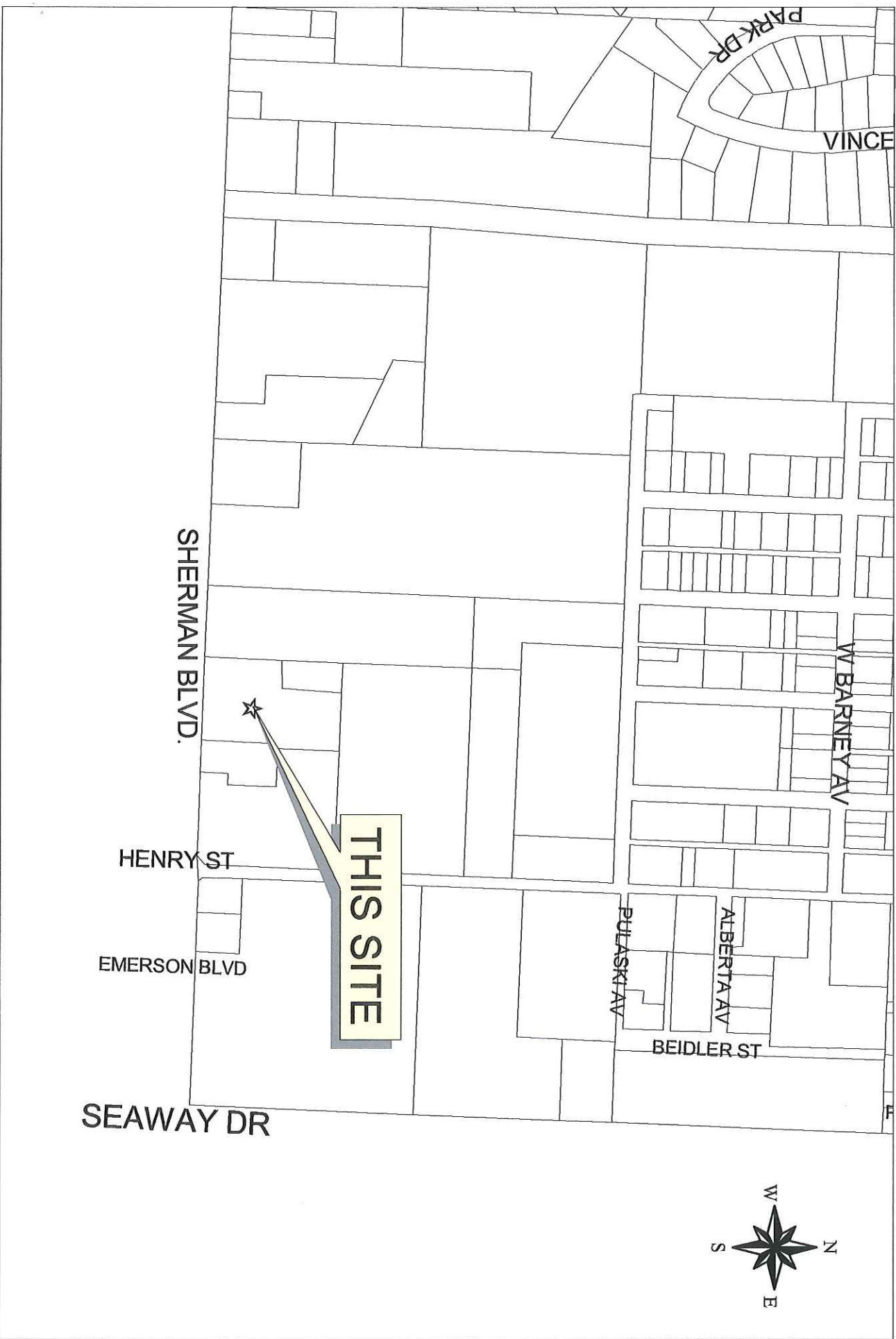
CITY OF MUSKEGON

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

ATTACHMENT A - LEGAL DESCRIPTION

That part of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 36, Town 10 North, Range 17 West, Muskegon County, Michigan, described as follows: Commencing at the Southwest corner of said East 1/2 of the Southeast 1/4 of the Southeast 1/4 for point of beginning, thence North along the West line of said East 1/2 of the Southeast 1/4 of the Southeast 1/4, 450.90 feet to a line which is 550.00 feet South of and parallel to the South line of the North 10 Acres of said Southeast 1/4 of the Southeast 1/4, thence East along said line 272.00 feet, thence South parallel to the West line of said East 1/2 of the Southeast 1/4 of the Southeast 1/4, 219.00 feet, thence West parallel to the South line of said Section 15.00 feet, thence South parallel to the West line of said East 1/2 of the Southeast 1/4 of the Southeast 1/4, 232.4 feet to the South line of said Section, thence West along the South line of said Section 257.00 feet to point of beginning. The South 33.00 feet thereof to be used for road purposes.

OBSOLETE PROPERTY REQUEST
WEST SHERMAN PLAZA

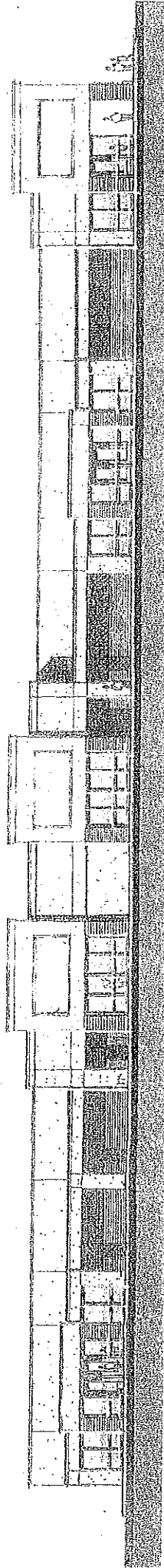


CITY OF MUSKEGON LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the establishment of an Obsolete Property District by West Sherman Plaza, LLC., 900 Third Street, Suite 204, Muskegon, MI 49440, as provided by Public Act 146 of Michigan Public Acts of 2000. The property is situated on the Westerly portion of land located at the Northwest corner of Henry Street and Sherman Boulevard, Muskegon, Michigan. The hearing will be held by the City Commission of the City of Muskegon on October 9, 2001, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property or any other resident or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Gail A. Kunderinger
City Clerk

Publish: September 29, 2001

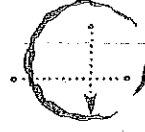


West Sherman Plaza

Sherman Boulevard Elevation

Muskegon, Michigan

July 25, 2001



Westwood

HOOKEE | DE JONG

Commission Meeting Date: October 9, 2001

Date: September 26, 2001
To: Honorable Mayor and City Commissioners *CBC*
From: Planning & Economic Development
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – West Sherman Plaza, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, West Sherman Plaza LLC, 900 Third Street, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 870-880 W. Sherman Boulevard, Muskegon, MI. Total capital investment for this project is \$585,800. The project will result in the creation of 25-30 employment opportunities.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property District for 870-880 W. Sherman Boulevard, Muskegon, MI for a term of 12 years.

COMMITTEE RECOMMENDATION:

None

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2001-117 (b)

A resolution approving the Application for an Obsolete Property Rehabilitation Exemption Certificate by West Sherman Plaza, L.L.C.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from West Sherman Plaza, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on October 9, 2001, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said excedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing unit.
- F. This resolution of approval is considered by the City Commission on October 9, 2001, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.

- G. The applicant, West Sherman Plaza, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for twelve (12) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and completing the rehabilitation, and a statement of the economic advantages expected from the exemption.
- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that by the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by September 30, 2002, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by West Sherman Plaza, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of twelve (12) years;
2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on October 9, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

ATTACHMENT A - LEGAL DESCRIPTION

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CITY OF MUSKEGON LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the issuance of an Obsolete Property District Exemption Certificate to West Sherman Plaza, LLC., 900 Third Street, Suite 204, Muskegon, MI 49440, as provided by Public Act 146 of Michigan Public Acts of 2000. The property is situated on the Westerly portion of land located at the Northwest corner of Henry Street and Sherman Boulevard, Muskegon, Michigan. The hearing will be held by the City Commission of the City of Muskegon on October 9, 2001, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property or any other resident or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Gail A. Kunding
City Clerk

Publish: September 29, 2001

WEST SHERMAN PLAZA, LLC
900 THIRD STREET, SUITE 204
MUSKEGON, MI 49440

BANK WEST
2185 THREE MILE NW
GRAND RAPIDS, MI 49544-1451

74-7133/2724

1028

09/26/2001

PAY TO THE
ORDER OF Muskegon, City of

\$ **1,000.00

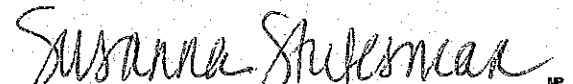
One Thousand and 00/100*****

DOLLARS

Muskegon, City of
P. O. Box 1905
Muskegon, MI 49443-1905

 Security features
included. Details
on back.

MEMO


AUTHORIZED SIGNATURE

⑈001028⑈ ⑆272471331⑆ 252016703107⑈

Commission Meeting Date: October 9, 2001

Date: October 2, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – Cole's Quality Foods

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is \$1,505,867 in personal property, this request qualifies Cole's for the standard 6-year exemption. The project will not create any new employment opportunities. Cole's current workforce is 158 .

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 ~~(8)~~ ⁶ years.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

COLE'S QUALITY FOODS, INC.

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 11, 1977, this Commission by resolution established an Industrial Development District as requested by Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441; and

WHEREAS, Cole's Quality Foods, Inc. has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on October 9, 2001, 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, installation of machinery and equipment had not begun earlier than six (6) months before September 28, 2001, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, installation of machinery and equipment is 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 Cole's Quality Foods, Inc., for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

See Attached

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of six (6) years on personal property.

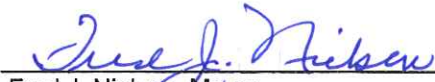
Adopted this 9th Day of October 2001

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

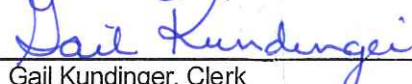
Nays: None

Absent: None

BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on October 9, 2001.

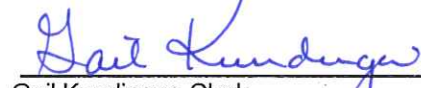

Gail Kunding, Clerk

EXHIBIT A

Land situated in the City of Muskegon, Muskegon County, Michigan, described as follows:

PARCEL 1

That part of Lot 7 in Block 470 of the Revised Plat of 1903 of the City of Muskegon as recorded in the Office of the Register of Deeds for said County in Liber 3 of Plats on Page 71, described as follows: Commencing at the Southeast corner of said Lot 7 and being the intersection of the Northwesternly line of Lake Street with the North and South Quarter Section line of Section 25, Town 10 North, Range 17 West; thence North 53° West at right angles with the said Northwesternly line of Lake Street 132 feet to a point; thence North 7° 40' West 176.6 feet to a point in the Southerly right-of-way line of a side track of the Pere Marquette Railroad; thence North-easterly along said right-of-way line to a point in the North and South Quarter line of said Section 25; thence South along said quarter line to the place of beginning.

EXCEPTING: That part of Lot 7, Block 470, Revised Plat of 1903, of the City of Muskegon, described as follows: Commencing at the Southeast corner of Lot 7 of said Block, and being the intersection of the Northwesternly line of Lake Street with the North and South quarter line of Section 25, Town 10 North, Range 17 West for point of beginning, thence North along said quarter line 135.0 feet, thence West at right angles to said quarter line 105.52 feet, thence South 7° 40' East 50.85 feet, thence South 53° 00' East 132.0 feet to point of beginning.

PARCELS 2 and 3

Lots 8, 9, 10 and 11 of Block 470 of the Revised Plat of 1903 of the City of Muskegon, according to the plat thereof as recorded in the Office of the Register of Deeds for said County of Muskegon in Liber 3 of Plats, on Page 71, as originally platted and the South 1/2 of the vacated alley adjoining said lots on the North thereof,

Excepting therefrom the following: All that part of said Lots 9, 10, and 11 and the South 1/2 of the vacated alley adjoining said lots on the North lying North of the following described line:

Commencing on the East line of Lot 11 at a point 123.7 feet Northerly along said East line from the Southeast corner of said lot; thence North 85° 7' West 21.8 feet to a point; thence Northwesterly on a 565.19 foot radius curve to the right 184.3 feet; thence North 66° 24' 30" West 11.9 feet to the center line of said vacated alley at a point 194.4 feet East along the same from the produced West line of said Lot 8 of said Block 470.

PARCEL 4

That part of Block 470 of the Revised Plat of 1903 of the City of Muskegon, according to the plat thereof as recorded in the Office of the Register of Deeds for said County of Muskegon in Liber 3 of Plats on Page 71, more particularly described as:

Commencing on the produced West line of Lot 8 of said Block at a point 10 feet North of the Northwest corner of said lot, which point is also on the center line of the vacated alley adjoining said lot on the North; thence due East along the center line of said vacated alley 194.4 feet; thence North 66° 24' 30" West 48 feet, more or less, to the Southerly line of the 17-foot right-of-way of the Pere Marquette Railway Company; thence Westerly along said right-of-way line 152 feet, more or less, to the said produced West line of Lot 8 at a point 28.85 feet North of the place of beginning; thence South to the place of beginning, containing 4004 square feet, more or less.

PARCEL 5

Those parts of Lots 12 and 13 of Block 470 of the Revised Plat of 1903 of the City of Muskegon, according to the plat thereof as recorded in the Office of the Register of Deeds for said County of Muskegon in Liber 3 of Plats, on Page 71, more particularly described as:

Commencing at the Southwest corner of said Lot 12; thence Northerly along the West line of said Lots

12 and 13, a distance of 123.7 feet; thence South 85° 7' East 60.24 feet; thence Southerly parallel with the West line of said Lots 12 and 13, a distance of 118.71 feet to the South line of said Lot 12, thence Westerly 60 feet to the place of beginning, containing 7272 square feet, more or less.

PARCEL 6

Part of Lot 7, Block 470, Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, described as follows: Commence on the Northwest line of Lake Shore Drive at an iron stake North 37° East 127 feet from the Southwest line of said Lot 7, thence North 53° West 132 feet, thence South 37° West 127 feet to the Southwest line of said Lot 7, thence North 53° West 241 feet to the Easterly right of way line of a side track of the Pere Marquette Railroad Company, said point being hereinafter referred to as Point "A". Re-commence at the point of beginning, thence North 37° East along the Northwestern line of Lake Shore Drive 54 feet, said point being at the intersection of the Northwestern line of Lake Shore Drive with the North and South Quarter line of Section 25, Town 10 North, Range 17 West, thence North 53° West 132 feet, thence North 7° 40' West 176.6 feet to the Southerly right of way line of said track of said Pere Marquette Railroad, thence Southwesterly along said right of way 329 feet more or less to Point "A".



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

COLE'S QUALITY FOODS, INC., an existing manufacturing company located at 1188 Lakeshore Drive, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. The company manufactures a variety of frozen garlic bread. Due to the fact that the company is investing more than \$.5 million, it is eligible for the three (3) year investment bonus in addition to the standard six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:

White	110	(70%)
Minority	48	(30%)
Total	158	

Gender Characteristics:

Male	83	(53%)
Female	75	(47%)
Total	158	

Investment Information:

Real Property:	\$0
Personal Property	\$1,505,867
Total:	\$1,505,867

Property Tax Information (Annual)

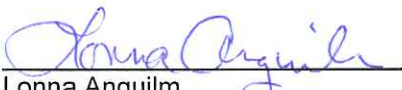
	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$40,658	\$7,529
Value of Abatement	\$20,329	\$3,765
Total New Taxes Collected	\$20,329	\$3,765

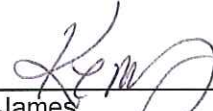
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$0

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


Lonna Anguilm
Assistant Planner


Ken James
Affirmative Action

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. The application should be filed after the district is established and no later than (within) six months after the commencement of the project. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. (The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature		Application No.	
Date Received		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) Cole's Quality Foods, Inc.		b. Standard Industrial Classification Code (Sec. 2(10)) 2051	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1188 Lakeshore Dr., Muskegon, MI 49443		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) Same as above		e. City/Twp/Village City of Muskegon	f. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ REHABILITATION (SEC. 3(1)) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Muskegon 4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") 6 years after completion of project	
6. Explain Applicant's Principal Type of Business (Detailed description of operations)			

The applicant is engaged in the manufacturing of a variety of frozen garlic bread.

6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)

6b. Explain Degree and Type of Obsolescence Affecting Existing Facility.

7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility

Purchase of New Machinery and Equipment for new process to freeze the garlic bread

8 a. Cost of land improvements excluding cost of land. Attach itemized list.....	\$ N/A
b. Cost of building improvements. (1) Attach list of major types & cost; (2) Attach copy of building permit. (See Instructions on page 4, item 5).....	N/A
c. Cost of machinery and equipment. Attach itemized list: month, day and year, and total. (See instructions on page 4, item 2.).....	1,505,867
d. Cost of furniture and fixtures. Attach itemized list: month, day and year, and total. (See Instructions on page 4, item 2.).....	N/A
e. TOTAL PROJECT COST.....	\$ 1,505,867

Continue on Page 2

9. List time schedule for start and finish of construction stages and equipment installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before the filing of this application with the local governmental unit. Estimate dates when applicable.

THIS SECTION MUST BE COMPLETED
WITH ACTUAL DATES. REFERENCE TO
SEE ATTACHMENTS NOT ACCEPTABLE.

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements:

4/16/2001

8/31/2001

10 a. Are the buildings owned or leased by the operator of the facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

b. Are machinery and equipment, furniture and fixtures owned or leased by the operator of this facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

* If property is leased (Real and/or Personal) we will require: A current executed copy of the lease, dated and signed, verifying applicant's property tax liability for the Real and/or Personal property. (An addendum/rider is required to show the inclusion of an addition to the building.) Lessee must be directly responsible for taxes--If paid to lessor, lessee will not qualify for abatement. Lessee must pay taxes directly to the local governmental unit.

11. Are State Education Taxes abated? ☐ Yes ☒ No. If yes, attach Michigan Economic Development Corp Letter of Commitment.

12. Number of existing jobs at this site that will be retained as a result of this project?.....

18

13. Number of new jobs at this site expected to be created within 2 years of project completion?.....

0

14. Rehabilitation applications. Complete a, b and c. Attach assessor's statement of valuation for the entire plant rehabilitation district. The SEV data must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (exclude land).....

b. SEV of Personal Property (exclude inventory).....

c. TOTAL SEV.....

15 a. The facility is located in the following type of district established by the local governing unit: ☒ INDUSTRIAL DEVELOPMENT DISTRICT ☐ PLANT REHABILITATION DISTRICT

b. Name of governing unit that established district.....

City of Muskegon

c. Date district was established.....

10/11/77

d. Attach certified copy of resolution and drawing of district.

NOTICE AFTER DECEMBER 31, 1983: Section 9(2)(b) provides that a written request (date-stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16 a. Is this application for a speculative building (Sec.3(8))? ☐ Yes. Complete b, c and d. ☒ No. Go to 17 below.

b. Name of governmental unit which passed resolution to establish a speculative building.....

c. Date of Resolution (attach copy).....

d. Date construction commenced (see page 4, item 5).....

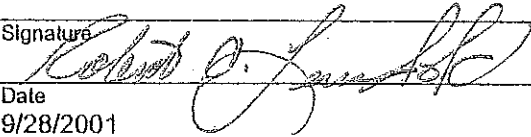
e. Attach certified statements from the building owner AND assessor that the building has not been occupied since completion of construction (see page 4, item 13).

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information Cindy Hendon		Title Executive Ast.	Phone 219-490-2121
Mailing Address 117 Airport North Office Park, Fort Wayne, IN 46825			
Type Name of Company Officer Robert Lewandoski		Signature 	
Title Sr VP Prod & Eng	Phone 231-722-1651	Date 9/28/2001	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken		DOCUMENTS REQUIRED	
☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, _____ (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed.		☐ 1. Application plus attachments. (See Inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☐ 8. 3222 (formerly T-1044A) (If applicable). ☐ 9. Speculative building resolution & affidavits.	
20. Name of Local Government Body		Date of Action on This Application	
Attached hereto is a copy of the application and all documents required.			
Signature of Clerk		Date	Phone
Clerk's Mailing Address		City	ZIP Code
State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31. Applications received after October 31 will be acted upon in the following year.			

Mail completed application and all attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971

If you have any questions, please call (517) 373-2408 or 373-3302.

INSTRUCTIONS

The original form 1012 (Formerly L-4380) and all required attachments listed below, plus number of additional copies determined by the clerk, **MUST** be filed with the clerk of the local unit where the facility is or will be located.

Furnishing accurate answers and attachments numbered 1-14 of the instructions will eliminate delay and assist in processing of the application. Incomplete applications may be returned or not processed. Certain items are applicable to speculative buildings or rehabilitation applications only and should be marked "N.A." if your application is for a new facility. If the space provided is insufficient, answers should be continued or given on separate attachments.

The following information is required on separate documents attached to form 1012 (formerly L-4380):

- ☒ 1. Legal description of the real property on which the facility is or will be located. Also provide property identification number if available. See Attachment "A"
- ☒ 2. Complete list of new machinery, equipment, furniture and fixtures which will be used in the facility. The list should include description, type, identification, beginning date of (expected) installation by month/day/year, and (expected) cost. Pollution control facilities which you intend to apply for under P.A. 250 of 1965, as amended (air) and P.A. 222 of 1966 (water), are to be listed separately. Detail of machinery and equipment must match amount shown on question 8 on page 1. See Attachment "B"
- ☐ 3. This instruction is not applicable to a new facility or speculative building. It is for rehabilitation applications only.
 - a. List of existing machinery, equipment, furniture and fixtures which will be replaced or renovated.
 - b. List of existing machinery, equipment, furniture and fixtures which will continue to be used in the facility. The list should include description, type, identification, year of acquisition and original cost.
- ☐ 4. If the application is for a rehabilitation, a statement by the Assessor showing the Taxable Valuation of the plant rehabilitation district, separately stated for real property (EXCLUDING land) and personal property (EXCLUDING inventory) for the tax year immediately preceding the commencement of the rehabilitation.
- ☒ 5. Proof of date construction started (groundbreaking) such as building permit, footings inspection report, (when available) certified statement or affidavit from contractor. Personal property only applications should have attached a certified statement or affidavit as proof of the date personal property installation commenced.
- ☐ 6. Complete copy of lease agreement as executed, if applicable, verifying lessee has ad valorem real and personal tax liability.
- ☐ 7. A copy of the notice to the general public and the certified notice to the property owners, concerning the establishment of the district. Drawing showing the perimeter of the Industrial Development or Plant Rehabilitation District and where, within the district, the facility will be located.
- ☐ 8. Certified copy of the resolution establishing the Industrial Development District or Plant Rehabilitation District, which includes a legal description of the district. If the district was not established prior to the commencement of construction, the local unit shall include a certified copy of the filing of the request to establish district.
- ☐ 9. Copy of the notice and the certified letters to the taxing authorities regarding the hearing to approve the application.
- ☐ 10. Certified copy of the resolution approving the application.
- ☐ 11. Letter of Agreement (signed by local unit and applicant) per P.A. 334 of 1993 and Affidavit of Fees (Bulletin 3, 1/16/98).
- ☐ 12. Treasury form 3222 (Formerly T-1044a) or 1817 (Formerly T-1044) (if applicable) Fiscal Statement For Tax Abatement Request.
- ☐ 13. Resolution to establish speculative building and non-occupancy statements by the owner and assessor.

ADDITIONAL INSTRUCTIONS

Actual date of completion of the entire project must be furnished to the State Tax Commission and the Assessor within 30 days after completion of the project.

Final cost of the project, broken down between real and personal property must be furnished by the applicant to the State Tax Commission and the Assessor within 90 days after completion of the project.

CITY OF MUSKEGON

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning ***the issuance of an Industrial Facilities Exemption Certificate*** for property located at 1188 Lakeshore Drive, Muskegon, Michigan, as requested by Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan, as provided for by Act 198 of the Michigan Public Acts of 1974, as amended. The hearing will be held by the City Commission of the City of Muskegon on **October 9, 2001**, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property and any residents or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Gail Kunderinger, City Clerk

Publish: October 6, 2001

meeting folder

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. The application should be filed after the district is established and no later than (within) six months after the commencement of the project. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. (The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature <i>Dail A. Kunderzew</i>		Application No.	
Date Received <i>9-28-01</i>		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) Cole's Quality Foods, Inc.		b. Standard Industrial Classification Code (Sec. 2(10)) 2051	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1188 Lakeshore Dr., Muskegon, MI 49443		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) Same as above		e. City/Twp./Village City of Muskegon	f. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Muskegon a. School Code 61010	
4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") 6 years after completion of project			
5. Explain Applicant's Principal Type of Business (Detailed description of operations) The applicant is engaged in the manufacturing of a variety of frozen garlic bread.			
6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)			
6b. Explain Degree and Type of Obsolescence Affecting Existing Facility.			
7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility Purchase of New Machinery and Equipment for new process to freeze the garlic bread			
8 a. Cost of land improvements excluding cost of land. Attach itemized list.....		\$ N/A	
b. Cost of building improvements. (1) Attach list of major types & cost; (2) Attach copy of building permit. (See instructions on page 4, item 5).....		N/A	
c. Cost of machinery and equipment. Attach itemized list: month, day and year, and total. (See instructions on page 4, item 2.).....		1,505,867	
d. Cost of furniture and fixtures. Attach itemized list: month, day and year, and total. (See instructions on page 4, item 2.).....		N/A	
e. TOTAL PROJECT COST.....		\$ 1,505,867	

Continue on Page 2

9. List time schedule for start and finish of construction stages and equipment installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before the filing of this application with the local governmental unit. Estimate dates when applicable.

**THIS SECTION MUST BE COMPLETED
WITH ACTUAL DATES. REFERENCE TO
SEE ATTACHMENTS NOT ACCEPTABLE.**

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements:

4/16/2001

8/31/2001

10 a. Are the buildings owned or leased by the operator of the facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

b. Are machinery and equipment, furniture and fixtures owned or leased by the operator of this facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

* If property is leased (Real and/or Personal) we will require: A current executed copy of the lease, dated and signed, verifying applicant's property tax liability for the Real and/or Personal property. (An addendum/rider is required to show the inclusion of an addition to the building.) Lessee must be directly responsible for taxes--If paid to lessor, lessee will not qualify for abatement. Lessee must pay taxes directly to the local governmental unit.

11. Are State Education Taxes abated? ☐ Yes ☒ No. If yes, attach Michigan Economic Development Corp Letter of Commitment.

12. Number of existing jobs at this site that will be retained as a result of this project?.....

18

13. Number of new jobs at this site expected to be created within 2 years of project completion?.....

0

14. Rehabilitation applications. Complete a, b and c. Attach assessor's statement of valuation for the entire plant rehabilitation district. The SEV data must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (exclude land).....

b. SEV of Personal Property (exclude inventory).....

c. TOTAL SEV.....

N/A

15 a. The facility is located in the following type of district established by the local governing unit: ☒ INDUSTRIAL DEVELOPMENT DISTRICT ☐ PLANT REHABILITATION DISTRICT

b. Name of governing unit that established district.....

City of Muskegon

c. Date district was established.....

10/11/77

d. Attach certified copy of resolution and drawing of district.

NOTICE AFTER DECEMBER 31, 1983: Section 9(2)(b) provides that a written request (date-stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16 a. Is this application for a speculative building (Sec.3(8))? ☐ Yes. Complete b, c and d. ☒ No. Go to 17 below.

b. Name of governmental unit which passed resolution to establish a speculative building.....

c. Date of Resolution (attach copy).....

d. Date construction commenced (see page 4, item 5).....

e. Attach certified statements from the building owner AND assessor that the building has not been occupied since completion of construction (see page 4, item 13).

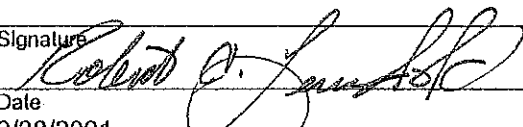
17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

N/A

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information Cindy Hendon		Title Executive Ast.	Phone 219-490-2121
Mailing Address 117 Airport North Office Park, Fort Wayne, IN 46825			
Type Name of Company Officer Robert Lewandoski		Signature 	
Title Sr VP Prod & Eng	Phone 231-722-1651	Date 9/28/2001	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken	DOCUMENTS REQUIRED
☒ ABATEMENT APPROVED FOR <u>6</u> Years Ending December 30, <u>2007</u> (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed. ☐ DISAPPROVED	☒ 1. Application plus attachments. (See Inst. pg. 4, # 1-7) ☒ 2. Notice to the public prior to hearing to establish district. ☒ 3. Resolution establishing district. ☒ 4. Notice to taxing authorities prior to hearing to approve application. ☒ 5. List of taxing authorities notified. ☒ 6. Resolution approving application. ☒ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☒ 8. 3222 (formerly T-1044A) (If applicable). ☒ 9. Speculative building resolution & affidavits.
20. Name of Local Government Body <u>City of Muskegon</u>	Date of Action on This Application <u>10-09-01</u>

Attached hereto is a copy of the application and all documents required.

Signature of Clerk <u>Dail Q. Kunderger</u>	Date <u>10-15-01</u>	Phone <u>(231) 724-6765</u>
Clerk's Mailing Address <u>P.O. Box 536</u>	City <u>Muskegon</u>	ZIP Code <u>49443</u>

State Tax Commission Rule Number 57:

Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971**

If you have any questions, please call (517) 373-2408 or 373-3302.

INSTRUCTIONS

The original form 1012 (Formerly L-4380) and all required attachments listed below, plus number of additional copies determined by the clerk, **MUST** be filed with the clerk of the local unit where the facility is or will be located.

Furnishing accurate answers and attachments numbered 1-14 of the instructions will eliminate delay and assist in processing of the application. Incomplete applications may be returned or not processed. Certain items are applicable to speculative buildings or rehabilitation applications only and should be marked "N.A." if your application is for a new facility. If the space provided is insufficient, answers should be continued or given on separate attachments.

The following information is required on separate documents attached to form 1012 (formerly L-4380):

- ☒ 1. Legal description of the real property on which the facility is or will be located. Also provide property identification number if available. See Attachment "A"
- ☒ 2. Complete list of new machinery, equipment, furniture and fixtures which will be used in the facility. The list should include description, type, identification, beginning date of (expected) installation by month/day/year, and (expected) cost. Pollution control facilities which you intend to apply for under P.A. 250 of 1965, as amended (air) and P.A. 222 of 1966 (water), are to be listed separately. Detail of machinery and equipment must match amount shown on question 8 on page 1. See Attachment "B"
- ☒ 3. This instruction is not applicable to a new facility or speculative building. It is for **rehabilitation applications only**.
 - a. List of existing machinery, equipment, furniture and fixtures which will be replaced or renovated.
 - b. List of existing machinery, equipment, furniture and fixtures which will continue to be used in the facility.
 The list should include description, type, identification, year of acquisition and original cost.
- ☒ 4. If the application is for a rehabilitation, a statement by the Assessor showing the Taxable Valuation of the plant rehabilitation district, separately stated for real property (EXCLUDING land) and personal property (EXCLUDING inventory) for the tax year immediately preceding the commencement of the rehabilitation.
- ☒ 5. Proof of date construction started (groundbreaking) such as building permit, footings inspection report, (when available) certified statement or affidavit from contractor. Personal property only applications should have attached a certified statement or affidavit as proof of the date personal property installation commenced.
- ☒ 6. Complete copy of lease agreement as executed, if applicable, verifying lessee has ad valorem real and personal tax liability.
- ☒ 7. A copy of the notice to the general public and the certified notice to the property owners, concerning the establishment of the district. Drawing showing the perimeter of the Industrial Development or Plant Rehabilitation District and where, within the district, the facility will be located.
- ☒ 8. Certified copy of the resolution establishing the Industrial Development District or Plant Rehabilitation District, which includes a legal description of the district. If the district was not established prior to the commencement of construction, the local unit shall include a certified copy of the filing of the request to establish district.
- ☒ 9. Copy of the notice and the certified letters to the taxing authorities regarding the hearing to approve the application.
- ☒ 10. Certified copy of the resolution approving the application.
- ☒ 11. Letter of Agreement (signed by local unit and applicant) per P.A. 334 of 1993 and Affidavit of Fees (Bulletin 3, 1/16/98).
- ☒ 12. Treasury form 3222 (Formerly T-1044a) or 1817 (Formerly T-1044) (if applicable) Fiscal Statement For Tax Abatement Request.
- ☒ 13. Resolution to establish speculative building and non-occupancy statements by the owner and assessor.

ADDITIONAL INSTRUCTIONS

Actual date of completion of the entire project must be furnished to the State Tax Commission and the Assessor within 30 days after completion of the project.

Final cost of the project, broken down between real and personal property must be furnished by the applicant to the State Tax Commission and the Assessor within 90 days after completion of the project.

Cole's Quality Foods, Inc.
Attachment "B"
2001 Abatement Spending Plan

ITEM #	ITEM	COST	INSTALLATION DATE	COMPLETION DATE
#1	Flour System	\$ 211,865	April 16, 2001	April 30, 2001
#2	Remodel for Equipment	\$ 5,769	April 16, 2001	April 30, 2001
#3	Conveyor System	\$ 626,819	August 1, 2001	August 31, 2001
#4	Casepacker - Machine	\$ 347,784	August 1, 2001	August 31, 2001
#5	Casepacker - Installation	\$ 7,000	August 1, 2001	August 31, 2001
#6	Cryogenic Freezer	\$ 243,535	August 1, 2001	August 31, 2001
#7	Cryogenic Freezer Cement Pad	\$ 5,815	August 1, 2001	August 31, 2001
#8	Cryogenic Freezer Oxygen Sensor	\$ 3,820	August 1, 2001	August 31, 2001
#9	Butter Pump	\$ 25,000	August 1, 2001	August 31, 2001
#10	Electrical	\$ 25,000	August 1, 2001	August 31, 2001
#11	Plumbing/Mechanical	\$ 3,460	August 1, 2001	August 31, 2001
TOTAL		\$ 1,505,867		

AFFIDAVIT
SUPPORTING INSTALLATION OF PERSONAL PROPERTY

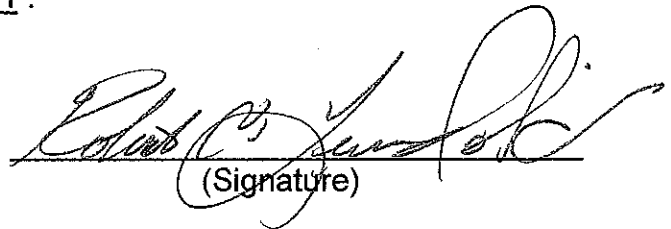
I, Robert Lewandoski, being duly sworn, state as follows:

1. I am Senior Vice President of Production & Engineering
(Title)

of Cole's Quality Foods, Inc., in Muskegon, Michigan
(Company Name) (City) (State)

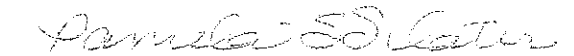
2. I make this affidavit in connection with an Application for Industrial Facilities Exemption Certificate for the new machinery and equipment to be Installed within the Cole's Quality Foods, Inc. Industrial Development District
(Company Name)
and as listed in an Application for Industrial Facilities Exemption dated September 28, 2001.

3. I certify that the installation of personal property in this application commenced on or about April 16, 2001.


(Signature)

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 27th day
of September, 2001, by Robert Lewandoski,
Senior Vice President, of Cole's Quality Foods, Inc.



Notary Public
Muskegon County, MI

My Commission Expires: 4/28/02.

PAMELA A. SLATER
Notary Public, Muskegon County MI
My Commission Expires Apr. 28, 2002

**NOTICE OF HEARING
CITY OF MUSKEGON**

NOTICE IS HEREBY GIVEN that a hearing on the establishment of a "Plant Rehabilitation District", request by Cole Bakeries, Inc. as provided for in Act 198 of the Michigan Public Acts of 1974, as amended, is to be held by the City Commission of the City of Muskegon on Tuesday, October 11, 1977 at 7:30 P.M. in the Commission Room of the City Hall.

Owners of the property and any other resident or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Dated: September 27, 1977.

A. J. LEUTSCHER
City Clerk

CITY OF MUSKEGON

Publish: October 1 & 8, 1977

STATE OF MICHIGAN }
County of Muskegon }

ss.

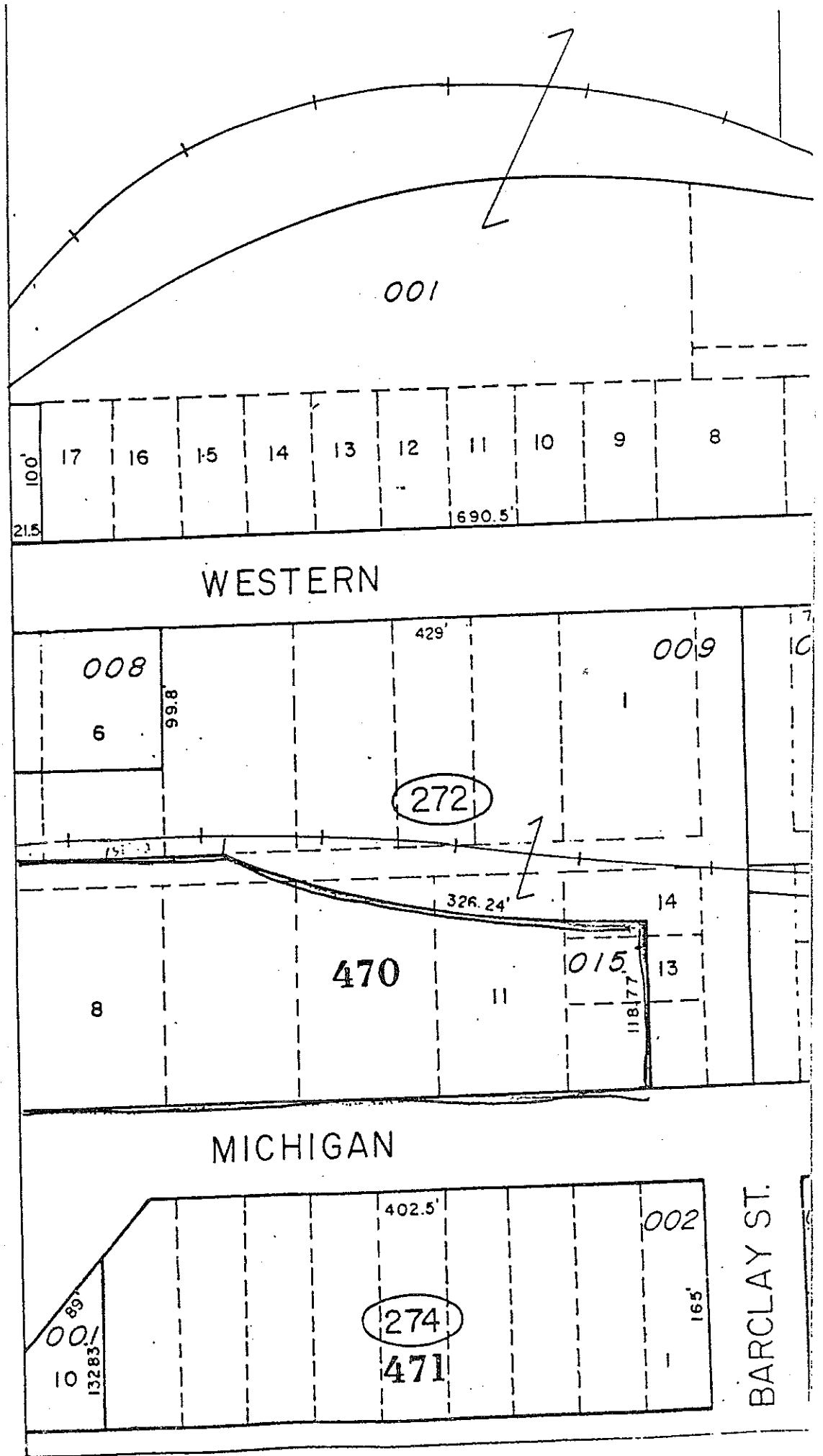
..... Darion M. Jaumese being duly sworn
deposes and says that he is the Printer of the MUSKEGON CHRONICLE,
a newspaper printed and circulated within said County of Muskegon; that
the annexed notice was duly printed and published in said MUSKEGON
CHRONICLE for two day(s); that is to say, on the
1st & 8th day(s) of October 19 77, and the
XXXX day(s) of XXXXX 19 XX, and that
said publication was continued during said time without any intermission or
omission, and that he has a personal knowledge of the facts above set forth.

.....
Subscribed and sworn to before me this 12th day of
October A. D. 19 77

.....
Notary Public, Muskegon County, Mich.

WILLIAM COXTERMAN
Notary Public, Muskegon County, Mich.
My Commission Expires May 20, 1978

Printer's fees: inches times, \$



002

580

579

70'

129.35'

164'

9.971
176.1
145.7
97.971

7
105.52'

009

470

132'

SEE SHEET 25-200

006

005

132'

SEE SHEET 25-300

October 11, 1977

77-378. Cole Bakeries, Inc. Request for Plant Rehabilitation District Approved.

This was the time set for Public Hearing on the request filed by Cole Bakeries, Inc. to establish a Plant Rehabilitation District under the provisions of Act 198 of the Public Acts of 1974.

Proof of Publication of Notice of Hearing published in the Muskegon Chronicle was filed.

Receipt of Certified Mail Notice to Cole Bakeries, Inc. was also filed.

The following resolution was offered by Commissioner Heethuis and supported by Commissioner Gudelsky:

WHEREAS, Cole Bakeries, Inc. owners of the following described property has filed an application to establish a Plant Rehabilitation District under the provisions of Act 198 of the Michigan Public Acts of 1974:

See Exhibit A attached

WHEREAS, a public hearing was held by the City Commission of the City of Muskegon providing opportunity for any citizen or taxpayer of the City to be heard; and,

WHEREAS, no objections were received or filed to the establishment of a "Plant Rehabilitation District" for the property described in the application;

WHEREAS, the City Commission, having reviewed and considered the application finds and determines that the property comprising not less than 50% of the State equalized valuation of the industrial property within the district described in the application is obsolete;

NOW THEREFORE, BE IT RESOLVED, that the City Commission does hereby establish a "Plant Rehabilitation District" for the property of Cole Bakeries, Inc. as heretofore described.

Dated this 11th day of October, 1977.

ADOPTED: Yeas, Commissioners Johnson, Brooks, Gudelsky, and Heethuis

Nays, None

STATE OF MICHIGAN)
) ss
COUNTY OF MUSKEGON)

I hereby certify that the above is a true and complete copy of a Resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a Regular Meeting held on October 11, 1977, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976.


A. J. Leutscher,
City Clerk
CITY OF MUSKEGON

CITY OF MUSKEGON
LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the **issuance of an Industrial Facilities exemption Certificate** for property located at 1188 Lakeshore Drive, Muskegon, Michigan, as requested by Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan, as provided by Act 198 of the Michigan Public Acts of 1974, as amended. The hearing will be held by the City Commission of the City of Muskegon on October 9, 2001, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property and any residents or taxpayer of the City of Muskegon shall have the right to appear and be heard.

GAIL KUNDINGER, City Clerk
PUBLISH: October 6, 2001

STATE OF MICHIGAN
County of Muskegon

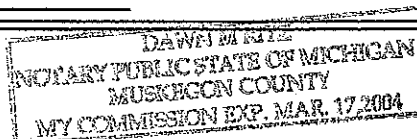
ss.

Gary Ostrom being duly sworn deposes and says that he is the Publisher of the MUSKEGON CHRONICLE, a newspaper printed and circulated within said County of Muskegon; that the annexed notice was duly printed and published in said MUSKEGON CHRONICLE for one (1) day(s); that is to say, on the 6th day(s) of October 2001, and the _____ day(s) of _____ 200____, and that said publication was continued during said time without any intermission or omission, and that he has a personal knowledge of the facts above set forth.

[Signature]
Subscribed and sworn to before me this 9th day
of October A.D. 2001

[Signature]
Notary Public, Muskegon County, Mich.

Printer's fees: _____ inches _____ times, \$ _____



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

Assessor/Equalization
(231)724-6708
FAX: (231)726-3181

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

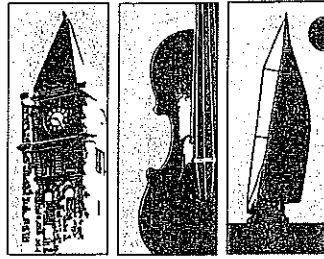
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

City of Muskegon
Assessor's Office
933 Terrace Street
Muskegon, MI 49440

RE: Application for IFT Certificates – Cole's Quality Foods, Inc.

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441.*

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Assistant Planner

RECEIVED

OCT 1 2001

by City of Muskegon

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-3181

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

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

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

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

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

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

Engineering Dept.
(231)724-6707
FAX: (231)727-6984

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

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

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

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

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

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

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

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

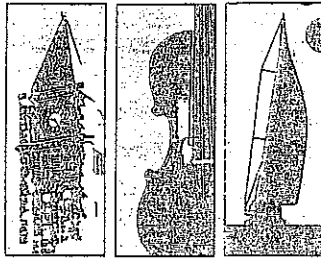
Public Works Dept.
(231)724-4108
FAX: (231)722-4188

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

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

Water Filtration
(231)724-4106
FAX: (231)755-3290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

Mr. Robert Lewandoski
Cole's Quality Foods
1188 Lakeshore Drive
Muskegon, MI 49441

RE: Application for IFT Certificates – Cole's Quality Foods, Inc.

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441.*

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Robert Lewandoski
Cole's Quality Foods
1188 Lakeshore Dr
Muskegon MI 49441

2. Article Number (Copy from service label)

7000 0520 0013 9683 9449

COMPLETE THIS SECTION ON DELIVERY

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

[Signature] *10/2*

C. Signature

[Signature] ☐ Agent

☒ Addresser

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

City of Muskegon

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-3181

Cemetery Department
(231)724-6703
FAX: (231)726-3617

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

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

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

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

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

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

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

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

Income Tax
(231)724-6779
FAX: (231)724-6763

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

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

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

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

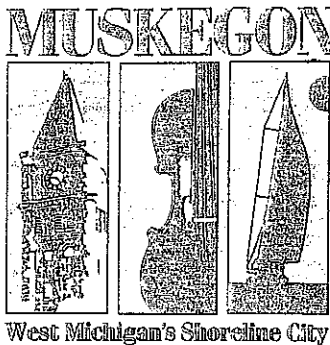
Police Department
(231)724-6750
FAX: (231)722-5140

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

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

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

Water Filtration
(231)724-4106
FAX: (231)755-3290



CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442

RE: Application for IFT Certificates – Cole's Quality Foods, Inc.

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441.*

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Muskegon County Comm
990 Terrace
Muskegon MI
49442*

2. Article Number (Copy from service label)

7000 0520 0013 9683 9456

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

S. McDIARMID

B. Date of Delivery

10/2/01

C. Signature

Sally McDiarmid ☐ Agent

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

City of Muskegon

Affirmative Action
(231)724-5793
FAX: (231)722-1214

Assessor/Equalization
(231)724-5798
FAX: (231)726-5181

Cemetery Department
(231)724-5783
FAX: (231)726-5617

City Manager
(231)724-5724
FAX: (231)722-1214

Civil Service
(231)724-5716
FAX: (231)724-4405

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

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

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

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

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

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

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

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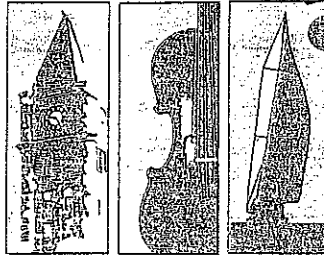
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

Water Filtration
(231)724-4106
FAX: (231)755-3290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon Area Intermediate Schools
630 Harvey Street
Muskegon, MI 49442

RE: Application for IFT Certificates – Cole's Quality Foods, Inc.

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441.*

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Musk Area Int Schools
630 Harvey
Musk MI
49442

2. Article Number (Copy from service label)

7000 0520 0013 9683 9463

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) D. Ross B. Date of Delivery 10-2-01

C. Signature X D. Ross ☐ Agent ☐ Addressee

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

City of Muskegon

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

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

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

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

Civil Service
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FAX: (231)724-4405

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

Community and
Neigh. Services
(231)724-6717
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Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

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

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

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

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

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

Leisure Services
(231)724-6794
FAX: (231)724-1196

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

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

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

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

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

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

Water Filtration
(231)724-4186
FAX: (231)755-5290



CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon Public Schools
Administration Office
349 W. Webster Avenue
Muskegon, MI 49440

RE: Application for IFT Certificates -- Cole's Quality Foods, Inc.

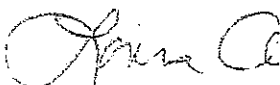
To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441.*

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,


Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Muskegon Public Schools
Adm Office
349 W Webster Ave
Muskegon MI
49440

2. Article Number (Copy from service label)

7000 0520 0013 9683 9470

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

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

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

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

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

Civil Service
(231)724-6716
FAX: (231)724-4005

Clerk
(231)724-6705
FAX: (231)724-3173

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

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

Engineering Dept.
(231)724-6787
FAX: (231)727-6904

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

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

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

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

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

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

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

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

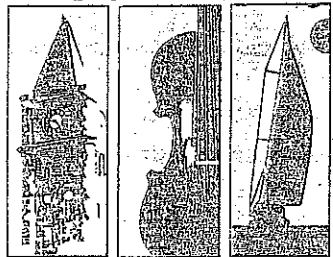
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon Community College
221 S. Quarterline Road
Muskegon, MI 49442

RE: Application for IFT Certificates – Cole's Quality Foods, Inc.

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Cole's Quality Foods, Inc., 1188 Lakeshore Drive, Muskegon, Michigan 49441.*

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Musk Comm College
221 S. Quarterline
Musk MI
49442*

2. Article Number (Copy from service label)

7000 0520 0013 9683 9487

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Colleen Morse* B. Date of Delivery *10/2*

C. Signature *Amore* ☒ Agent ☐ Addressee

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

TAXING AUTHORITIES

City of Muskegon Assessor

Muskegon County

Muskegon Area Intermediate Schools

Muskegon Public Schools

Muskegon Community College

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
("Company"), Cole's Quality Foods, Inc..

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 N/A percent of the promised new jobs shall be in place with full-time employees on or before _____, 20____, and _____

percent of the said jobs shall be in place with full time employees on or before ____, 20 __. Finally, 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 \$1,505,867 in the equipment and 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 fully cooperate with the City representative 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.

1.7 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.

1.8 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.

1.9 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.10 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 actions 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 an Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

and Gail A. Kunderger
Gail A. Kunderger, Clerk

By Robert Lewandoski
Robert Lewandoski

Its S. V. President & Protection & Engineering

and _____

Its _____

Michigan Department of Treasury
3222 (3-88)SUPPLEMENT TO
EASURY FORM T-1044

Corporation Name <i>Celes Quality Foods Inc</i>	Certificate Number
--	--------------------

Is this project:

Real Property?

Personal Property?

Both Real and Personal Property? New Facility?

Replacement Facility?

Both New and Replacement Facility?

Estimated Project Investment (not assessed value):

\$		\$	<i>1,505,867</i>	\$	<i>1,505,867</i>
	Real Property		Personal Property		Total

	YES	NO	REMARKS
1. A. Has the proper local authority reviewed the plan?	☒	☐	
B. Is the project located in a certified industrial park?	☐	☒	
C. Is this a renovation or expansion of an existing building?	☐	☒	
2. Will this project require improvement of your road service?	☐	☒	
3. Will this project require improvement of your sanitary sewer services?	☐	☒	
Will this project require improvement of your storm sewer services?	☐	☒	
5. Will this project require improvement of your water services?	☐	☒	
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	☐	☒	
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	☐	☒	
8. Will this project require other costs?	☐	☒	
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	☐	☒	

If you answered yes to any of the questions from 2 through 8, the appropriate sections of form 1817 (formerly T-1044) must be completed and accompany this supplement with your application.

This is to certify that the following has been provided as accurately as possible.

Lonna Arguilm
Signature
Assistant Planner - Lonna Arguilm
Name and Title of Governmental Unit Officer or Designee

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

Applicant: Cole's Quality Foods, Inc. Local Governmental Unit: City of Muskegon

The undersigned representative of the City of Muskegon and Cole's Quality Foods, Inc. having been first duly sworn, hereby certify that no payment of any kind in excess of the fee allowed by Public Act 198 of 1974, as amended by the Public Act 323 of 1995, has been made or promised in exchange for favorable consideration on this application dated September 28, 2001 for an Industrial Facilities Tax Exemption Certificate in the amount of \$1,505,867.

Witness:

Dail A. Kundungai

By: Fred J. Nielsen
City of Muskegon

Cornie E. Pascavis

By: Robert G. Lewandowski
Cole's Quality Foods, Inc.

State of Michigan
County of Muskegon

The foregoing instrument was acknowledged before me this 28th day of September 2001, by Robert Lewandowski, on behalf of Cole's Quality Foods, Inc.

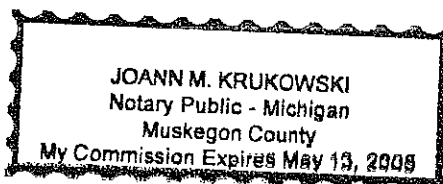
Pamela S. Slater
Notary Public, Muskegon County, Michigan
My commission expires: 4/28/02

State of Michigan
County of Michigan

PAMELA S. SLATER
Notary Public, Muskegon County MI
My Commission Expires Apr. 28, 2002

The foregoing instrument was acknowledged before me this 15 day of October 2001, by Fred Nielsen, on behalf of City of Muskegon

Joann M. Krukowski
Notary Public, Muskegon County, Michigan
My commission expires: 5-13-05



Commission Meeting Date: October 9, 2001

Date: October 2, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate - SAPPI Fine Paper**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, SAPPI Fine Paper, 2400 Lakeshore Drive, has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is \$15,313,993 in personal property, this request qualifies for a 9-year exemption. The project will not create any new employment opportunities. SAPPI's current workforce is 705.

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 (9) years.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*SAPPI FINE PAPER***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on December 14, 1983, this Commission by resolution established an Industrial Development District as requested by S.D. Warren Company, 2400 Lakeshore Drive, Muskegon, Michigan 49441; and

WHEREAS, SAPPI Fine Paper has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on October 9, 2001, 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, installation of machinery and equipment had not begun earlier than six (6) months before September 27, 2001, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, installation of machinery and equipment is 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 SAPPI Fine Paper, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

Blks 598, 599, 600, 601, 602, 603, & 604, excluding Wly 260 ft. also Richards Street vacated from N line Lakeshore Drive to Shore of Muskegon Lake excluding C & O ROW also Lot 19 Blk 597 excluding com @ SE corner said Lot 19 thence Nwly on Ely line said Lot 125 ft. thence Wly 70 ft. thence Sely 125 ft. to S line said Lot thence Ely 70 ft. to POB.

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property.

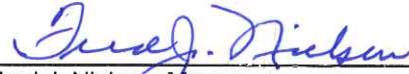
Adopted this 9th Day of October 2001

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

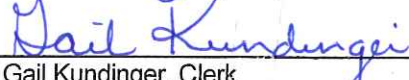
Nays: None

Absent: None

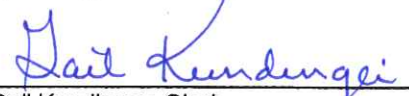
BY:

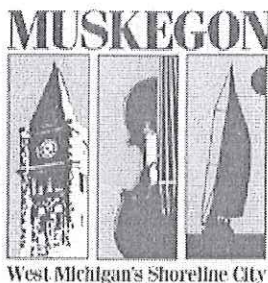

Fred J. Nielsen, Mayor

ATTEST:


Gail Kunderger, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on October 9, 2001.


Gail Kunderger, Clerk



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

SAPPI FINE PAPER – NORTH AMERICA, an existing manufacturing company located at 2400 Lakeshore Drive, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. The company manufactures high quality coated commercial printing paper products. Due to the fact that the company is investing more than \$15 million, it is eligible for the three (3) year investment bonus in addition to the standard six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:

White	595	(84%)
Minority	110	(16%)
Total	705	

Gender Characteristics:

Male	607	(86%)
Female	98	(14%)
Total	705	

Investment Information:

Real Property:	\$0
Personal Property	\$15,313,993
Total:	\$15,313,993

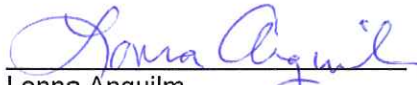
Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$413,478	\$76,570
Value of Abatement	\$206,738	\$38,285
Total New Taxes Collected	\$206,738	\$38,285

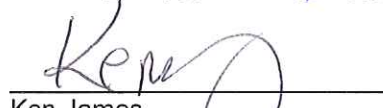
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$0

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


Lonna Anguilm
Assistant Planner


Ken James
Affirmative Action

8 a. Cost of land improvements excluding cost of land. <i>Attach itemized list.</i>	\$ N/A
b. Cost of building improvements. (1) <i>Attach list of major types & cost;</i> (2) <i>Attach copy of building permit.</i> (See instructions on page 4, item 5).....	N/A
c. Cost of machinery and equipment. <i>Attach itemized list: month, day and year, and total.</i> (See instructions on page 4, item 2.).....	15,313,993
d. Cost of furniture and fixtures. <i>Attach itemized list: month, day and year, and total.</i> (See instructions on page 4, item 2.).....	N/A
e. TOTAL PROJECT COST.....	\$ 15,313,993

Continue on Page 2

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. **The application should be filed after the district is established and no later than (within) six months after the commencement of the project.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. **(The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.**

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature		Application No.	
Date Received		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) Sappi Fine Paper North America		b. Standard Industrial Classification Code (Sec. 2(10)) 2621	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 2400 Lakeshore Drive, Muskegon, MI 49443		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) Same as above		e. City/Twp./Village City of Muskegon	f. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Muskegon	a. School Code 61010
5. Explain Applicant's Principal Type of Business (Detailed description of operations)		4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") 9 years after completion of project	

The applicant is engaged in the manufacturing of high-quality coated commercial printing paper products. The projects proposed herein will be used to improve the applicant's production process and thus permit applicant to be more cost competitive in the paper industry.

6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)

6b. Explain Degree and Type of Obsolescence Affecting Existing Facility.

7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility

Purchase of New Machinery and Equipment

**THIS SECTION MUST BE COMPLETED
WITH ACTUAL DATES. REFERENCE TO
SEE ATTACHMENTS NOT ACCEPTABLE.**

es and equipment installation. Project dates must be projected and completed within a two
es that restoration, replacement or construction commence not earlier than 6 months before the
Estimate dates when applicable.

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements:

4/25/2001

12/31/2001

10 a. Are the buildings owned or leased by the operator of the facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

b. Are machinery and equipment, furniture and fixtures owned or leased by the operator of this facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

If property is leased (Real and/or Personal) we will require: A current executed copy of the lease, dated and signed, verifying applicant's property tax liability for the Real and/or Personal property. (An addendum/riders is required to show the inclusion of an addition to the building.) Lessee must be directly responsible for taxes--if paid to lessor, lessee will not qualify for abatement. Lessee must pay taxes directly to the local governmental unit.

11. Are State Education Taxes abated? ☐ Yes ☒ No. If yes, attach Michigan Economic Development Corp Letter of Commitment.

500

12. Number of existing jobs at this site that will be retained as a result of this project?.....

N/A

13. Number of new jobs at this site expected to be created within 2 years of project completion?.....

14. Rehabilitation applications. Complete a, b and c. Attach assessor's statement of valuation for the entire plant rehabilitation district. The SEV data must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (exclude land).....

b. SEV of Personal Property (exclude inventory).....

c. TOTAL SEV.....

15 a. The facility is located in the following type of district established by the local governing unit: ☒ INDUSTRIAL DEVELOPMENT DISTRICT ☐ PLANT REHABILITATION DISTRICT

b. Name of governing unit that established district.....

City of Muskegon

c. Date district was established.....

12/13/83

d. Attach certified copy of resolution and drawing of district.

NOTICE AFTER DECEMBER 31, 1983: Section 9(2)(b) provides that a written request (date-stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16 a. Is this application for a speculative building (Sec.3(8))? ☐ Yes. Complete b, c and d. ☒ No. Go to 17 below.

b. Name of governmental unit which passed resolution to establish a speculative building.....

c. Date of Resolution (attach copy).....

d. Date construction commenced (see page 4, item 5).....

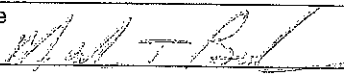
e. Attach certified statements from the building owner AND assessor that the building has not been occupied since completion of construction (see page 4, item 13).

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information Cindy Hendon		Title Executive Ast.	Phone 219-490-2121
Mailing Address 117 Airport North Office Park, Fort Wayne, IN 46825			
Type Name of Company Officer Mark T. Becker		Signature 	
Title Chief Financial Officer	Phone 617-423-5480	Date	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken		DOCUMENTS REQUIRED	
☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, _____ (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed.		☐ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☐ 8. 3222 (formerly T-1044A) (if applicable). ☐ 9. Speculative building resolution & affidavits.	
20. Name of Local Government Body		Date of Action on This Application	

Attached hereto is a copy of the application and all documents required.

Signature of Clerk	Date	Phone
Clerk's Mailing Address	City	ZIP Code

State Tax Commission Rule Number 57:

Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971

If you have any questions, please call (517) 373-2408 or 373-3302.

CITY OF MUSKEGON

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning *the issuance of an Industrial Facilities Exemption Certificate for property located at 2400 Lakeshore Drive, Muskegon, Michigan*, as requested by SAPPI Fine Paper, 2400 Lakeshore Drive, Muskegon, Michigan, as provided for by Act 198 of the Michigan Public Acts of 1974, as amended. The hearing will be held by the City Commission of the City of Muskegon on **October 9, 2001**, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property and any residents or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Gail Kunding, City Clerk

Publish: October 6, 2001

sappi

S D Warren Services Company
Shared Financial Services
PO Box 9004
Westbrook, ME 04098

CITY OF MUSKEGON
DEPARTMENT OF FINANCE
PO BOX 536
MUSKEGON MI 49443-0536

			VENDOR NUMBER	CHECK DATE	CHECK NUMBER
			400008862	09/28/2001	8020007679
DOCUMENT NO.	INVOICE NO.	RECEIPT DATE	AMOUNT	DISCOUNT	NET AMOUNT
1900363375	TAX ABATEMENT	09/28/2001	1,722.00	0.00	1,722.00
DETACH AND RETAIN THIS STUB FOR YOUR RECORDS			TOTALS	1,722.00	0.00 1,722.00

sappi

S D Warren Services Company
Shared Financial Services
PO Box 9004
Westbrook, ME 04098

8020007679

62-20
311

09/28/2001

PAY TO THE
ORDER OF CITY OF MUSKEGON

*****1,722.00

ONE THOUSAND SEVEN HUNDRED TWENTY-TWO and 00/100 USD

S D WARREN COMPANY

Citibank Delaware
New Castle, DE 19720

[Signature]
[Signature]

⑈8020007679⑈

⑈031100209⑈ 39100607⑈

10-9-01

meeting
packet

L-4380

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. **The application should be filed after the district is established and no later than (within) six months after the commencement of the project.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. **(The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.**

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature <i>Hail A. Kunderger</i>		Application No.	
Date Received <i>9-27-01</i>		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) Sappi Fine Paper North America		b. Standard Industrial Classification Code (Sec. 2(10)) 2621	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 2400 Lakeshore Drive, Muskegon, MI 49443		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) Same as above		e. City/Twp./Village City of Muskegon	f. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Muskegon a. School Code 61010	
5. Explain Applicant's Principal Type of Business (Detailed description of operations) The applicant is engaged in the manufacturing of high-quality coated commercial printing paper products. The projects proposed herein will be used to improve the applicant's production process and thus permit applicant to be more cost competitive in the paper industry.		4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") 9 years after completion of project	
6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)			
6b. Explain Degree and Type of Obsolescence Affecting Existing Facility.			
7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility Purchase of New Machinery and Equipment			

8 a. Cost of land improvements excluding cost of land. <i>Attach itemized list</i>	\$ N/A
b. Cost of building improvements. (1) <i>Attach list of major types & cost;</i> (2) Attach copy of building permit. (See instructions on page 4, item 5).....	N/A
c. Cost of machinery and equipment. <i>Attach itemized list: month, day and year, and total.</i> (See instructions on page 4, item 2.).....	15,313,993
d. Cost of furniture and fixtures. <i>Attach itemized list: month, day and year, and total.</i> (See instructions on page 4, item 2.).....	N/A
e. TOTAL PROJECT COST.....	\$ 15,313,993

Continue on Page 2

THIS SECTION MUST BE COMPLETED
WITH ACTUAL DATES. REFERENCE TO
SEE ATTACHMENTS NOT ACCEPTABLE.

es and equipment installation. Project dates must be projected and completed within a two

es that restoration, replacement or construction commence not earlier than 6 months before the
Estimate dates when applicable.

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements:

4/25/2001

12/31/2001

- 10 a. Are the buildings owned or leased by the operator of the facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)
- b. Are machinery and equipment, furniture and fixtures owned or leased by the operator of this facility? ☒ OWNED ☐ LEASED * (Attach copy of lease.)

If property is leased (Real and/or Personal) we will require: A current executed copy of the lease, dated and signed, verifying applicant's property tax liability for the Real and/or Personal property. (An addendum/rider is required to show the inclusion of an addition to the building.) **Lessee must be directly responsible for taxes--if paid to lessor, lessee will not qualify for abatement. Lessee must pay taxes directly to the local governmental unit.**

11. Are State Education Taxes abated? ☐ Yes ☒ No. If yes, attach Michigan Economic Development Corp Letter of Commitment.

500

12. Number of existing jobs at this site that will be retained as a result of this project?.....

N/A

13. Number of new jobs at this site expected to be created within 2 years of project completion?.....

14. Rehabilitation applications. Complete a, b and c. Attach assessor's statement of valuation for the entire plant rehabilitation district. The SEV data must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (exclude land).....

b. SEV of Personal Property (exclude inventory).....

c. TOTAL SEV.....

N/A

- 15 a. The facility is located in the following type of district established by the local governing unit: ☒ INDUSTRIAL DEVELOPMENT DISTRICT ☐ PLANT REHABILITATION DISTRICT

City of Muskegon

b. Name of governing unit that established district.....

12/13/83

c. Date district was established.....

d. Attach certified copy of resolution and drawing of district.

NOTICE AFTER DECEMBER 31, 1983: Section 9(2)(b) provides that a written request (date-stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

- 16 a. Is this application for a speculative building (Sec.3(8))? ☐ Yes. Complete b, c and d. ☒ No. Go to 17 below.

b. Name of governmental unit which passed resolution to establish a speculative building.....

c. Date of Resolution (attach copy).....

d. Date construction commenced (see page 4, item 5).....

e. Attach certified statements from the building owner **AND** assessor that the building has not been occupied since completion of construction (see page 4, item 13).

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

N/A

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information Cindy Hendon		Title Executive Ast.	Phone 219-490-2121
Mailing Address 117 Airport North Office Park, Fort Wayne, IN 46825			
Type Name of Company Officer Mark T. Becker		Signature <i>Mark T. Becker</i>	
Title Chief Financial Officer	Phone 617-423-5480	Date 9-27-01	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken		DOCUMENTS REQUIRED	
☒ ABATEMENT APPROVED FOR <u>9</u> Years Ending December 30, <u>2010</u> (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed.		☒ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☒ 2. Notice to the public prior to hearing to establish district. ☒ 3. Resolution establishing district. ☒ 4. Notice to taxing authorities prior to hearing to approve application. ☒ 5. List of taxing authorities notified. ☒ 6. Resolution approving application. ☒ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☒ 8. 3222 (formerly T-1044A) (if applicable). ☒ 9. Speculative building resolution & affidavits.	
20. Name of Local Government Body <u>City of Muskegon</u>		Date of Action on This Application <u>10-09-01</u>	
Attached hereto is a copy of the application and all documents required.			
Signature of Clerk <i>Dail R. Kundergei</i>		Date <u>10-15-01</u>	Phone <u>(231) 724-6705</u>
Clerk's Mailing Address <u>P.O. Box 536</u>		City <u>Muskegon</u>	ZIP Code <u>49443</u>
State Tax Commission Rule Number 57:			
Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.			
Applications received after October 31 will be acted upon in the following year.			

Mail completed application and all attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971

If you have any questions, please call (517) 373-2408 or 373-3302.

INSTRUCTIONS

The original form 1012 (Formerly L-4380) and all required attachments listed below, plus number of additional copies determined by the clerk, **MUST** be filed with the clerk of the local unit where the facility is or will be located.

Furnishing accurate answers and attachments numbered 1-14 of the instructions will eliminate delay and assist in processing of the application. Incomplete applications may be returned or not processed. Certain items are applicable to speculative buildings or rehabilitation applications only and should be marked "N.A." if your application is for a new facility. If the space provided is insufficient, answers should be continued or given on separate attachments.

The following information is required on separate documents attached to form 1012 (formerly L-4380):

- ☒ 1. Legal description of the real property on which the facility is or will be located. Also provide property identification number if available. See Attachment "A"
- ☒ 2. Complete list of new machinery, equipment, furniture and fixtures which will be used in the facility. The list should include description, type, identification, beginning date of (expected) installation by month/day/year, and (expected) cost. Pollution control facilities which you intend to apply for under P.A. 250 of 1965, as amended (air) and P.A. 222 of 1966 (water), are to be listed separately. Detail of machinery and equipment must match amount shown on question 8 on page 1. See Attachment "B"
- ☒ 3. This instruction is not applicable to a new facility or speculative building. It is for **rehabilitation applications only**.
 - a. List of existing machinery, equipment, furniture and fixtures which will be replaced or renovated.
 - b. List of existing machinery, equipment, furniture and fixtures which will continue to be used in the facility. The list should include description, type, identification, year of acquisition and original cost.
- ☒ 4. If the application is for a rehabilitation, a statement by the Assessor showing the Taxable Valuation of the plant rehabilitation district, separately stated for real property (EXCLUDING land) and personal property (EXCLUDING inventory) for the tax year immediately preceding the commencement of the rehabilitation.
- ☒ 5. Proof of date construction started (groundbreaking) such as building permit, footings inspection report, (when available) certified statement or affidavit from contractor. Personal property only applications should have attached a certified statement or affidavit as proof of the date personal property installation commenced.
- ☒ 6. Complete copy of lease agreement as executed, if applicable, verifying lessee has ad valorem real and personal tax liability.
- ☐ 7. A copy of the notice to the general public and the certified notice to the property owners, concerning the establishment of the district. Drawing showing the perimeter of the Industrial Development or Plant Rehabilitation District and where, within the district, the facility will be located.
- ☐ 8. Certified copy of the resolution establishing the Industrial Development District or Plant Rehabilitation District, which includes a legal description of the district. If the district was not established prior to the commencement of construction, the local unit shall include a certified copy of the filing of the request to establish district.
- ☐ 9. Copy of the notice and the certified letters to the taxing authorities regarding the hearing to approve the application.
- ☐ 10. Certified copy of the resolution approving the application.
- ☒ 11. Letter of Agreement (signed by local unit and applicant) per P.A. 334 of 1993 and Affidavit of Fees (Bulletin 3, 1/16/98).
- ☐ 12. Treasury form 3222 (Formerly T-1044a) or 1817 (Formerly T-1044) (if applicable) Fiscal Statement For Tax Abatement Request.
- ☒ 13. Resolution to establish speculative building and non-occupancy statements by the owner and assessor.

ADDITIONAL INSTRUCTIONS

Actual date of completion of the entire project must be furnished to the State Tax Commission and the Assessor within 30 days after completion of the project.

Final cost of the project, broken down between real and personal property must be furnished by the applicant to the State Tax Commission and the Assessor within 90 days after completion of the project.

Attachment A

**Legal Description
Sappi Fine Paper
2400 Lakeshore Drive
Muskegon, MI**

Blks 598, 599, 600, 601, 602, 603 & 604 ex Wly 260 ft also Richards St vac from
N line Lake Shore Dr to Shore of Muskegon Lake ex C & O right of way also Lot
19 Blk 597 ex com @ SE cor said Lot 19 th Nwly on Ely line said Lot 125 ft th
Wly 70 ft th Sely 125 ft to S line said Lot th Ely 70 ft to beg

Sappi Fine Paper
2001 Abatement Spending Plan
Project Summary
Attachment B

AREA		APPROP
FINISHING	\$	7,031,083
MANUFACTURING SUPPORT	\$	252,485
PAPER MACHINE #4	\$	2,531,205
PAPER MACHINE #5	\$	1,288,110
PULP MILL	\$	2,082,510
SHIPPING	\$	23,500
UTILITIES	\$	2,105,100
TOTAL	\$	15,313,993

START DATE	COMPLETION DATE	Category	Suppl Fine Paper - JFT Leading	AREA	APPROX
200385	Apr-01	EE	FINISHING-IMPROVE TRIM DUST HANDLING SYSTEM	FINISHING	85,000
200418	Jun-01	MP	FINISHING-INSTALL TROUBLESHOOTING STATIONS @ #200	FINISHING	42,000
200330	Jul-01	MP	FINISHING-INSTALL NEW 85" SKID SHEETER	FINISHING	6,768,083
200384	Jul-01	EM	#1CC-REDESIGN SLITTER BEARING ASSEMBLY	FINISHING	15,000
200417	Jul-01	MP	FINISHING-UPGRADE #1 FOLIO CASEPACKER INFEED PUSHER	FINISHING	18,500
200407	Aug-01	MP	FINISHING-IMPROVE #2 FOLIO RELIABILITY	FINISHING	37,500
200334	Dec-01	EM	#1 FOLIO-REPLACE STACKER SLIDE TABLE	FINISHING	64,000
200426	Aug-01	OC	Information Technology - Replace Network Closet Security	MANUFACTURING SUPPORT	14,000
200427	Sep-01	OC	Information Technology - Install UPS Computer Room and PBX	MANUFACTURING SUPPORT	48,400
200288	Apr-01	OC	SOLID WASTE-INSTALL NEW COMPACTOR	MANUFACTURING SUPPORT	48,900
200308	Apr-01	EM	#5PM-REPL CALENDER COOLING ROLLS BACK-UP CHILLER UNIT BUNDLE	MANUFACTURING SUPPORT	16,500
200388	Jul-01	EM	PROCESS SYSTEMS-REPLACE USED SPARE GUS STATION	MANUFACTURING SUPPORT	17,160
200442	Jul-01	EM	TECHNICAL-PURCHASE CEM MICROWAVE ASH OVEN	MANUFACTURING SUPPORT	11,000
200332	Aug-01	OC	QUALITY-PURCHASE TECHNOLOGY SMOOTHNESS TESTER	MANUFACTURING SUPPORT	46,000
200401	Sep-01	OC	PROCESS SYSTEMS-REPLACE PRECOATER BENCH BOARD PC WITH GUS STATION	MANUFACTURING SUPPORT	39,480
200418	Aug-01	EM	MAINT-PURCHASE DIAGNOSTIC LAPTOP COMPUTER FOR SHIFT EEL	MANUFACTURING SUPPORT	10,065
200311	Jul-01	EM	#4PM-REPLACE GAUGING SYSTEM SCANNERS	PAPER MACHINE #4	440,000
200368	Apr-01	OC	#4MACH FURNISH-INSTALL TRIM PULPER PIPING ADDITION	PAPER MACHINE #4	20,000
200380	Jun-01	OC	CTG SERVICE-CHANGE TANK #17 PIPING SERVICE	PAPER MACHINE #4	88,000
200389	Jun-01	OC	#4PM- COATER DRAIN IMPROVEMENTS	PAPER MACHINE #4	18,000
200404	Jun-01	ES	#4PM-MODIFICATIONS OF GUARDS ON ROTATING EQUIPMENT	PAPER MACHINE #4	48,500
200411	Jun-01	EM	#4PM-REPL HIGH PRESSURE SHOWER ON PICKUP FELT	PAPER MACHINE #4	13,200
200400	Jul-01	ES	#4PM-NEW REEL SPOOL BEARING HOUSINGS	PAPER MACHINE #4	33,100
200402	Jul-01	EM	#4PM-INSTALL DOCTOR ON 1ST PRESS OUTSIDE FELT ROLL	PAPER MACHINE #4	15,950
200405	Jul-01	EM	MACHINE FURNISH-INSTALL HIGH PRESSURE PUMP FOR BROKE WASHER CLEANING SHOW	PAPER MACHINE #4	12,455
200406	Jul-01	ES	#4PM-ADD THREADING SYSTEM	PAPER MACHINE #4	114,700
200438	Jul-01	EM	MACHINE FURNISH-PIPING MODIFICATIONS FOR PUMPING HYMAC PULPER TO T-3	PAPER MACHINE #4	28,000
200439	Jul-01	MP	#4PM-LIGHTING IMPROVEMENTS ON MACHINE	PAPER MACHINE #4	14,700
200448	Jul-01	EM	#4PM-REPL PRESS FELT SHOWER CONTROLS	PAPER MACHINE #4	16,500
200289	Aug-01	EM	#4PM-REFINER MOTOR REPAIR PROJECT	PAPER MACHINE #4	39,800
200420	Aug-01	MP	CALENDERS-REPL BACKSTAND & ROLL STOP SYSTEM @ 6 STACK	PAPER MACHINE #4	36,500
200440	Aug-01	MP	#4PM-IMPROVE WINDER RUNNABILITY WITH SPREADER ROLLS	PAPER MACHINE #4	42,000
200325	Oct-01	MP	#4PM-ADD AIR TURNS AT PRECOATER & 2nd COATER	PAPER MACHINE #4	1,426,000
200448	Oct-01	OC	MACHINE FURNISH-INSTALL CHEMICAL TANKS FOR RETENTION AID	PAPER MACHINE #4	22,800
200280	Dec-01	EM	COATING SERVICE-REPL TANK 17 AGITATOR	PAPER MACHINE #4	100,000
200431	Jun-01	OC	#5PM-INSTALL REAL TIME PROFILE ARCHIVE SYSTEM	PAPER MACHINE #5	15,300
200293	May-01	EM	#5PM-REPAIR REEL & REFURBISH DRUM	PAPER MACHINE #5	65,000
200328	May-01	EM	#5PM-REPLACE STEAM COILS FOR #2 PV SYSTEM	PAPER MACHINE #5	28,600
200356	May-01	EM	#5PM-REBUILD ALL BINWINDER STATIONS	PAPER MACHINE #5	112,700
200310	Apr-01	EM	#5PM-REBUILD THE SAVEALL	PAPER MACHINE #5	330,000
200323	Apr-01	MP	#5PM-UPGRADE HEADBOX CHEMICAL SYSTEMS	PAPER MACHINE #5	115,800
200347	Apr-01	MP	#5PM-UPGRADE COATER BOILOUT SYSTEM	PAPER MACHINE #5	19,250
200339	May-01	EM	#5PM-REPLACE TOUCH SCREEN FOR HTRC AT WINDER & REEL	PAPER MACHINE #5	39,500
200324	Jun-01	EM	#5PM-REBUILD #1 PREREFINER	PAPER MACHINE #5	75,000
200372	Jun-01	MP	#5PM-UPGRADE FIFE GUIDE CONTROL SYSTEM	PAPER MACHINE #5	36,300
200415	Jun-01	EM	#5PM-REBUILD WINDER PULPER AGITATOR	PAPER MACHINE #5	23,210
200434	Jun-01	EM	#5PM-REPL MOYNO PUMP ON 2ND COATER	PAPER MACHINE #6	39,000

START DATE	COMPLETION DATE	Category	Suppl Fine Paper - IFT Lining	AREA	APPROX
200341	Jul-01	EM	ASPM-RECOVER & REJOURNAL ROLL #205-4-1013 BLADE COATER APPLICATION ROLL	PAPER MACHINE #5	26,640
200361	Jul-01	EM	ASPM-REBUILD WASH VACUUM PUMP CL9002	PAPER MACHINE #5	82,500
200364	Aug-01	MP	ASPM-INSTALL CERAMIC COVERS ON PICK UP FELT UHLE BOXES	PAPER MACHINE #5	26,000
200421	Aug-01	EM	ASPM - Rebuild 34" DD 3000 Refiner	PAPER MACHINE #5	73,810
200426	Aug-01	MP	ASPM - Increase Horsepower on Calendar Rope Drive	PAPER MACHINE #5	44,000
200451	Aug-01	MP	ASPM-ENTECH STUDY DATA COLLECTION EQUIPMENT	PAPER MACHINE #5	28,600
200288	Dec-01	EM	ASPM-REPLACE DRYER #23	PAPER MACHINE #6	110,000
200447	Aug-01	ES	RECOVERY-ELR-BAG CONTROLS UPGRADE	PULP MILL	41,800
200352	May-01	EM	WOODYARD-REPL CHIP LINE FROM ACCEPTS SLOWER	PULP MILL	27,300
200376	May-01	ES	WOODYARD-REPL CHIP BLOWER SILENCERS	PULP MILL	38,400
200375	Jun-01	ES	RECOVERY-UPGRADE STARTING BURNERS	PULP MILL	48,950
200392	Jun-01	ES	PULP MILL-ADD GAS MONITORS & ALARMS	PULP MILL	264,450
200393	Jun-01	EE	BLEACH PLANT - ADD SEAL BOX DRAINS	PULP MILL	23,870
200395	Jun-01	EM	RECOVERY - REPLACE SUBSTATION "R" TRANSFORMER	PULP MILL	32,000
200396	Jun-01	EE	Evaporators - ADD CHEVRON SEPARATORS TO EFFLUENTS #5 AND #6 UNITS	PULP MILL	27,000
200285	Jul-01	OC	CAUSTICIZING-ADD MUD FLOW RECIRCULATION FROM WHITE LIQUOR CLARIFIER	PULP MILL	131,800
200305	Aug-01	EE	CAUSTICIZING-PROVIDE DREGS UNDERFLOW PUMP	PULP MILL	37,200
200409	Aug-01	EE	WOODYARD-REPLACE FINES LINE FROM TRUCK DUMP TO ATLAS BIN	PULP MILL	18,600
200428	Aug-01	EM	Causticizing - Replace Silver Screw Conveyor	PULP MILL	27,440
200340	Sep-01	EM	RECOVERY-REPLACE BLACK LIQUOR REFRACTOMETERS	PULP MILL	35,990
200450	Sep-01	MP	RECOVERY-REPL TRS SAMPLE PROBE	PULP MILL	27,500
200391	Oct-01	ES	RECOVERY - REPLACE TR-3 SET RECOVERY PRECIPITATOR	PULP MILL	30,800
200443	Oct-01	EM	WASH & SCREEN-REPL 1st STAGE FILTRATE PUMP	PULP MILL	91,960
200454	Oct-01	EE	RECOVERY-ADD TEST PORTS TO CHIMNEY	PULP MILL	22,550
200432	Nov-01	EM	BLEACH PLANT-REPL #4 WASHER CYLINDER	PULP MILL	530,400
200452	Nov-01	EM	BLEACH PLT-REPL #1 BLEACH WASHER VAT	PULP MILL	484,700
200313	Dec-01	EM	DIGESTER-REPL EXTRACTION SCREENS & OUTLET DEVICE	PULP MILL	140,000
200387	Jul-01	EM	SHIPPING-REPL SCALE TRANSFER CONVEYOR	SHIPPING	23,500
200441	Nov-01	EM	UTILITIES-REPL OBSOLETE LAKE HONEYWELL EQUIPMENT	UTILITIES	293,000
200291	May-01	EE	UTILITIES-REBUILD #2 SPRAY MACHINE	UTILITIES	48,800
200317	May-01	EM	UTILITIES-REPL RECOVERY BOILER CHEMICAL ASH HOPPER	UTILITIES	126,500
200383	Apr-01	ES	UTILITIES-REPL RECOVERY SLOP TANK OVERFLOW PIPING	UTILITIES	38,500
200304	Jul-01	ES	UTIL-REPL RECOVERY BOILER SUPERHEAT SAFETY RELIEF VALVE	UTILITIES	16,500
200319	Jul-01	EM	UTIL-REPL CONTROLS NOS. 1&2 ELLIOTT AIR COMPRESSORS	UTILITIES	49,500
200350	Jul-01	EM	UTILITIES-REBUILD COAL DUMP STATION	UTILITIES	283,600
200384	Jul-01	EM	UTILITIES-REPL RECOVERY EAST WATER BOOSTER PUMP	UTILITIES	55,000
200394	Jul-01	EM	UTILITIES-REPL RECOVERY BOILER #12 SOOTBLOWER GEARBOX	UTILITIES	17,600
200430	Nov-01	EM	UTILITIES-REPL WATER FILTRATION DRUM	UTILITIES	130,000
200435	Aug-01	EE	UTILITIES-REPL TWO PCB BUSTIE SUBSTATION TRANSFORMERS	UTILITIES	349,000
200424	Aug-01	OC	Utilities - Replace #3 and #4 Power Boiler IFM Cards	UTILITIES	28,800
200397	Oct-01	EM	UTILITIES-REPLACE INCOMING MILL WATER VALVE	UTILITIES	18,780
200398	Oct-01	EM	UTILITIES-REBUILD #3 POWER BOILER CHIMNEY PHASE II	UTILITIES	129,250
200403	Oct-01	ES	UTILITIES-ELECTRICAL REVISIONS AT COAL HOPPER	UTILITIES	98,450
200413	Oct-01	EE	UTILITIES-REPL SDA LIME SLAKER DRUM	UTILITIES	39,500
200414	Oct-01	EM	UTILITIES-REPL RIFFLE PLATES ON 3PB COAL PULVERIZERS	UTILITIES	67,100
200437	Oct-01	EM	UTILITIES-REPL INCOMING MILL WATER FLOW METER	UTILITIES	37,100
200446	Oct-01	EM	UTILITIES-REPL 475 PSI STEAM HEADER	UTILITIES	139,400

Setai Fine Paper
 2001 Amendment Spending Plan
 Attachment 9

START DATE	COMPLETION DATE	Category			AREA	APPROP
200453	Oct-01	EM	UTILITIES COAT #3 POWER BOILER CHIMNEY	80000 Fine Paper - FT Leading	UTILITIES	145,800

15,313,593

AFFIDAVIT
SUPPORTING INSTALLATION OF PERSONAL PROPERTY

I, Tom Rolfe, being duly sworn, state as follows:

1. I am the Engineering Manager of Sappi Fine Paper North America,
(Title) (Company Name)
in Muskegon, Michigan.
(City) (State)

2. I make this affidavit in connection with an Application for Industrial
Facilities Exemption Certificate for the new machinery and equipment to be
Installed within the Sappi Fine Paper North America Industrial Development
(Company Name)
District and as listed in an Application for Industrial Facilities Exemption dated
September 17, 2001.

3. I certify that the installation of personal property in this application
commenced on or about April 25, 2001.

T.S. Rolfe
(Signature)

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 27th day
of September, 2001, by Karen S. Thorstenson,
of _____.

Karen S. Thorstenson

Notary Public
Muskegon County, MI

My Commission Expires: _____

KAREN THORSTENSON
Notary Public, Muskegon County, MI
My Commission Expires Oct. 19, 2005

NOTICE OF HEARING
CITY OF MUSKEGON

NOTICE IS HEREBY GIVEN that a hearing on the establishment of an "Industrial Development District" as requested by S.D. Warren Company, 2400 Lakeshore Drive, Muskegon, Michigan, as provided for in Act No. 198 of the Michigan Public Acts of 1974, is to be held by the City Commission of the City of Muskegon on Tuesday, November 22, 1983, at 7:30 P.M. in the Commission Room of the City Hall.

Owners of the property and any other resident or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Dated: November 8, 1983

MARVAA A. VASQUEZ
City Clerk

CITY OF MUSKEGON

PUBLISH: November 19, 1983

STATE OF MICHIGAN }
County of Muskegon }

ss.

Darien M. Jaunese being duly sworn deposes and says that he is the Printer of the MUSKEGON CHRONICLE, a newspaper printed and circulated within said County of Muskegon; that the annexed notice was duly printed and published in said MUSKEGON CHRONICLE for one (1) day (s); that is to say, on the 19th day (s) of November 1983, and the day(s) of 19, and that said publication was continued during said time without any intermission or omission, and that he has a personal knowledge of the facts above set forth.

Darien M. Jaunese

Subscribed and sworn to before me this 19th day of November A. D. 1983

Lorna L. Ferguson
Notary Public, Muskegon County, Mich.

Printer's fees: _____ inches _____ times, \$ _____

November 22, 1983

83-416. Continued.

WHEREAS, a Public Hearing was held by the City Commission of the City of Muskegon providing an opportunity for any citizen or taxpayer of the City to be heard; and,

WHEREAS, no objections were heard or filed to the establishment of an "Industrial Development District" for the property described in the Application; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission does hereby establish an "Industrial Development District" for the property in the above description.

Dated this 22nd day of November, 1983.

ADOPTED: Yeas, Commissioners Freye, Stewart, Holcomb, Jones, Larson, Oglesby, and Walcott.

Nays, None.

83-417. Hearing on Request to Establish a Plant Rehabilitation District Under Act No. 198 for S. D. Warren Company, A Division of Scott Paper Company, 2400 Lakeshore Drive, Closed and Action Deferred.

This was the time set for Public Hearing on the request from S. D. Warren Company, A Division of Scott Paper Company, 2400 Lakeshore Drive, Muskegon, Michigan, to establish a "Plant Rehabilitation District" under Act No. 198 of the Public Acts of Michigan of 1974, as amended.

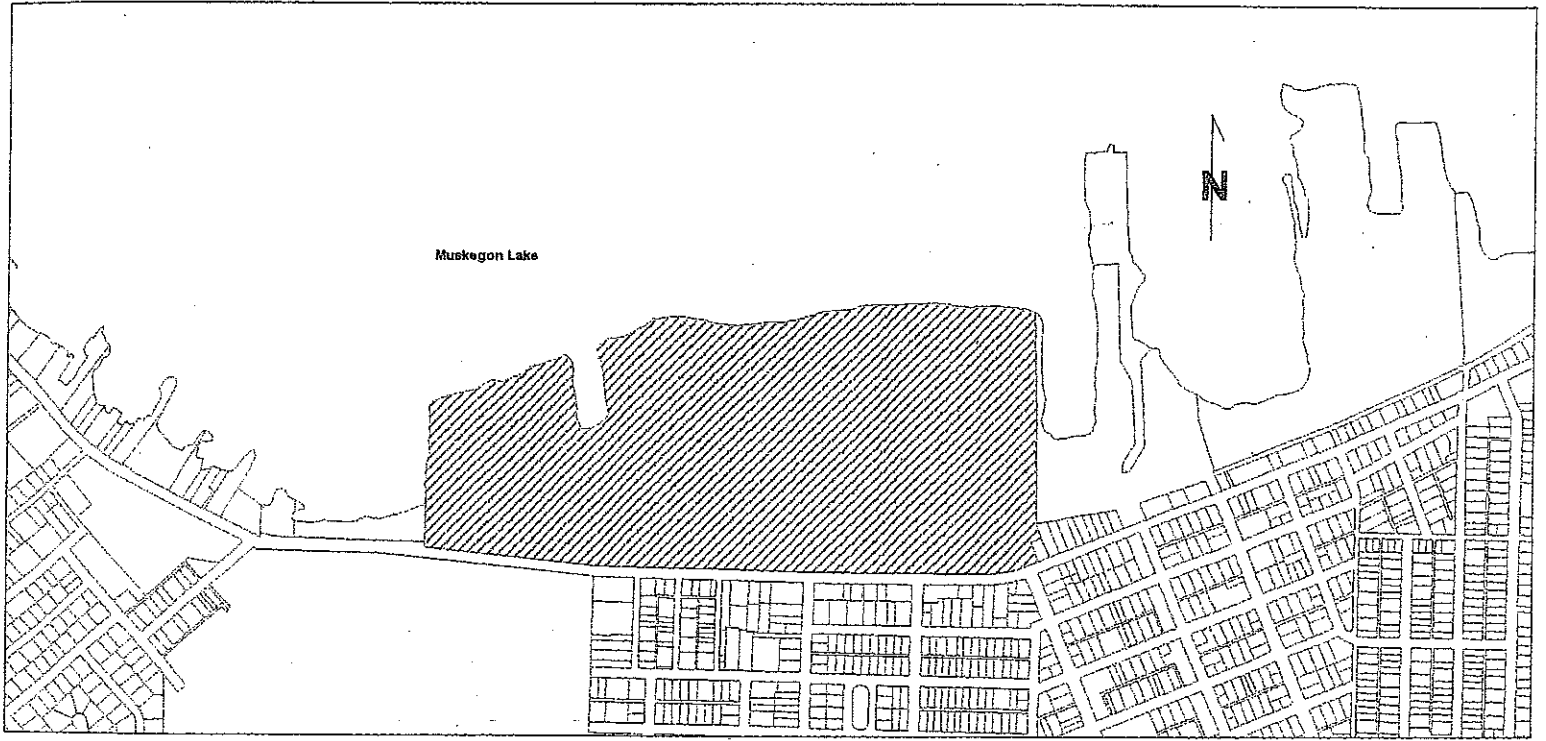
Proof of Publication of Notice of Hearing as published in the Muskegon Chronicle was filed.

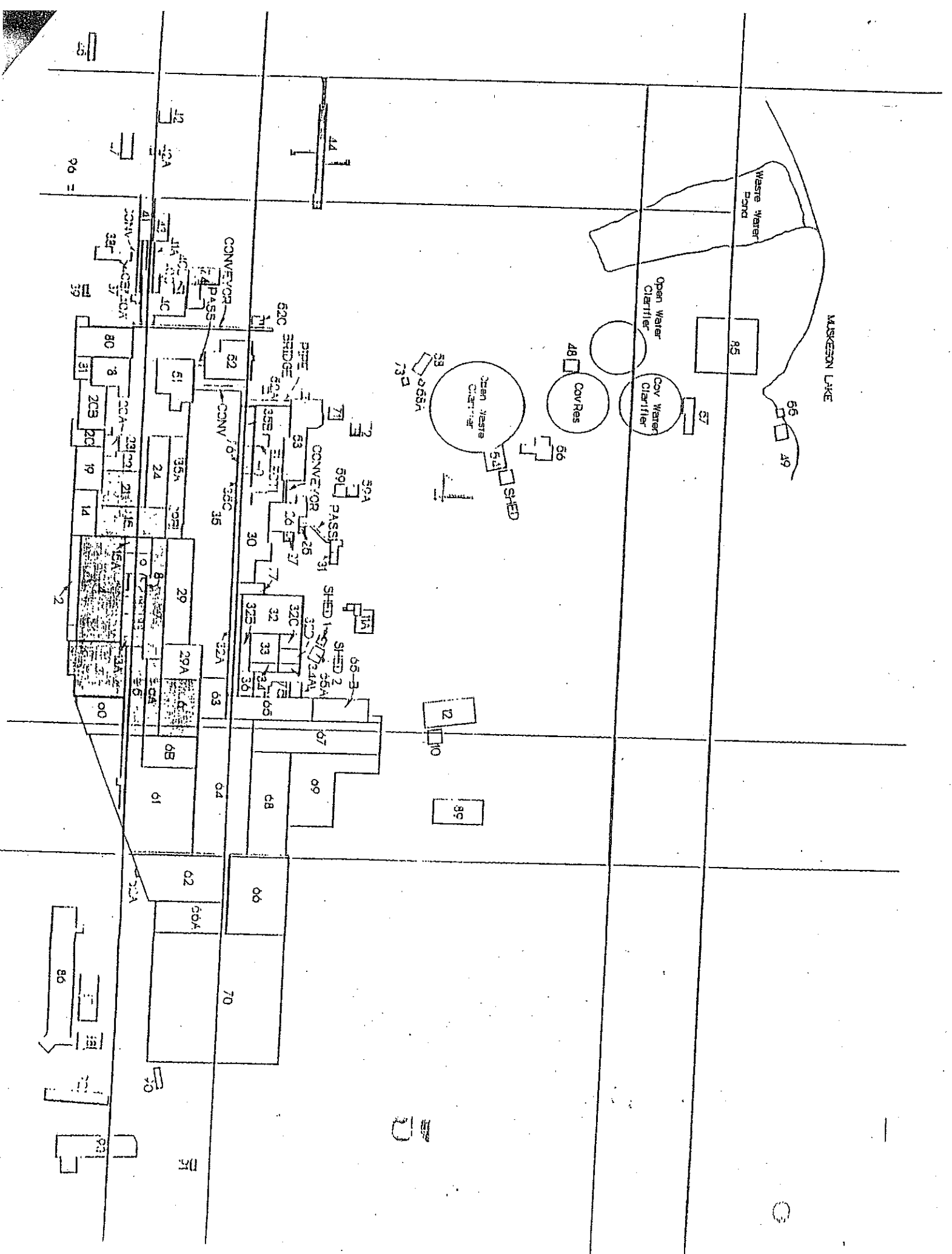
Receipts of Certified Mail Notice to the owners of the property were also filed.

Moved by Commissioner Holcomb and supported by Commissioner Stewart that the Hearing be closed and action deferred.

ADOPTED: Yeas, Commissioners Stewart, Holcomb, Jones, Larson, Oglesby, Walcott, and Freye.

Nays, None.







CITY OF MUSKEGON

November 10, 1983

Richard N. Furer, Manager
S.D. Warren Company
2400 Lakeshore Drive
Muskegon, Michigan 49441

Dear Mr. Furer:

The Public Hearing to consider your firm's application to establish an Industrial Development District, under the provisions of Act 198 of the Michigan Public Acts of 1974, is to be held by the City Commission of the City of Muskegon on Tuesday, November 22, 1983, at 7:30 P.M. in the Commission Room of the City Hall.

A copy of the Notice of Hearing as published in the Muskegon Chronicle is enclosed for your information.

Sincerely,

Marva A. Vasquez,
City Clerk

Enc.

P 286 526 491

Richard N. Furer, Mgr.
S.D. Warren Co.
2400 Lakeshore Dr.
Muskegon, Mich.

© SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following services are requested (check one). ☐ Show to whom and date delivered ☐ Show to whom, date, and address of delivery ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Richard N. Furer, Mgr. S.D. Warren Co. 2400 Lakeshore Dr. Muskegon, Mich.	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☐ COD ☐ CERTIFIED ☐ EXPRESS MAIL	
ARTICLE NUMBER P286 526491	
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent	
5. DATE OF DELIVERY NOV 14 1983	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE	
7a. EMPLOYEE'S INITIALS	

PS Form 3811, July 1982

RETURN RECEIPT

December 13, 1983

83-436. S. D. Warren Company, a Division of Scott Paper Company,
Application for Industrial Development District Approved.

The following resolution was offered by Commissioner
Holcomb and supported by Commissioner Larson:

WHEREAS, S. D. Warren Company, a Division of Scott
Paper Company, owner of the following described property, have
filed an application to establish an Industrial Development
District under the provisions of Act 198 of the Michigan Public
Acts of 1974, as amended;

Blks 598, 599, 600, 601, 602, 603, & 604 Ex Wly
260 ft. also Richards St. vac from N line of
Lakeshore Drive, to shore of Muskegon Lake ex
C & O ROW also Lot 19 Blk 597 ex comm at SE cor
said Lot 19 th NWly on Ely line said Lot 125 ft
th Wly 70 ft. th SEly 125 ft to S line said
Lot th Ely 70 ft to beg.

and,

WHEREAS, a public hearing was held by the City Commis-
sion of the City of Muskegon providing opportunity for any
citizen or taxpayer of the City to be heard; and,

WHEREAS, no objections were received or filed to the
establishment of an Industrial Development District for the pro-
perty described in the application;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission
does hereby establish an "Industrial Development District" for the
property of S. D. Warren Company, to be known as the S. D. Warren
Industrial Development District.

Dated this 14th day of December, 1983.

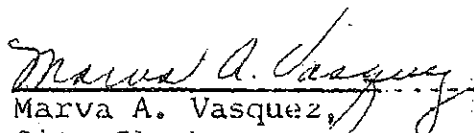
ADOPTED: Yeas, Commissioners Larson, Oglesby, Walcott, Freye,
Stewart, Holcomb, and Jones.

Nays, None.

STATE OF MICHIGAN)
COUNTY OF MUSKEGON) ss

I hereby certify that the above is a true and complete
copy of a resolution adopted by the City Commission of the City
of Muskegon, County of Muskegon, State of Michigan, at a Regular
Meeting held on December 13, 1983, and that public notice of said
meeting was given pursuant to and in full compliance with Act
No. 267, Public Acts of Michigan, 1976.

Dated this 14th day of December, 1983.


Marva A. Vasquez,
City Clerk
CITY OF MUSKEGON

CITY OF MUSKEGON
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the issuance of an Industrial Facilities Exemption Certificate for property located at 2400 Lakeshore Drive, Muskegon, Michigan, as requested by SAPPI Fine Paper, 2400 Lakeshore Drive, Muskegon, Michigan, as provided for by Act 198 of the Michigan Public Acts of 1974, as amended. The hearing will be held by the City Commission of the City of Muskegon on October 9, 2001, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property and any residents or taxpayer of the City of Muskegon shall have the right to appear and be heard.

GAIL KUNDINGER,
City Clerk

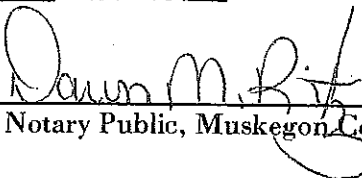
PUBLISH: October 6, 2001

STATE OF MICHIGAN
County of Muskegon

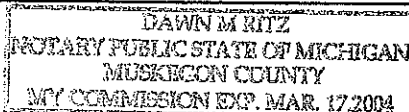
ss.

Gary Ostrom being duly sworn deposes and says that he is the Publisher of the MUSKEGON CHRONICLE, a newspaper printed and circulated within said County of Muskegon; that the annexed notice was duly printed and published in said MUSKEGON CHRONICLE for one (1) day(s); that is to say, on the 6th day(s) of October 2001, and the day(s) of 200 , and that said publication was continued during said time without any intermission or omission, and that he has a personal knowledge of the facts above set forth.


Subscribed and sworn to before me this 9th day
of October A.D. 2001


Notary Public, Muskegon County, Mich.

Printer's fees: inches times, \$



TAXING AUTHORITIES

City of Muskegon Assessor

Muskegon County

Muskegon Area Intermediate Schools

Muskegon Public Schools

Muskegon Community College

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

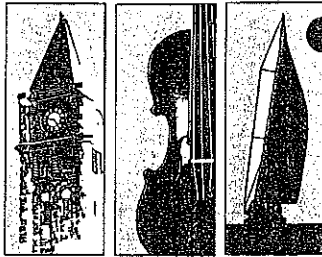
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

City of Muskegon
Assessor's Office
933 Terrace Street
Muskegon, MI 49440

RE: Application for IFT Certificates – Sappi Fine Paper

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Sappi Fine Paper*, 2400 Lakeshore Drive, Muskegon, Michigan 49441.

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Assistant Planner

RECEIVED

OCT 1 2001

by city of muskegon

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

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

Cemetery Department
(231)724-6703
FAX: (231)726-5617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442

RE: Application for IFT Certificates - Sappi Fine Paper

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Sappi Fine Paper*, 2400 Lakeshore Drive, Muskegon, Michigan 49441.

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442*

2. Article Number (Copy from service label)

600 0520 0013 9633 9494

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *S. McDIARMID* B. Date of Delivery *10/2/01*

C. Signature *[Signature]* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

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

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

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FAX: (231)724-4170

Community and
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Engineering Dept.
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FAX: (231)727-6904

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

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

Income Tax
(231)724-6770
FAX: (231)724-6760

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

Leisure Services
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FAX: (231)724-1196

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FAX: (231)722-1214

Planning/Zoning
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FAX: (231)724-6790

Police Department
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FAX: (231)722-5140

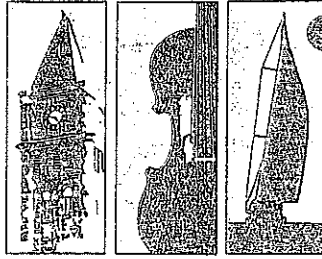
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

Water Billing Dept.
(231)724-6718
FAX: (231)724-6760

Water Filtration
(231)724-4106
FAX: (231)755-3290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon Area Intermediate School District
630 Harvey Street
Muskegon, MI 49442

RE: Application for IFT Certificates – Sappi Fine Paper

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Sappi Fine Paper*, 2400 Lakeshore Drive, Muskegon, Michigan 49441.

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Muskegon Area Intermediate
School District
630 Harvey Street
Muskegon, MI 49442*

2. Article Number (Copy from service label)

7000 0520 0013 9683 9531

COMPLETE THIS SECTION ON DELIVERY

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

D. Ross

10-2-01

C. Signature

X D. Ross

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

City of Muskegon

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

Affirmative Action
(231)724-6793
FAX: (231)722-1214

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

Cemetery Department
(231)724-6703
FAX: (231)726-5617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon Public Schools
349 W. Webster Avenue
Muskegon, MI 49440

RE: Application for IFT Certificates - Sappi Fine Paper

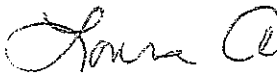
To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Sappi Fine Paper*, 2400 Lakeshore Drive, Muskegon, Michigan 49441.

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,


Lonna Anguilm
Assistant Planner

SENDER - COMPLETE THIS SECTION

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

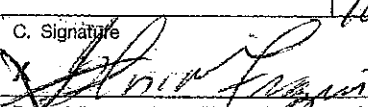
1. Article Addressed to:

Muskegon Public Schools
349 W. Webster Avenue
Muskegon, MI 49440

2. Article Number (Copy from service label)

7000 0520 0013 9683 9524

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) _____ B. Date of Delivery 10-2-01
- C. Signature  ☐ Agent ☐ Addressee
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: _____

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

City of Muskegon,

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-3181

Cemetery Department
(231)724-6703
FAX: (231)726-3617

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

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

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

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Engineering Dept.
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FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6760

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

Income Tax
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FAX: (231)724-6768

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FAX: (231)728-4371

Leisure Services
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FAX: (231)724-1196

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

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

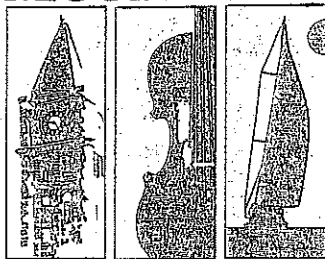
Public Works Dept.
(231)724-4108
FAX: (231)722-4188

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

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

Water Filtration
(231)724-4106
FAX: (231)755-3290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

October 1, 2001

Muskegon Community College
221 Quarterline Road
Muskegon, MI 49442

RE: Application for IFT Certificates – Sappi Fine Paper

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Sappi Fine Paper*, 2400 Lakeshore Drive, Muskegon, Michigan 49441.

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Muskegon Community College
221 Quarterline Road
Muskegon, MI 49442*

2. Article Number (Copy from service label)

7000 0570 0013 9683 9517

COMPLETE THIS SECTION ON DELIVERY

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

Colleen Morse *10/2*

C. Signature *Colleen Morse* ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

City of Muskegon

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

Assessor/Equalization
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FAX: (231)726-5181

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

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

Civil Service
(231)724-6716
FAX: (231)724-4485

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

Community and
Neigh. Services
(231)724-6717
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Computer Info.
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FAX: (231)722-4301

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FAX: (231)724-6904

Finance Dept.
(231)724-6713
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Fire Department
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Water Billing Dept.
(231)724-6713
FAX: (231)724-6768

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



CERTIFIED/RETURN RECEIPT

October 1, 2001

Mr. George Thurlow
Sappi Fine Paper - North America
2400 Lakeshore Drive
P.O. Box 119
Muskegon, MI 49443-3761

RE: Application for IFT Certificates - Sappi Fine Paper

To Whom It May Concern:

An application for an "Industrial Facilities Exemption Certificate" as provided by Public Act 198 of the Michigan Public Acts 1974, as amended, has been filed for *Sappi Fine Paper, 2400 Lakeshore Drive, Muskegon, Michigan 49441*.

A public hearing regarding the issuance of an Industrial Facilities Exemption Certificate has been set for *Tuesday, October 9, 2001* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Mr. George Thurlow
Sappi Fine Paper - North America
2400 Lakeshore Drive
P.O. Box 119
Muskegon, MI 49443-3761*

2. Article Number (Copy from service label)

7000 0520 0013 9683 9500

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Lori Beede* B. Date of Delivery *10/1/01*

C. Signature

** Lori Beede*

☐ Agent
☐ Addressee

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

Resolution No. 2001-117(d)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*SAPPI FINE PAPER***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on December 14, 1983, this Commission by resolution established an Industrial Development District as requested by S.D. Warren Company, 2400 Lakeshore Drive, Muskegon, Michigan 49441; and

WHEREAS, SAPPI Fine Paper has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on October 9, 2001, 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, installation of machinery and equipment had not begun earlier than six (6) months before September 27, 2001, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, installation of machinery and equipment is 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 SAPPI Fine Paper, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

Blks 598, 599, 600, 601, 602, 603, & 604, excluding Wly 260 ft. also Richards Street vacated from N line Lakeshore Drive to Shore of Muskegon Lake excluding C & O ROW also Lot 19 Blk 597 excluding com @ SE corner said Lot 19 thence Nwly on Ely line said Lot 125 ft. thence Wly 70 ft. thence Sely 125 ft. to S line said Lot thence Ely 70 ft. to POB.

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property.

Adopted this 9th Day of October 2001

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

Nays: None

Absent: None

BY:

Fred J. Nielsen
Fred J. Nielsen, Mayor

ATTEST:

Gail Kunderger
Gail Kunderger, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on October 9, 2001.

Gail Kunderger
Gail Kunderger, Clerk

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
("Company"), Sappi Fine Paper North America.

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 _____ percent of the promised new jobs shall be in place with full-time employees on or before _____, 20____, and _____

percent of the said jobs shall be in place with full time employees on or before ____, 20 ____. Finally, 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 \$15,313,993 in the equipment and 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 fully cooperate with the City representative 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.

1.7 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.

1.8 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.

1.9 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.10 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 actions 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 an Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

and Gail A. Kunderger
Gail A. Kunderger, Clerk

By Mark T. Becker
Mark T. Becker

Its _____
Chief Financial Officer

and _____

Its _____

Michigan Department of Treasury
3122 (3-88)

Corporation Name <i>Sappi Fire Dept</i>	Certificate Number
--	--------------------

SUPPLEMENT TO
EASURY FORM T-1044

Is this project:

Real Property?

Personal Property?

Both Real and Personal Property? New Facility?

Replacement Facility?

Both New and Replacement Facility?

YES

NO

☐☒☐☐☐☒☐☒☒☒

Estimated Project Investment (not assessed value):

\$ _____ \$ 15,313,993 \$ 15,313,993

Real Property Personal Property Total

	YES	NO	REMARKS
1. A. Has the proper local authority reviewed the plan?	☒	☐	
B. Is the project located in a certified industrial park?	☐	☒	
C. Is this a renovation or expansion of an existing building?	☐	☒	
2. Will this project require improvement of your road service?	☐	☒	
3. Will this project require improvement of your sanitary sewer services?	☐	☒	
Will this project require improvement of your storm sewer services?	☐	☒	
5. Will this project require improvement of your water services?	☐	☒	
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	☐	☒	
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	☐	☒	
8. Will this project require other costs?	☐	☒	
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	☐	☒	

If you answered yes to any of the questions from 2 through 8, the appropriate sections of form 1817 (formerly T-1044) must be completed and accompany this supplement with your application.

This is to certify that the following has been provided as accurately as possible.

Lonna Arguimbau
Signature
Assistant Planner - Lonna Arguimbau
Name and Title of Governmental Unit Officer or Designate

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

Applicant: Sappi Fine Paper North America
Muskegon

Local Governmental Unit: City of

The undersigned representative of the City of Muskegon and Sappi Fine Paper North America having been first duly sworn, hereby certify that no payment of any kind in excess of the fee allowed by Public Act 198 of 1974, as amended by the Public Act 323 of 1995, has been made or promised in exchange for favorable consideration on this application dated 9-27-01 for an Industrial Facilities Tax Exemption Certificate in the amount of \$15,313,993.

Witness:

Dail Q. Kundergan

By: Fred J. Nielsen
City of Muskegon

By: George Thurlow
Sappi Fine Paper North America

State of Michigan
County of Muskegon

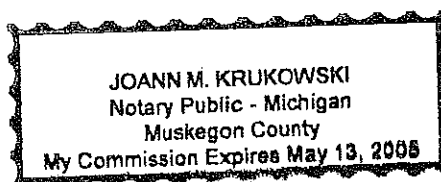
The foregoing instrument was acknowledged before me this 27th day of September 2001, by _____, on behalf of _____.

Karen S. Thorstenson
Notary Public, Muskegon County, Michigan
My commission expires: KAREN THORSTENSON
Notary Public, Muskegon County, MI
My Commission Expires Oct. 19, 2005

State of Michigan
County of Michigan

The foregoing instrument was acknowledged before me this 15 day of October 2001, by Fred Nielsen, on behalf of City of Muskegon

JoAnn M. Krukowski
Notary Public, Muskegon County, Michigan
My commission expires: 5-13-05



RESOLUTION NO. 2001-118(a)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION AND SUPPORT FOR A GRANT APPLICATION TO MDOT FOR ENHANCEMENT FUNDING, FOR THE RELOCATION OF THE GREAT LAKES NAVAL MEMORIAL AND MUSEUM TO DOWNTOWN MUSKEGON.

WHEREAS, the Great Lakes Naval Memorial & Museum wishes to move the Museum to a downtown location, and

WHEREAS, the Great Lakes Naval Memorial & Museum needs to provide paved parking, shoreline improvements, landscaping, walkways to the Museum, and underground sprinkler system and

WHEREAS, the Great Lakes Naval Memorial & Museum shall further develop, provide and be responsible for a comprehensive maintenance plan for the area and buildings it occupies and the historic vessels it preserves. This will include clean up and maintenance of the grounds, and clean up, maintenance and painting of its buildings and vessels. The Museum will provide a neat, clean and aesthetically pleasant appearance of the site,

WHEREAS, grant applications are now being received by the Michigan Department of Transportation for Enhancement Funding, which will provide up to 80% funding for the project; 20% provided by the Great Lakes Naval Memorial & Museum, and no cost to the City of Muskegon.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon endorses the submission of the grant application to MDOT. This application will provide for \$565,000 of improvements to the downtown Muskegon area and facilitate the move of the Museum to the downtown Muskegon Mart Dock area.

Adopted this 9th day of October, 2001

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

NAYS: None

ABSENT: None

BY

Fred Nielsen
Fred Nielsen Mayor

ATTEST

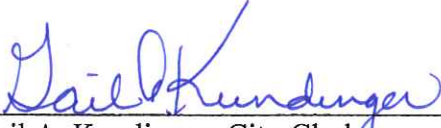
Gail Kundinger
Gail Kundinger, City Clerk

2001-118(a)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on October 9, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



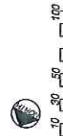
Gail A. Kunderinger, City Clerk

WEST MICHIGAN MART DOCK

GREAT LAKES NAVAL MEMORIAL & MUSEUM

U.S.S. SILVERSIDES 236
U.S.S. LST 393
U.S.C.G. McLANE

MUSKEGON LAKE

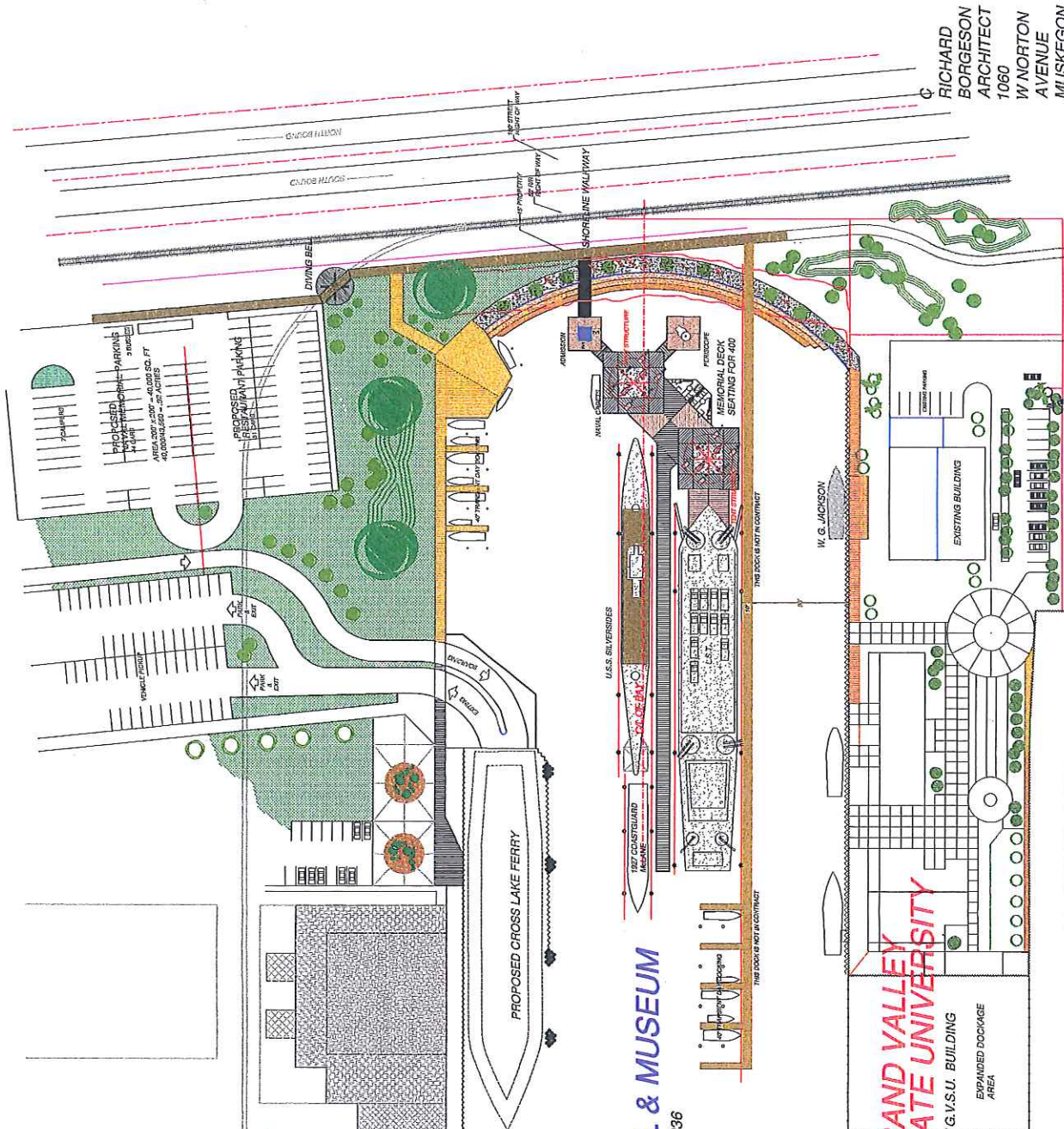


April 2, 1998
Revised November 16, 1998
Revised April 10, 1999
Revised November 22, 1999
Revised December 1, 1999
Revised February 6, 2000
Revised May 06, 2000
Revised April 1, 2001
Revised May 22, 2001
Revised July 25, 2001
Revised August 23, 2001

LA FARGE CORP.

CONCEPT DRAWING SHEET #1

RICHARD BORGESON
BORGESON ARCHITECT
1060 W NORTON AVENUE
MUSKEGON MICHIGAN 49441
231-780-4763



✓ *S. Kindinger*
J. Paul
B. Kuhn
10/3/01 - *J*

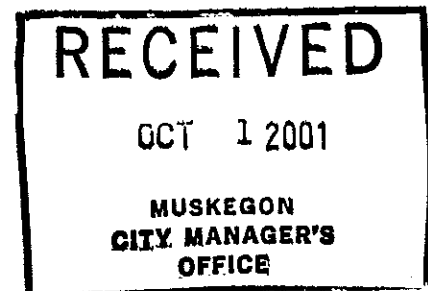
October 1, 2001

VIA FAX and FIRST CLASS

Mr. Jerry Graham
City Manager
City of Montague
8778 Ferry Street
Montague, MI

Mr. Bryon Mazade
City Manager
City of Muskegon
933 Terrace
Muskegon, MI 49442

Mr. Dennis Stepke
City Manager
City of North Muskegon
1502 Ruddiman
Muskegon, MI 49442



Gentleman:

This firm has been provided a copy of the Refunding Contract proposed by Muskegon County for the refunding of county sewer bonds to catch lower interest rates.

In general, I believe the contract is reasonable and accurately reflects the obligation the cities need to undertake to enable the refunding bonds to be sold at a lower interest rate. I make the following observations so that you will seek assurances that I think will be necessary for the City Council/Commission to be comfortable with this agreement:

1. The agreement refers to "prior bond" contracts when it addresses the obligation of the City to pay principal and interest installments (paragraph 4, page 4). You should check those prior contracts to make sure that the City's share of the obligation is not in excess of what it should be, given our capacity, gallonage, etc. My memory is that we are paying those previous bonds under the capacity allocation contract that accurately sets forth the City's share.

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

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

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

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

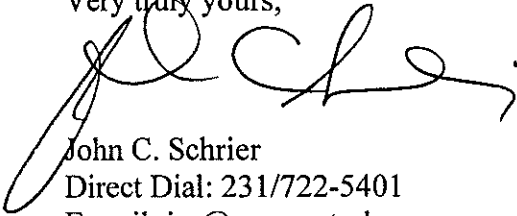
Retired
Robert L. Forsythe
Arthur M. Rude

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

2. Note that on page 8, if the bonds are not sold, any costs incurred by the county are going to be passed on to all the local units. These would not be large amounts of money, but this is at least a point to be aware of.
3. This is a private sale. Accordingly, I think any local unit would at least want to be informed of the process for selecting the underwriter. We would want to know that there has been a fair canvas of potential underwriters so that the county is getting the best deal at the lowest cost.
4. In connection with costs and fees, whether or not the bonds are sold, I think estimates of those should be afforded to the Cities by some sort of required notice before the bond sale, and possibly before signature on this agreement. Again, these are probably fairly standard, but the City ought to know what they are. I think Miller Canfield could provide the City with that information, and it has probably already provided it to the county. Therefore, it is simply a matter of getting it before we sign. These would only be estimates, but our understanding of what they are, together with satisfying ourselves regarding the search for an underwriter, would be important matters.
5. The contract seems to commit us to levy ad valorem taxes without limit except as to rate and amount. Normally, these contracts include the limitation that we may levy ad valorem taxes as limited by the constitution of the state. The absence of that language is a little surprising. Understand that we are obligated beyond our ability to levy ad valorem taxes, even to the extent that state revenue sharing funds are available to secure this contract. Therefore, this may not be of much concern.

In general, I think given some investigation on these matters, the City Council/Commission can confidently approve this agreement.

Very truly yours,



John C. Schrier

Direct Dial: 231/722-5401

E-mail: jcs@parmenterlaw.com

GTJ:mmf

Founded in 1852
by Sidney Davy Miller

Sidney T. Miller (1864-1940)
George L. Canfield (1866-1928)
Lewis H. Paddock (1866-1935)
Ferris D. Stone (1882-1945)

MILLER CANFIELD

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
POLAND: Gdynia
Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

September 20, 2001

To the Attached
Distribution List

Dear Friends:

As you may know, the County is in the process of refunding portions of its outstanding 1989 and 1992 Series Muskegon County Wastewater Management System - No. 1 Bonds in order to achieve lower interest costs and thus reduce the obligations of each of the contracting municipalities. Although we have started this project previously, we are now amending it in order to add the 1992 Bonds to the refunding. In order to accomplish this it will be necessary for each of the local units to adopt a refunding contract.

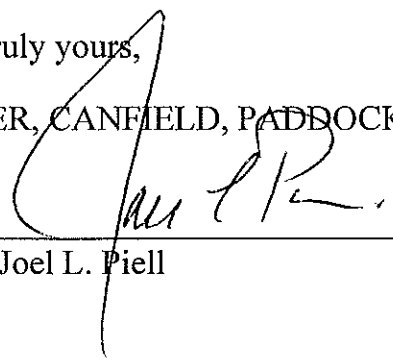
Each of the local units has previously adopted a refunding contract which is substantially similar to the refunding contract included herewith, with the addition of the 1992 Series. For your convenience, I enclose a form of resolution which will approve the refunding contract.

May I ask that you submit this to your legislative body for its consideration and after adoption return to me two certified copies of the resolution approving the contract and two copies of the contract as executed by your Mayor or Supervisor and yourself.

Should you have any questions concerning this, please let me know.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: 

Joel L. Piell

Enclosures
DELIB:2263690.1\063688-00037

DISTRIBUTION LIST

Muskegon County Refunding Bonds

Gail A. Kunding City Clerk City of Muskegon 933 Terrace St. PO Box 536 Muskegon, MI 49443-0536	Ms. Carol Hulka Clerk Fruitport Charter Township 6543 Airline Road Fruitport, Michigan 49415-9704
Mr. Dennis Atchison Clerk, Township of Whitehall 7644 Durham Road Whitehall, MI 49461	Ms. Lynne Fuller Clerk, City of Norton Shores Norton Shores City Hall 4814 Henry St Norton Shores, MI 49441-5499
Mr. James E. Nielsen Clerk, Muskegon Charter Township 1990 East Apple Ave Muskegon, MI 49442	Ms. Ann Marie Cummings City Clerk City of North Muskegon 1502 Ruddiman Dr North Muskegon, MI 49445-3098
Ms. Dorothy Harjer Clerk, City of Roosevelt Park 900 Oakridge Road Muskegon, MI 49441	Betty Ivory City Clerk City of Muskegon Heights 2724 Peck St. Muskegon Heights, MI 49444-2087
Ms. Melinda O'Connell City Clerk City of Montague 8778 Ferry St Montague, MI 49437-1285	Mr. Wesley J. Weesies Clerk, Laketon Township PO Box 5037 Muskegon, Michigan 49445-0037
Ms. Mary Ellen Sherwood Clerk, Dalton Township 1616 Riley Thompson Road Muskegon, Michigan 49445	Ms. Joan J. Raap Clerk, Township of Egelston 5428 Apple Avenue Muskegon, MI 49442
Ms. Karen Helmlinger Clerk, City of Whitehall 405 E. Colby Street Whitehall, MI 49461	

RESOLUTION REGARDING REFUNDING BONDS

WHEREAS, Chapter IV of Act 202, Public Acts of Michigan, 1943, as amended, the Municipal Finance Act ("Act 202"), permits the County of Muskegon (the "County") to refund all or part of the funded indebtedness of the County; and

WHEREAS, under the provisions of Act 185, Public Acts of Michigan, 1957, as amended ("Act 185") and pursuant to Contracts with the City of Muskegon (the "Local Unit"), the County has heretofore issued its Muskegon County Wastewater Management System - Number One, 1989 Series Bonds (Limited Tax General Obligation) and Muskegon County Wastewater Management System - Number One, 1992 Series (together the "Outstanding Bonds") to finance a wastewater management system (the "System") to service the Local Unit and other municipalities in the County; and

WHEREAS, the Local Unit has determined that it is in the best interest of the Local Unit to cause the refunding of the Outstanding Bonds that are presently outstanding; and

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

1. This City Council tentatively determines to proceed with the refunding of the Outstanding Bonds and the issuance of the proposed refunding bonds.
2. The Mayor or Clerk is hereby directed to:
 - (a) Prepare and submit an application to the Michigan Department of Treasury for its approval of the issuance of the proposed refunding bonds.
 - (b) Approve the circulation of a preliminary and a final official statement describing the proposed refunding bonds.
 - (c) Do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the proposed refunding bonds subject to a subsequent resolution of this Board.
3. It is hereby requested that the State Treasurer waive any requirement for a good faith check in connection with the sale of the proposed refunding bonds and waive the requirements of a public sale respecting said proposed refunding bonds.
4. The County shall be responsible for securing any municipal bond ratings required hereby, provided the cost of such ratings will be defrayed from the proceeds of bonds or from

funds of the Local Unit or other benefitted Local Units.

5. The Refunding Contract providing for such refunding between the County, by and through its Board of Public Works, and the Local Unit is hereby approved, and the Mayor and Clerk are authorized and directed to execute the said Contract for and on behalf of the Local Unit.

6. The Local Unit does hereby ratify and confirm its covenant in the aforesaid Contract to levy ad valorem taxes against all taxable property in the Local Unit to the extent permitted by law and necessary to meet the obligations of the Local Unit thereunder, and does further indicate its purpose and intent to make such a levy annually as necessary to meet the Local Unit's obligations under the aforesaid Contract.

7. Said Contract shall become binding and effective upon the approval thereof by resolution of the Board of Commissioners of the County and execution thereof by the County by its Board of Public Works.

8. The Local Unit covenants it shall comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission regarding continuing disclosure, as shall be more fully set forth in a disclosure resolution.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby repealed.

10. This resolution shall become effective immediately upon its passage.

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

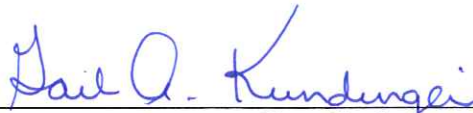
NAYS: None

RESOLUTION DECLARED ADOPTED.



Gail A. Kunding, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Muskegon, State of Michigan, at a regular meeting held on the 9th day of October, 2001, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that minutes of the meeting were kept and will be or have been made available as required by said Act.



Gail A. Kunding, City Clerk

REFUNDING CONTRACT

2001-118(b)

THIS CONTRACT, made and entered into as of this 1st day of November, 2001 (the "Refunding Contract"), by and among the COUNTY OF MUSKEGON, a Michigan county corporation (the "County"), by its Board of Public Works (the "Board"), under the provisions of Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"), and Act 185, Public Acts of Michigan, 1957, as amended ("Act 185") (Act 202 and Act 185 together the "Acts"), and the CITIES OF MONTAGUE, MUSKEGON, MUSKEGON HEIGHTS, NORTH MUSKEGON, NORTON SHORES, ROOSEVELT PARK AND WHITEHALL, THE CHARTER TOWNSHIPS OF FRUITPORT AND MUSKEGON AND THE TOWNSHIPS OF DALTON, EGELSTON, LAKETON AND WHITEHALL, each a Michigan public corporation, located in the County (the "Local Units").

WITNESSETH:

WHEREAS, the County has previously established within the Local Unit the Muskegon County Wastewater Management System - Number One (the "System") as authorized by Act 185; and

WHEREAS, the duly established Department of Public Works of the County, with the Board as its directing agency, was designated to administer the System under the provisions of Act 185 for and on behalf of the County, with all the rights, powers and duties as specified in Act 185; and

WHEREAS, the Local Units and the County through the Board did under Act 185 enter into a certain contract, as amended (the "Contract"), for the payment of constructing and

financing of certain improvements to the System; and

WHEREAS, bonds have been issued pursuant to Contracts, denominated Muskegon County Wastewater Management System - Number One, 1989 Series Bonds (Limited Tax General Obligation) and Muskegon County Wastewater Management System – Number One, 1992 Series Bonds (together the “Prior Bonds”), in the original aggregate authorized amount of \$25,300,000; and

WHEREAS, the County and the Local Units have been advised that conditions in the bond market have now improved to the point that the Bonds could be refunded at a considerable savings; and

WHEREAS, it is the determination and judgment of the County, the Board and the Local Units that the Bonds should be refunded to secure for the Local Units the interest savings anticipated and thereby permit the operation of the System in a more economical fashion for the benefit of the users of the System and the taxpayers of the Local Units; and

WHEREAS, the execution of this contract (the “Refunding Contract”) is necessary in order to implement a refunding program;

NOW, THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

1. The County, the Board and the Local Units hereby approve and confirm the refunding of the currently callable outstanding Bonds under the provisions of the Acts in the manner provided by and pursuant to this Refunding Contract.

2. The County will issue a single series of refunding bonds (the “Refunding Bonds”) in the total principal amount of not to exceed \$8,000,000 in order to pay all or a part of the costs

of refunding the Bonds. All costs of retiring the Bonds and of issuing the Refunding Bonds, including payment of the principal of and interest on the Bonds, underwriting discount, bond and other printing, administrative, legal expenses, credit enhancement costs, rating fees, trustee and paying agent, registrar and escrow agent, if any, fees and all related expenses shall be paid from the proceeds of sale of the Refunding Bonds or from cash amounts to be made available to pay such costs.

3. To carry out and accomplish the refunding in accordance with the provisions of Michigan law, the County and the Board shall take the following steps:

(a) The County will enter into an agreement to accomplish the refunding with an underwriter or underwriters (the "Purchaser") to be selected by the Board.

(b) The Board will submit to the Board of Commissioners of the County a resolution providing for the issuance of the Refunding Bonds in the aggregate principal amount of not to exceed \$8,000,000 (the "Refunding Bond Resolution"). The Refunding Bonds shall mature serially, as authorized by law, and will be issued in anticipation of the debt service installment payments required to be made by the Local Units as provided in the Contract and as hereinafter provided in this Refunding Contract and will be secured primarily by the contractual obligations of the Local Units to pay said installments when due, including interest. After due adoption of the Refunding Bond Resolution, the Board will take all legal procedures and steps necessary to effectuate the sale and delivery of the Refunding Bonds.

(c) The Board, upon receipt of proceeds of sale of the Refunding Bonds, will comply with all provisions and requirements of law, the Refunding Bond Resolution and

this Refunding Contract relative to the disposition and use of the proceeds of sale thereof.

(d) The County will use Refunding Bonds proceeds to refund the Prior Bonds, and shall not make any investments or take any other actions which would cause the Refunding Bonds herein authorized to be constituted as arbitrage bonds pursuant to any applicable federal statutes or regulations.

4. The full principal amount of the Refunding Bonds shall be charged to, and paid by, the Local Units to the Board in annual principal installments, together with interest and other expenses as herein provided and as provided in the Contracts entered into in connection with the issuance of the Prior Bonds. It is understood and agreed that the Refunding Bonds of the County will be issued in anticipation of such payments by the Local Unit.

It is agreed that the Local Units shall pay to the Board, one month prior to the annual maturity date of principal amounts of the Refunding Bonds, such principal amount, and in addition, one month prior to each interest payment date on the Refunding Bonds, as accrued interest on the principal installments remaining unpaid, an amount sufficient to pay all interest due on the next succeeding interest payment date. From time to time as the Board is billed by the registrar/transfer/paying agent for the Refunding Bonds for their services, and as other costs and expenses accrue to the Board from handling of the payments made by the Local Units or from other action taken in connection with the Refunding Bonds, the Board shall notify the Local Units of the amount of such fees, costs and expenses, and the Local Units shall, within thirty (30) days from such notification, remit to the Board sufficient funds to pay such amounts. The Local Units shall pay to the County additional sums, if any, due and owing on the Refunding Bonds at such times and in such manner as shall be required by the terms of the

Refunding Bonds.

The Refunding Bonds are redeemable prior to maturity at the times, in the manner and at the prices specified in the Refunding Bonds. The Local Units shall have the right to prepay the installments due under this Refunding Contract and thereby request that the Board cause redemption of all or part of the Refunding Bonds as provided in the Refunding Bonds. The Board shall cause such notice or notices of redemption to be made at the times and in the manner prescribed in the Refunding Bonds. Notwithstanding the foregoing, the obligation of the Local Units to make payments of principal and interest and premium for the Refunding Bonds shall continue hereunder until the Refunding Bonds are paid in full.

The Board shall, within thirty (30) days after the delivery of the Refunding Bonds, furnish the Local Units with a complete schedule of said installments and the interest thereon and due dates and shall also, at least thirty (30) days prior to each due date, advise the Local Units, in writing, of the exact amount due on said date. The failure to give such notice shall not, however, excuse the Local Units from making required payments when due under the provisions hereof.

If any installment payment as herein provided is not paid when due, the amount so not paid shall be subject to a penalty in addition to interest of one per cent (1%) thereof for each month or fraction thereof that the same remains unpaid after the due date.

5. The Local Units, pursuant to authorization of Section 12 of Act 185, hereby irrevocably pledge their full faith and credit for the prompt and timely payment of their respective obligations pledged for payment of the Refunding Bonds as expressed in the Contract and this Refunding Contract. Pursuant to such pledge, if other funds are not available, each

Local Unit shall be required to pay such amounts from any of its general funds as a first budget obligation and shall each year levy an ad valorem tax on all the taxable property in the Local Unit in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay its allocable obligations under this Refunding Contract becoming due before the time of the following year's tax collections, such annual levy shall be limited as to rate or amount as provided by law and be in amount sufficient to pay such obligation under the Refunding Contract. The herein stated contractual commitments of the Local Units are expressly recognized as being for the purpose of providing funds to meet the respective contractual obligations of the Local Units in anticipation of which the Refunding Bonds hereinbefore referred to are issued. Nothing herein contained shall be construed to prevent the Local Units from using any, or any combination of, the means and methods provided in paragraph 2, Section 12 of Act 185 for the purpose of providing funds to meet its obligations under this Refunding Contract, and if at the time of making the annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligations due prior to the next tax collection period, then such annual tax levy may be reduced by such amount.

The Local Units hereby acknowledge that they will use funds from all sources legally permitted by Act 185 for payment of the installments under this Refunding Contract.

6. Additional moneys over and above any of the payments specified in this Refunding Contract may be prepaid as provided in the Contract and other provisions of this Refunding Contract.

7. In the event that any Local Unit shall fail for any reason to pay to the Board at the

times specified the amounts required to be paid by the provisions of this Refunding Contract, the Board shall immediately give notice of such default and the amount thereof, in writing, to the Local Unit Treasurer, the County Treasurer of the County, the Treasurer of the State of Michigan, and such other officials charged with disbursement to the Local Unit of funds returned by the State and now or hereafter under Act 185 available for pledge as provided in this paragraph and in Section 17 of Act 185, and if such default is not corrected within ten (10) days after such notification, the State Treasurer, or other appropriate official charged with disbursement to such Local Unit of the aforesaid funds, is, by these presents, specifically authorized by the Local Unit, to the extent permitted by law, to withhold from its respective aforesaid funds the maximum amount necessary to cure any deficit it may incur and to pay said sums so withheld to the Board, to apply on its obligations in default as herein set forth. Any such moneys so withheld and paid shall be considered to have been paid to the Local Unit within the meaning of the Michigan Constitution and statutes, the purpose of this provision being to voluntarily pledge and authorize the use of said funds owing to such Local Unit to meet any of its past-due obligations due under the provisions of this Refunding Contract. In addition to the foregoing, the Board shall have all other rights and remedies provided by law to enforce the obligations of the Local Units to make their payments in the manner and at the times required by this Refunding Contract. The Local Units will not take any action to reduce the right of the County to receive the aforesaid state-retained moneys in the event of default.

8. All provisions of the Contract not inconsistent herewith, and particularly all covenants relative to the payment of and security for the Bonds made by the Local Units therein shall remain in full force and effect and shall apply with equal effect to the Refunding Bonds

authorized hereby, it being understood that upon issuance of the Refunding Bonds, the Bonds will be redeemed by purchase and the Refunding Bonds shall be substituted therefor and shall be outstanding in their place and stead.

9. Nothing herein contained shall in any way be construed to prevent additional financing under the provisions of Act 185 or any other law for the purpose of constructing all or any portion of additional necessary water or sanitary sewage improvements in the Local Unit.

10. The obligations and undertakings of each of the parties to this Refunding Contract shall be conditioned upon the successful accomplishment of the proposed refunding, and therefore if for any reason whatsoever the Refunding Bonds are not issued, then this Refunding Contract shall be considered void and of no force and effect; provided, however, that in such event, all costs and expenses shall be paid by the Local Units in accordance with existing commitments to the County, and the County shall not be obligated for such costs and expenses.

11. The Board and the Local Units each recognize that the owners from time to time of the Refunding Bonds will have contractual rights in this Refunding Contract, and it is therefore covenanted and agreed by each of the Board and the Local Units that so long as any of the Refunding Bonds shall remain outstanding and unpaid, the provisions of this Refunding Contract shall not be subject to any alteration or revision which would in any manner materially affect either the security of the Refunding Bonds or the prompt payment of principal or interest thereon. The Local Units and the Board further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Refunding Contract promptly at all times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the Refunding Bonds, the security therefor, or the prompt

payment of principal of and interest thereon. It is hereby declared that the terms of this Refunding Contract insofar as they pertain to the security of the Refunding Bonds shall be deemed to be for the benefit of the owners of the Refunding Bonds.

12. This Refunding Contract shall remain in full force and effect for a period of thirty (30) years from the date hereof, or until such lesser time as the Refunding Bonds issued by the County are paid, at which time this Refunding Contract shall be terminated, and the provisions of the Contract relative to disposition of the System shall be carried out. In any event, the obligations of the Local Units to make the payments required hereunder shall be terminated at such time as all of the Refunding Bonds are paid in full by the Local Units, together with all interest and penalties and other obligations hereunder.

13. This Refunding Contract shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

14. This Refunding Contract shall become effective upon approval by the legislative body of each of the Local Units, by the Board of Public Works of the County and by the Board of Commissioners of the County and when duly executed by the Mayor or Supervisor and Clerk of each of the Local Units and the Chairman and Secretary of the Board of Public Works for and on behalf of the County. This Refunding Contract may be executed in several counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the date and year first above written.

COUNTY OF MUSKEGON
By the Board of Public Works

By _____
Chairman

By _____
Secretary

CITY OF MONTAGUE

By _____
Its Mayor

By _____
Its City Clerk

CITY OF MUSKEGON

By *Anthony J. Nielsen*
Its Mayor

By *Dail Q. Kunderger*
Its City Clerk

CITY OF MUSKEGON HEIGHTS

By _____
Its Mayor

By _____
Its City Clerk

CITY OF NORTH MUSKEGON

By _____
Its Mayor

By _____
Its City Clerk

CITY OF NORTON SHORES

By _____
Its Mayor

By _____
Its City Clerk

CITY OF ROOSEVELT PARK

By _____
Its Mayor

By _____
Its City Clerk

CITY OF WHITEHALL

By _____
Its Mayor

By _____
Its City Clerk

MUSKEGON CHARTER TOWNSHIP

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF DALTON

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF EGELSTON

By _____
Its Supervisor

By _____
Its Township Clerk

FRUITPORT CHARTER TOWNSHIP

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF LAKETON

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF WHITEHALL

By _____
Its Supervisor

By _____
Its Township Clerk

DELIB:2263333.1\063688-00037

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

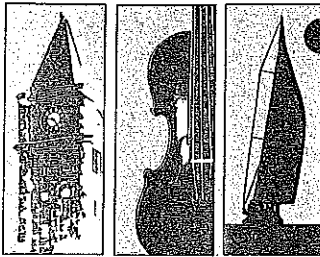
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

October 17, 2001

Mr. Joel L. Piell
Miller, Canfield, Paddock
& Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, MI 48226

Dear Mr. Piell:

Enclosed are two resolutions and contracts that were approved at the October 9th
City Commission Meeting.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

Enc.

Date: September 28, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Community Survey

SUMMARY OF REQUEST:

To give staff direction on the Community Center Survey and the specifics of meeting your goal of having it statistically correct.

FINANCIAL IMPACT:

\$13,500

BUDGET ACTION REQUIRED:

Will need to appropriate additional funds

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

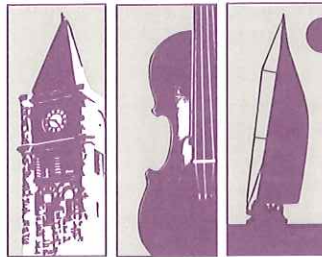
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Treasurer
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FAX/724-6768

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

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

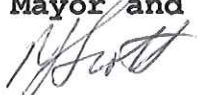
MUSKEGON



West Michigan's Shoreline City

Date: September 28, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Community Center Survey

We have received a quote from A3C to do the telephone survey for the Community Center to give you statistically accurate information. They contacted the last two companies that have done the surveys for the city and have received quotes. Based on those quotes and to present the information to you, they are asking for an additional \$13,500 for 600 responses or \$11,500 for only 400 responses.

We will be going over the actual survey and define what you are looking for as statistically accurate at your Monday work session.

I would ask that you authorize A3C to do the telephone surveys and that you appropriate the Additional \$13,500 necessary to cover the costs.

Thank you for your consideration.

Scott, Ric

From: Dan H. Jacobs [djacobs@A3C.com]
Sent: Wednesday, September 12, 2001 5:11 PM
To: Scott, Ric
Cc: 'Chuck Musgrave'; 'Jim Cleveland'
Subject: Muskegon Community Center Study

Hi Ric,

Well I finally have responses from both survey companies and expect proposals by Friday. We will review and make a recommendation first of the week on how we would propose to proceed and what the costs would be. I have already made modifications to the survey based on preliminary information from both companies and from the comments made by the Commissioners. It is a start and I expect will be adjusted further by either company to make it easier to use with a phone survey process. I continue to look at the 1990 census data to try and group some neighborhoods together that have similar characteristics and demographic profiles to determine if they have differing needs. My earlier attempt was to do it such that four of the five groups might be of similar size. My new recommendation is based more on the similar demographic characteristics (age, race and economics) and location not worrying about the size of any one group. I believe these five represent five distinct groups that have different Leisure Service facilities supporting each. Please review and give me your comments on this approach.

COMMUNITY REGIONS BASED ON SIMILAR DEMOGRAPHICS & GEOGRAPHIC LOCATION

1. WESTSIDE-Beachwood/Bluffton, Lakeside and Glenside/Campbell (8595)

Age: Greater than 20% of population older than 65
Less than 22% of population younger than 18
Race: Greater than 90% white
Less than 5% black
Economics: Less than 10% below poverty level

2. EASTSIDE-Marquette, and East Muskegon (which includes Oakview, Steele, Sheldon Park, and East Muskegon Neighborhoods) (12,766)

Age: Less than 15% of population older than 65
Less than 22% of population younger than 18
Race: About 75% white
About 25% black
Economics: Poverty level about 20%

3. CENTRAL-Breaks into three groups (18,852)

Age: Lots of youth plus concentrations of seniors
Race: More diverse (with exceptions of Jackson Hill and Nims)
Economics: Higher amount below poverty level (exception Nims but still higher than Westside)

3a. CENTRAL WEST- Nims and Nelson South (5431)

Age: Less than 15% of population older than 65
About 30% of population younger than 18
Race: Greater than 75% white
Less than 25% black
Economics: Poverty level (wider range) between 15+(Nims) and 40-(Nelson S)%

3b. CENTRAL-McLaughlin/Marshfield and Nelson North (8787)

Age: Less than 15% of population older than 65
Greater than 30% of population younger than 18
Race: Average of 25% white
Average of 35% black
Economics: Poverty level between 40-(M/M) and 50-(Nelson N)%

3c. CENTRAL EAST-Jackson Hill and Angell (4634)

Age: Less than 15% of population older than 65
Greater than 30% of population younger than 18
Race: Average of 25% white
Average of 70% black
Economics: Poverty level about 50%

COMMUNITY OWNED LEISURE RESOURCES BY REGION

Eastside clearly blessed with much of the geographic resources such as -Lake Michigan, Lake Muskegon, and McGraff Park on Ruddiman Creek. It also has Seyfferth and Campbell Playfields and Catholic High School and Glenside Schools play areas. Muskegon Country Club is also in this region. Lakeshore is the major vehicular obstacle isolating some of the resources. Possible future connections of the trail system between Lake Muskegon and McGraff will aid this.

Westside also has its list of resources with Beukema, Sheldon, and Reese Playfields. It also has Oakview, Steele, Marquette and Muskegon Christian High School's fields and play areas. University Park Golf Course is also in this region. Nims and Apple become major barriers between resources for this area.

Central East has Lake Muskegon, Muskegon High School and McLaughlin, Craig and Moon School playgrounds, and is adjacent to Heritage Landing and part of the trail system. Seaway and Western Avenues become major barriers for connecting these neighborhoods and them with some of the available resources. The trail system when complete will aid some of this. The Muskegon Y is also in this area.

Central West has C.W. Smith/Ryerson and McCrae Playground, Froeby School playground, future soccer fields (although may be too remote to be considered in their area), Seaway Drive cuts these neighborhoods off from Lake Muskegon. Future connections to trail system may improve this.

Central has Heritage Landing which is wonderful for events and some passive recreation, Hackley Park which is primarily ceremonial, and little Shepherd Park. It also has Nelson School playground. It is also near to Muskegon High School and McLaughlin School playground. With the exception of Shepherd Park it has limited dedicated leisure space not controlled by another public agency such as the school or county.

POSSIBLE LOCATIONS FOR A COMMUNITY CENTER

A3C, OLC and Beckett Reader Inc. (BRI) did preliminary investigations of possible sites for a Community Center in the spring of the year (2001). It was assumed that a new Community Center would serve the needs of the whole community much like Lake Michigan Park, Seyferth Playfields and Skateboard Park, McGraff Shuffle Board Courts, the proposed new Soccer Fields, etc.

About thirteen sites were identified through discussions with the Leisure Services and Planning Departments. All sites were reviewed and others were identified during the field investigation phase with a total of over sixteen sites receiving either partial or more thorough investigation. It was felt that if such a center was to exist it should be central to the whole community so first priority was given to sites that were within reasonable walking distance of the CBD. Basically about 7-8 blocks in any direction of Hackley Park. Of the sites investigated, six sites were determined to have potential as a site for a Community Center if support was identified for a common large community wide center. Criteria used in the preliminary investigation were accessibility-foot, vehicular and bike, sufficient land for building and parking, ability to connect with and enhance existing Leisure Services resources and the City of Muskegon Downtown/Lakeshore Redevelopment Plan of June 1997 and the follow-up Waterfront Redevelopment Sub-Plan of 1999.

PRELIMINARY RECOMMENDATIONS

If there is public support for a Community Center a facility located somewhere near the borders of Central West and Central would provide each of these regions with dedicated leisure space and a community wide resource much like the other regions, it would be central to the City, and near other community leisure resources like the trail system, the Muskegon Y, and Heritage Park. Of the six sites identified above three of those potential sites are along this border. Based on the results of the survey we will do final evaluations on these three sites making a recommendation for one with a conceptual plan of the building with a list of programs and spaces to be included in the facility.

Daniel (Dan) H. Jacobs, AIA
Ann Arbor Architects Collaborative (A3C)
734-663-1910 Fax 734-663-8427

2001 MUSKEGON COMMUNITY CENTER SURVEY

If you are a current resident of the City of Muskegon, please take a few moments to complete this survey, and return no later than June 8, 2001. Your answers will be used to help evaluate and set priorities for the City of Muskegon. Your answers are anonymous and will be reported in group form only. Thank you for your responses.

1. How would you rate the overall quality of recreation programs in Muskegon?

☐ Excellent ☐ Good ☐ Fair ☐ Poor ☐ Don't Know

2. How would you rate the overall quality of recreation facilities in Muskegon?

☐ Excellent ☐ Good ☐ Fair ☐ Poor ☐ Don't Know

3. The City of Muskegon is interested in the ~~opinions of citizens about~~ **your assessment of the recreational** and leisure needs of the community. Please rank the **following** city's most urgent parks and recreation **based on level of needs**:

	Most Need Urgent Badly	Somewhat Urgent Need	Not Don't Urgent Need	Don't Know
More Active Parks (for activities like soccer, baseball, etc.)	1	2	3	4
More Passive Parks (not scheduled for sports)	1	2	3	4
A Large Multi-Use Recreation Community Center	1	2	3	4
More Smaller, Neighborhood-based Community Centers	1	2	3	4
Expanded Enhanced Trail Systems	1	2	3	4
Other _____	1	2	3	4

4. Do you think there is a need for additional recreation/community facilities in Muskegon?

☐ Yes ☐ No

5. Please rate the need for the following facilities for Muskegon:

	Need Badly	Need	Don't Need	Don't Know
Gymnasium	1	2	3	4
Teen Room	1	2	3	4
Multi-Purpose Space for Classes and Meetings	1	2	3	4
Senior Citizens Area	1	2	3	4
Computer Lab	1	2	3	4
Traditional Indoor Pool (lap pool)	1	2	3	4
Indoor Leisure Pool (with slides, fountains, etc.)	1	2	3	4
Fitness Space (aerobics and other group space)	1	2	3	4
Exercise Space (individual workout space w/ equipment)	1	2	3	4
Arts and Crafts Room	1	2	3	4
Child Care Area (while at a Community Center)	1	2	3	4
Day Care Facilities	1	2	3	4
Other _____	1	2	3	4

6. Which facilities (listed in Question 5) would you use?

1. _____
2. _____
3. _____

7. Would you support the construction of a new large centrally-located Community Center or smaller neighborhood-based facilities?

☐ Community Center ☐ Neighborhood-based facilities ☐ Neither

8. What is your single biggest concern when considering use of a community center?

☐ Location ☐ Transportation ☐ Fee ☐ Safety ☐ Availability (Hours Open)

9. Which of the following classes/programs would you be most likely to use?

	Most Likely	Somewhat Likely	Not Likely	Don't Know
Pre-School Classes	1	2	3	4
Youth Sports Leagues	1	2	3	4
Adult Sports Leagues	1	2	3	4
Senior Citizen Programs	1	2	3	4
Fitness Programs	1	2	3	4
Arts and Craft Programs	1	2	3	4
Teen Activities	1	2	3	4
Other _____	1	2	3	4

10. What should be the fee for a ~~child or youth~~ for a daily admission at a recreation **Community Center**?

For a child or youth ☐ Nothing ☐ \$.50 ☐ \$1.00 ☐ \$2.00 ☐ \$3.00

For an adult ☐ Nothing ☐ \$.50 ☐ \$1.00 ☐ \$2.00 ☐ \$3.00

11. Would you support the construction of a new ~~recreation facility~~ **Community Center** in Muskegon?

☐ Yes ☐ No ☐ Not Sure

12. If "Yes" to the question above, how much would you be willing to spend by millage to fund the Construction (**based on the Muskegon median house value of \$100,000**)?

☐ \$.50/week ☐ \$.75/week ☐ \$1.00/week ☐ Other _____

13. What neighborhood do you live in? _____

14. Which of the following best describes your age?

☐ Under 18 ☐ 18-24 ☐ 25-34 ☐ 35-45 ☐ 45-54 ☐ 55-64 ☐ 65 years or older

15. Your gender? ☐ Female ☐ Male

Thank you for your participation in this important project. Once compiled, the results will be available through the City of Muskegon. Please return this survey to the address below no later than June 8, 2001.

**Muskegon City Hall
Department of Leisure Services
P. O. Box 536**

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-022 Address: 869 Emerald Ave.

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 **869 Emerald Ave.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-022, 869 Emerald Ave.

Location and ownership: This structure is located in the Angell Neighborhood and is owned by Collie Dotson of the same address.

Staff Correspondence: A dangerous building inspection was conducted on 4/23/01 due to a police report of it being vacant and open. A Notice and Order to repair was issued on 6/19/01. A Notice of Hearing for the HBA was issued 8/21/01.

Owner Contact: There has been no contact by the owner.

Financial Impact: CDBG

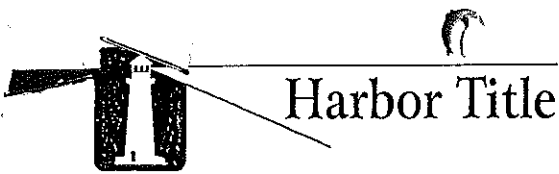
Budget action required: None

State Equalized value: \$12,000 (2001)

Estimated cost to repair: \$10,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.



955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120260
May 16, 2001

1. Beginning Date: 8/25/97, at 8:00 A.M.

Please See Attached Liber 2014, Page 432, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 4/19/2001, at 8:00 A.M.

Deeds:
2014-432

**Micellaneous
Documents**
3074-350

Mortgages:
2046-96
3028-613

Taxes:

Delinquent water and sewer usage due and payable to the City of Muskegon, in the amount of \$236.02 if paid by May 31, 2001.

Invoices due and payable to the City of Muskegon in the amount of \$452.64.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$172.54, if paid by May 31, 2001 or in the amount of \$174.41 if paid by June 30, 2001.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$214.81, if paid by May 31, 2001 or in the amount of \$216.82 if paid by June 30, 2001. (Base amount \$200.76)

Note:

Permanent Parcel No.: 61-24-205-204-0016-00.

2001 State Equalized Value: \$12,000.00.

2001 Taxable Value: \$3,631.00.

Homestead Property.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Collie Dotson

4. No search has been made for any instrument, however designated, which has been filed as a financing statement

869 Emerald



869 Emerald

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

869 Emerald
(Address of Property)

TO: All owners and interested parties:

Collie Dotson, 869 Emerald Muskegon, MI 49442
(Name of Owner)

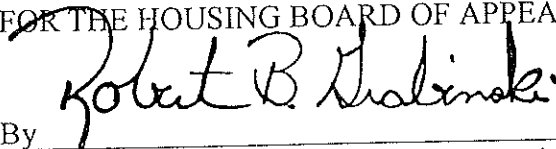
American Home Products, 9010 Rico Rd. Monroeville, PA 15146

On September 6, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: September 10, 2001

To: Collie Dotson 869 Emerald, Muskegon, MI 49442
Owners Name & Address

American Home Products 9010 Rico Rd. Monroeville, PA 15146
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at 869 Emerald Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

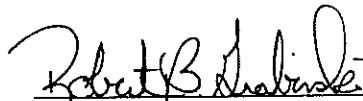
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: August 21, 2001

Address of the Property: 869 Emerald, Muskegon, Michigan

Description of the Structure: The N 54 ft. of Lot 16, the East 16.5 ft. of the S 33 ft. of Lot 3, and the East 16.5 ft. of the N 21 ft. of Lot 13, all in Block 204.

TO: Collie Dotson, 869 Emerald, Muskegon, MI 49442
[Name & Address of Owner]

American Home Improvement Products, 9010 Rico Road, Monroeville, PA 15146

Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 6/19/01.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By

Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 19, 2001

Address of the Property: 869 Emerald, Muskegon, Michigan

Description of the Structure: Lot 16 & E 16 ½ Ft of S33 Ft Lot 3 & E 16 ½ Ft. on N 33 Ft Lot 13 Reserving S 12 Ft of Above Desc. For alley Blk 207

TO: Collie Dotson, 869 Emerald, Muskegon, MI 49442
[Name & Address of Owner]

American Home Improvement Products, 9010 Rico Road, Monroeville, PA 15146
[Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 869 Emerald, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski

Robert B. Grabinski, Fire Marshal

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

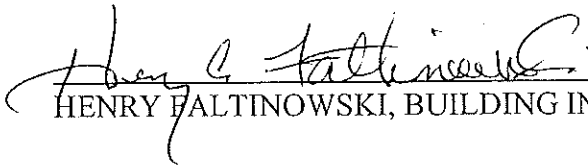
869 Emerald

4/23/01

Inspection noted:

1. Interior inspection required by each City of Muskegon trade inspector.
(Plumbing/Mechanical, Electrical and Building)
2. Foundation and foundation wall deteriorating, unstable. Needs structural repair.
3. Stairs in cellar unstable, replace, repair.
4. Walls and ceilings on interior missing drywall, exposed lath, water damage.
5. Missing doors.
6. Garage is filled with debris. Needs structural repair.
7. Front porch needs repair. Foundation walls are open and/or missing block.
8. Dead animals in home.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

4/25/2001
DATE

only for storage in the past and this is also an issue. The owner stated that this property belongs to her mother. Her mother is currently in a nursing home, but she plans to bring her back home. She has worked on the home previous to her mother becoming ill. That is when the work stopped. The owner has estimates for the repairs. Mr. Kroes inquired about having the money to do the interior repairs. Ms. Gubocki stated that she does have the money. She also stated that she didn't know there was a time frame on permits. She stated that she can complete the exterior repairs within 60 days.

Staff Recommendation: Table this case for 60 days to allow Ms. Gubocki to contact Henry Faltinowski to develop a time table for completion of interior repairs and also within the 60 days the exterior repairs be completed. If progress is not made it will be brought back to the HBA.

Motion: Motion made by Randy Mackie, seconded by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Beve
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case # 01-022 – 869 Emerald – Collie Dotson 869 Emerald, Muskegon, MI

No one was in attendance to represent this case. Mr. Grabinski gave a history of the case. It is a vacant piece of property. It came to the Inspection Department by a police report. It was wide open and had broken windows. Once inside the structure it was determined to be very dangerous, the ceilings are collapsing. CNS are looking at this property to build on, once the existing structure is gone.

Staff recommendation: To declare the structure substandard, unsafe, a dangerous building, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Randy Mackie, supported by Nick Kroes, to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-039 – 2084 Henry St. – Richard Faulkner, Muskegon MI

The owner was present to represent this case. Mr. Grabinski gave history of the case. It is a commercial property that has had several exterior inspections over the last few years with little or no action. The structure is also for sale at this time. Because of complaints another inspection was conducted and structural damage to the exterior of the roof was found. The cooling unit appears to be unstable and some of the drop ceilings on the interior are falling in. That was seen through a window. No interior inspection has been conducted yet.

The owner stated that the owner of the bar next door is planning on buying the structure and fixing it.

Mr. Grabinski stated his intention is to declare this building substandard. The owner inquired about being able to sell if it is declared. Mr. Grabinski explained the appeal process if the structure is sold.

Staff recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Motion made by Randy Mackie, supported by John Warner to support staff's recommenda

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case # 01-031- 723 Isabella – Steve Wilbur, 167 Fourth Vermontville, MI

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-030 Address: 363 McLaughlin

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 **363 McLaughlin** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-030, 363 McLaughlin

Location and ownership: This structure is located in the McLaughlin Neighborhood on McLaughlin between Pine and Spring Streets. It is owned by Stephen Delore.

Staff Correspondence: A dangerous building inspection was conducted on 6/15/01. A Notice and Order to repair or demolish was issued on 7/5/01. HBA hearing on 9/6/01 found the structure to be dangerous and unsafe.

Owner Contact: None

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$13,100

Estimated cost to repair: \$7,500 plus cost of interior items.

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120667

June 29, 2001

1. Beginning Date: 4/16/97, at 8:00 A.M.

Please See Attached Liber 1975, Page 656, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/8/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1975, Page 656
Liber 2278, Page 9
Liber 2286, Page 483

Miscellaneous:

Liber 3156, Page 590

Mortgages:

Liber 1998, Page 152
Liber 2164, Page 963 (Assgn.)
Liber 3099, Page 296

Taxes:

Proof of payment of the delinquent water/sewer usage bill, due and payable to the City of Muskegon in the amount of \$200.30, if paid by July 31, 2001.

Proof of payment of the Civil Infraction, due and payable the Muskegon County 60th District Court in the amount of \$120.00.

Proof of payment of Invoices, due and payable to the City of Muskegon in the amount of \$1,718.83.

1997 taxes were SOLD STATE. Amount necessary to redeem to the Muskegon County Treasurer by July 31, 2001 - \$507.72.

Reconveyance of the 1998 taxes. Amount necessary to reconvey to the Muskegon County Treasurer by July 31, 2001 - \$651.82

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$894.35, if paid by July 31, 2001.

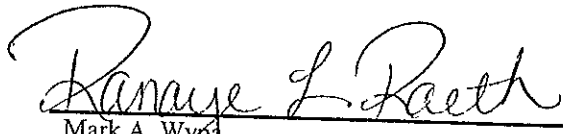
Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$333.16, if paid by July 31, 2001. (Base amount - \$305.65)

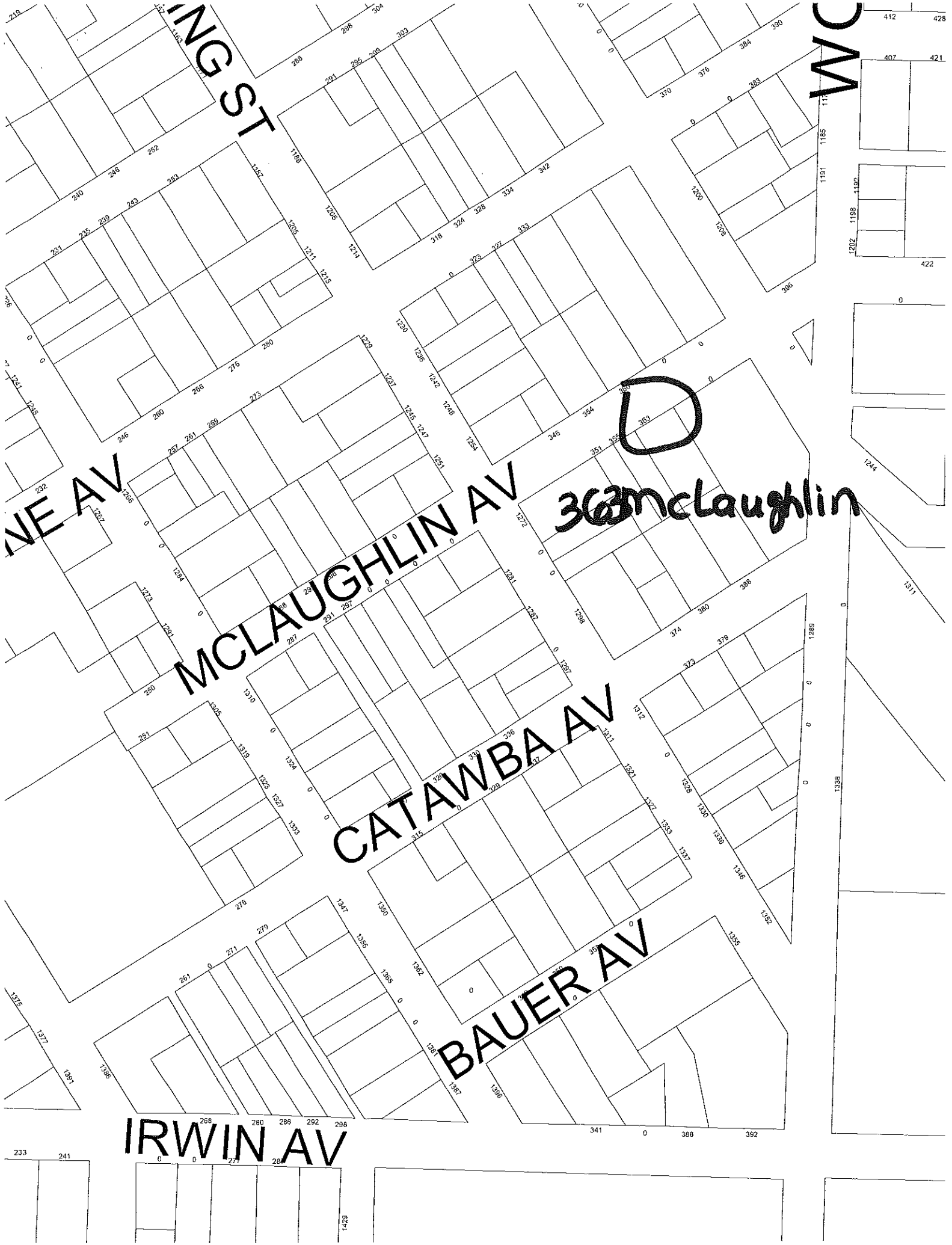
NOTE: ALL TAXES ARE TO BE PAID AT THE SAME TIME, BECAUSE OF THE RECONVEYANCE.

We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Stephen J. DeLore

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Mark A. Wypa



IRWIN AV

BAUER AV

CATAWBA AV

MCLAUGHLIN AV

NE AV

363mclaughlin

D

WCC



363 McLaughlin

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

363 McLaughlin
(Address of Property)

TO: All owners and interested parties:

Stephen DeLore 2811 Jefferson Ste. 2, Muskegon, MI 49442
(Name of Owner)

Clarence Wilkins, 2234 Fifth St. Muskegon Hts, MI 49444-1403

Franklin Credit Mngmt. Corp Six Harrison St. New York NY 10013

Lakeshore Surety Agency P.O. Box 5053 Muskegon, MI 49445

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

On September 6, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **October 9, 2001**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: September 10, 2001

To: Stephen DeLore, 2811 Jefferson Ste. 2, Muskegon, MI 49442
Owners Name & Address

Clarence Wilkins, 2234 Fifth St. Muskegon Hts, MI 49444-1403
Name & Address of other interested parties

Franklin Credit Mngmt. Corp. Six Harrison St. New York, NY 10013

Lakeshore Surety Agency Inc. P.O. Box 5053, Muskegon, MI 49445

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at 363 McLaughlin Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

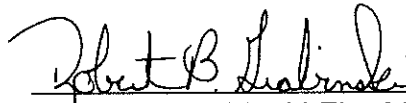
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski", is written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: August 21, 2001

Address of the Property: 363 McLaughlin, Muskegon, Michigan

Description of the Structure: Lot 11, Blk 263

TO: Stephen DeLore, 2811 Jefferson Ste. 2, Muskegon, MI 49442
[Name & Address of Owner]

Clarence Wilkins, 2234 Fifth St., Muskegon Hts, MI 49444-1403
Names & Addresses of Other Interested Parties]

Franklin Credit Mngmt. Corp. Six Harrison St. New York, NY 10013

Muskegon County Treasurer/Jan Koens, P.O. Box 177, Muskegon, MI 49443

Lakeshore Surety Agency Inc. P.O. Box 5053, Muskegon, MI 49445

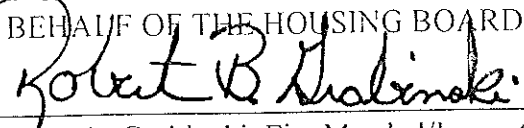
Please take notice that on **Thursday, September 6, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 7/5/01.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

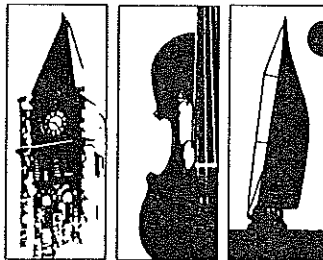
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

July 23, 2001

Stephen DeLore
2811 Jefferson Ste. 2
Muskegon, MI 49442

Clarence Wilkins
2234 Fifth St.
Muskegon Hts, MI 49444

Franklin Credit Management
Six Harrison St.
New York, NY 10013

Jan A. Koens
P.O. Box 177
Muskegon, MI 49443

Lakeshore Surety Agency
P.O. Box 5053
Muskegon, MI 49445

Dear Property Owner:

Subject: Board-up: 363 McLaughlin, Muskegon MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. Please board up/secure all doors and first floor windows of all structures. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days.

As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 5, 2001

Address of the Property: 363 McLaughlin, Muskegon, Michigan

Description of the Structure: Lot 11, Blk 263

TO: Stephen DeLore, 2811 Jefferson Ste 2, Muskegon, MI 49442
[Name & Address of Owner]

Clarence Wilkins, 2234 Fifth St, Muskegon Hts, MI 49444-1403
[Names & Addresses of Other Interested Parties]

Franklin Credit Mngmt. Corp., Six Harrison St, New York, NY 10013

Jan A. Koens, P.O. Box 177, Muskegon, MI 49443

Lakeshore Surety Agency, Inc. P.O. Box 5053, Muskegon, MI 49445

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

F:\Inspections\Grabinski_Lorraine\Word\STANDARD FORMS\Inspections Department Notice and Order.doc

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 363 McLaughlin, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

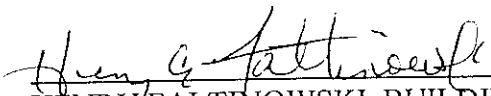
363 McLaughlin

6/15/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).
2. Foundation wall block has deteriorating mortar joints.
3. Broken out basement windows.
4. Siding on home rotting, peeling paint on entire home.
5. Deteriorated window frames, broken window glass.
6. Broken doors.
7. Front porch missing siding, detached rotting steps.
8. Holes in walls and ceilings in home.
9. Large amounts of debris left in home.
10. Home has been forced open. (Board up needed)

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

6/22/2001
DATE

Mr. Wilbur was in attendance. Mr. Grabinski gave history on the property. It came to Inspection department through a complaint from the Police Department as to being open and vacant. It was boarded up at that time and upon inspection was put on the dangerous building list. Mr. Wilbur did come into the office for a permit to work on the structure, but did not submit a time frame as required when obtaining the permit. This is the problem in this case. Mr. Wilbur will not submit a timetable and it appears that work has not commenced. Mr. Wilbur also refused to schedule an interior inspection. Mr. Grabinski stated that if there is much progress in the next 30 days, along with an interior inspection and timetable submitted, he can stop this case from being forwarded to the City Commission. Mr. Kroes asked how long Mr. Wilbur needs to complete repairs. He stated he needs 60-90 days. He stated that he has already done work on some of the windows and he has done some painting. He also stated that he is making an effort to repair the structure. He stated he will agree to an interior inspection to a certain extent. There was much discussion on rules pertaining to permits, codes, ordinances and requirements of the inspection department.

Staff Recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Randy Mackie, supported by Jerry Bever, made a motion to declare the structure substandard, unsafe, a public nuisance, and dangerous building and forward to the city commission for concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-030 – 363 McLaughlin – Stephen Delore - Muskegon

No one present to represent this case. Mr. Grabinski gave history. The structure is boarded, no contact from owner. The foundation is deteriorating, broken basement windows have led to entry into the property, siding needs repair, broken doors. Since boarding up there seems to be less problems.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Randy Mackie, supported by John Warner made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-034- 412 Muskegon – Nadine Cunningham – Muskegon, MI

Brian Cunningham was in attendance to represent this property. He is the son of Nadine Cunningham. Mr. Grabinski gave history on the case. It is owner occupied. It came to Inspection Department through the Police Department. Mr. Cunningham has been cooperative with the Inspection Department. He has been in the office and scheduled interior inspection, which took place today. The issues Mr. Grabinski saw were front porch supports, front steps, threshold rotting, property maintenance issues, numerous use of extension cords throughout, ceiling falling in which created fire hazards.

Mr. Cunningham stated that he has recently returned to work, so that he now has the finances needed to work on the structure. He would like 90 days to complete repairs.

Staff recommendation: Table this case for 90 days to allow Mr. Cunningham to develop a timetable with Mr. Faltinowski and get repairs done in an orderly fashion, primarily the fire hazard issues first.

Motion: Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-033 – 536 W. Muskegon, Martin Verneda Muskegon, MI

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-033 Address: 536 W. Muskegon

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 **536 W. Muskegon** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-033, 536 W. Muskegon Ave.

Location and ownership: This structure is located on W. Muskegon Avenue between Seventh and Eighth Streets. It is owned by Verneda Martin.

Staff Correspondence: A dangerous building inspection was conducted 6/14/01. A Notice and Order to repair or demolish was issued 7/5/01. HBA on 9/6/01 found the structure to be dangerous and unsafe.

Owner Contact: None

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$13,600

Estimated cost to repair: \$5,000 plus cost of interior items.

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120669

June 28, 2001

1. Beginning Date: 3/9/84, at 8:00 A.M.

Please See Attached Liber 1280, Page 116, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/8/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1280, Page 116

Liber 3157, Page 53

Mortgages:

n/a

Taxes:

Possible Sidewalk assessment in the year 2001.

Payment of miscellaneous invoices in the amount of \$1,137.58, due and payable to the City of Muskegon.

1998 Taxes SOLD AT TAX SALE. Amount necessary to redeem in July 2001 is \$784.00.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,052.79, if paid by July 31, 2001.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$592.71, if paid by July 31, 2001. (Base amount is \$543.77)*

*NOTE: Delinquent water & sewer usage bill in the amount of \$75.00 was included in the 2000 Winter tax bill.

Note:

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-339-0010-10.

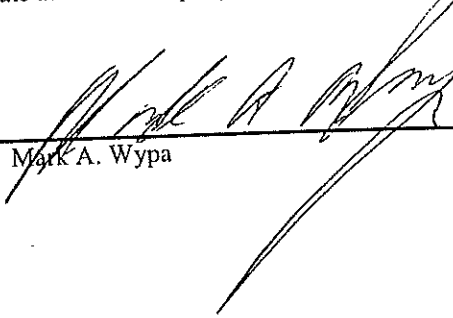
2001 State Equalized Value: \$13,600.00.

2001 Taxable Value: \$8,927.00.

Non-Homestead Property.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.



Mark A. Wypa



S 36 W. MUSKEGON

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

536 W. Muskegon
(Address of Property)

TO: All owners and interested parties:

Verneda Mitchell Martin, 536 Muskegon Ave, Muskegon, MI 49441
(Name of Owner)

Laneal Lewis, 2212 State St. Rockford, IL 61102

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

On September 6, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: September 10, 2001

To: Verneda Mitchell Martin, 536 Muskegon Ave. Muskegon, MI 49441
Owners Name & Address

Laneal Lewis, 2212 State St. Rockford, IL 61102
Name & Address of other interested parties

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at 536 W. Muskegon Ave. Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

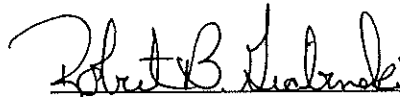
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: August 21, 2001

Address of the Property: 536 W. Muskegon, Muskegon, Michigan

Description of the Structure: E ½ Lot 10, Blk 339

TO: Verneda Mitchell Martin, 536 Muskegon Ave. Muskegon, MI 49441
[Name & Address of Owner]

Laneal Lewis, 2212 State Street, Rockford, IL 61102
Names & Addresses of Other Interested Parties]

Muskegon County Treasurer/Jan Koens, P.O. Box 177, Muskegon, MI 49443

Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 7/5/01.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 5, 2001

Address of the Property: 536 W. Muskegon, Muskegon, Michigan

Description of the Structure: E ½ Lot 10 Blk 339

TO: Verneda Mitchell Martin, 536 Muskegon, Muskegon, MI 49441

Laneal Lewis, 2212 State Street, Rockford, IL 61102
[Name & Address of Owner]

Jan A. Koens, P.O. Box 177, Muskegon, MI 49443
[Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 536 W. Muskegon, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

Leisure Service
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FAX/724-1196

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Planning/Zoning
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FAX/724-6790

Police Dept.
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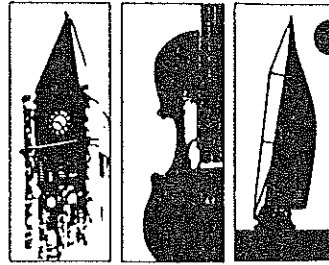
Public Works
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FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: July 9, 2001

Verneda Mitchell Martin
536 Muskegon
Muskegon, MI 49441

Dear Property Owner:

Subject: Board-up: 536 W. Muskegon, Muskegon, MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days.

As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions concerning this matter, please do not hesitate to contact me at 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

536 W. Muskegon

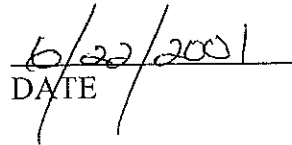
6/14/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).
2. Foundation wall block in need of repair. Open gaps in block.
3. Rotted, collapsing front stairs, risers, and treads.
4. Siding falling off home.
5. Numerous broken out windows.
6. Back door broken open.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

No one present to represent the case. Mr. Grabinski gave history. It has been tax reverted back to the County. There has been no contact with owners. A board up request came through the Police Department due to illegal entry into the property. There are open gaps in block of the foundation, siding falling off house, front stairs rotting, numerous broken windows.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Jerry Bever, supported by John Warner made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-041- 484 & 486 Ottawa – Vera Johnson, 1525 Brockton, Mobile AL

No one present to represent this case. The owner has contacted this office and they have been in contact with demo contractors to get estimates to have the structures demolished.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: John Warner, supported by Randy Mackie made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-029 – 1643 Terrace – Raymond Hill, 829 Macintosh Lane,
Muskegon

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-59 Address: 1457 Seventh

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 **1457 Seventh** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-59, 1457 Seventh St.

Location and ownership: This structure is located in the Nelson Neighborhood on Seventh St. between W. Grand and Washington. It is owned by Sterling Bank and Ed Houghtaling.

Staff Correspondence: A dangerous building inspection was conducted on 7/11/00. A Notice and Order to repair or demolish was issued 8/18/00. HBA on October 5, 2000 declared the structure dangerous and unsafe. An interior inspection was conducted on 2/5/01.

Owner Contact: None

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$8,700

Estimated cost to repair: \$5,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.

For The Inspection Dept.
City of Muskegon

411518

FROM CITY ASSESSOR'S RECORDS

OWNER Ed Houghtaling
PROPERTY 1457 Seventh
PLATE # 06171
DESCRIPTION S 2/3 Lot 11 Blk 407

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 2326
PAGE: 837
DATE OF DEED: December 10, 1999
GRANTOR: County of Muskegon
GRANTEE: Sterling Bank and Trust, FSB
LIENS OR MORTGAGES: None

DATE: June 27, 2000 at 8:00 AM

ABSTRACTED BY: Diane McKee
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

File Number - 111001

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT
Affecting land in Muskegon County, Michigan
described as follows:

The South 2/3 of Lot 11, Block 407 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-407-0011-10

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

None.

STATE AND COUNTY TAXES

1999 Winter tax due in the amount of \$446.35.

SPECIAL ASSESSMENTS

Special Assessments, invoices, infractions and usages were not checked.

TAX SALES

State Equalized Value \$8,700.00.
Taxable Value \$8,229.00.

NOTE: No Homestead filed.

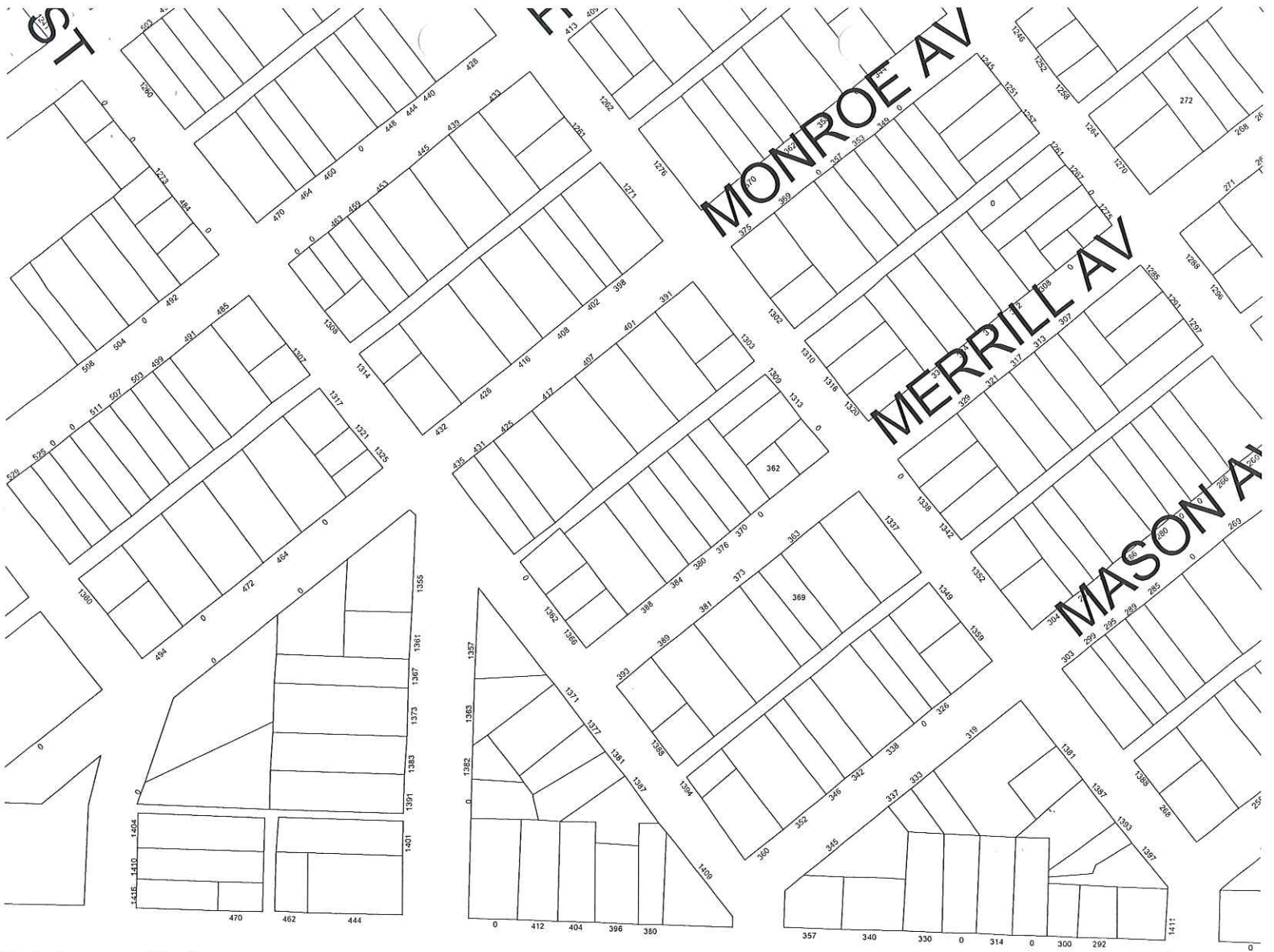
By Diane M. Kroll

Date - June 27, 2000 at 8:00 AM

DMK/dej

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Form No. M867.6
(Previous No. T814)





1457 Seventh

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

1457 Seventh
(Address of Property)

TO: All owners and interested parties:

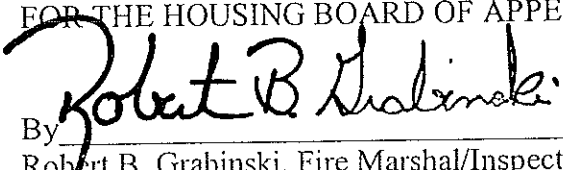
Sterling Bank, 1 Towne Square #1700, Southfield, MI 48076
(Name of Owner)

Ed Houghtaling, 2345 Dowd, Muskegon, MI 49441

On October 5, 2000, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Fire Marshal/Inspections

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

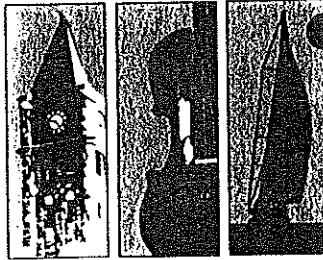
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

February 16, 2001

James Raymond
Crystal Anderson
525 W Norton
Muskegon MI 49444

Re: 1457 Seventh Street, Muskegon MI

Dear Mr. Raymond:

Thank you for scheduling an interior inspection for the above named address. Attached, please see the findings of the plumbing/mechanical, building and electrical inspectors.

As you know this structure has been processed as a dangerous building. On 10/5/00 the Housing Board of Appeals declared the structure as substandard, unsafe, a public nuisance and forwarded the case to the City Commission for their concurrence in demolition of the structure. The case would be heard before the Commission on 3/13/01. Therefore, this office is asking you to submit your plans for 1457 Seventh Street not later than February 28, 2001.

Should you have any questions, please contact this office at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

CITY OF MUSKEGON
INTERIOR INSPECTION REPORT

1457 Seventh Street
2/5/01

Plumbing/Mechanical:

1. Water piping needs repair and support. (remove non approved plastic)
2. Waste and vent needs repair. (Can not reduce size of pipe on clothes washing machine waste)
3. Need contractor to certify furnace.

Building:

1. Garage door needs replacement/repair.
2. Rebuild support cellar steps.
3. Garage ceiling in need of repair (Missing Ceiling)

Electrical:

1. Living room light missing.
2. Bedroom light incomplete.
3. Service not grounded.
4. Service to be replaced – [lower fused]
5. Close knock out in load center.

Exterior Building Inspection was conducted on 7/11/00. Those findings still stand to this date and are attached for your records.

Affirmative Action
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FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

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FAX/726-5617

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Planning/Zoning
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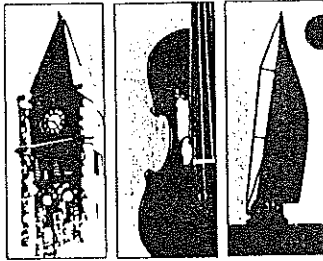
Public Works
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FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

October 11, 2000

Case #00-59 – 1457 Seventh St., Muskegon MI

Ed Houghtaling

2345 Dowd

Muskegon MI 49441

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on October 5, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as S. 2/3 Lot 11 Blk 407, also known as, 1457 Seventh St., found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

Affirmative Action
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FAX/722-1214

Assessor
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FAX/726-5181

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231/724-6783
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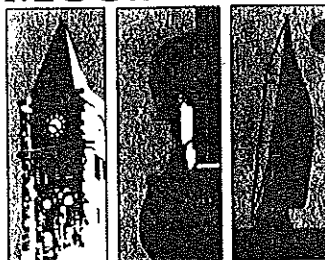
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Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS HOUSING BOARD OF APPEALS

September 25, 2000

Ed Houghtaling
2345 Dowd
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #00-59 – 1457 Seventh St., Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, October 5, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

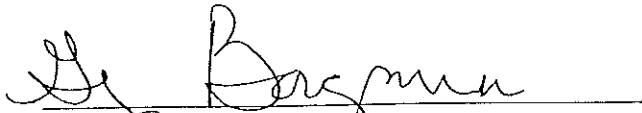
Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in cursive script, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

Affirmative Action
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FAX/722-1214

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FAX/726-5181

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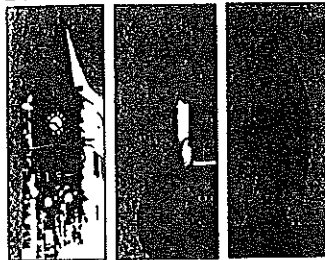
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

NOTICE AND ORDER

August 18, 2000

Ed Houghtaling
2304 Dowd
Muskegon MI 49441

Dear Property Owner:

Subject: 1457 Seventh Street
S 2/3 Lot 11 Blk 407

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

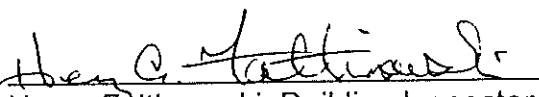
1457 Seventh Street

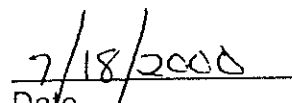
7/11/00

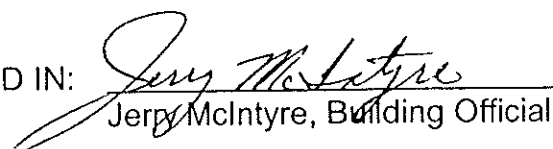
Inspection Noted:

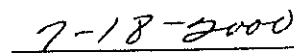
1. Rotted siding on home, home in need of painting.
2. Front porch column supports structurally shifting, porch deck in need of repair.
3. Garage vertical supports unstable.
4. Drip edge on roof falling off home.
5. Chicken wire on windows, rotting window frames.
6. Broken back porch door.
7. Garage full of debris.
8. Drywall in garage ceiling ripped out.
9. Missing trim under soffit of home.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector


Date 7/18/2000

CONCURRED IN: 
Jerry McIntyre, Building Official


Date 7-18-2000

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

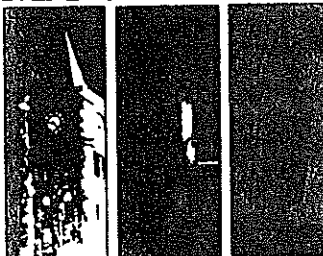
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

May 26, 2000

Mr. Ed Houghtaling
2345 Dowd
Muskegon MI 49444

Mr. Ed Houghtaling
PO BOX 4034
Muskegon MI 49444

Dear Property Owner:

Subject: Board-up: 1457 Seventh, Muskegon MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days.

As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions concerning this matter, please do not hesitate to contact me at 724-6715.

Sincerely,

Robert B. Grabinski

Robert B. Grabinski *CRD*
Fire Marshal/Inspections Dept.

CASE #00-56 – 1541 EIGHTH (514 SOUTHERN) – Daryl/Lesia Jefferson

Mr. & Mrs. Jefferson did not attend the meeting. Grabinski informed the Board that the home had fire damage the home had been boarded by the City two times and the Jefferson's have failed to return any of his calls to them. There have been a few police reports on the home and many neighborhood complaints.

Staff recommended forwarding the case to the City Commission for concurrence in demolition of the structure(s).

Vice Chairman, Mayor, Fred Nielsen, supported by Jerry Bever, made a motion to declare the structure(s) at 1541 Eighth (514 Southern) as unsafe, substandard, a public nuisance and forward the case to the City Commission for concurrence in demolition of the structure(s). A roll call vote was taken:

AYES:

Greg Borgman
Fred Nielsen
John Warner
Jerry Bever

NAYES:

ABSENT:

Clint Todd

EXCUSED:

William Anderson

The motion carried.

CASE # 00-59 – 1457 SEVENTH ST. – Ed Houghtaling, Muskegon MI

Mr. Houghtaling did not attend the meeting. Grabinski informed the board that a notice and order was sent on 8/18/00 and there has been no response from the owner.

Staff recommended to declare the structure(s) unsafe, substandard, a public nuisance and to forward to the City Commission for concurrence in demolition of the structure(s).

Jerry Bever, supported by Fred Nielsen, made a motion to accept Staff's recommendation. A roll call vote was taken:

AYES:

Greg Borgman
Fred Nielsen
John Warner
Jerry Bever

NAYES:

ABSENT:

Clint Todd

EXCUSED:

William Anderson

The motion carried.

CASE # 00-60 – 1783 SMITH – William Bailey, 4155 Nob Hill Drive Muskegon, MI

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-041 Address: 484 & 486 Ottawa.

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 **484 & 486 Ottawa** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-041, 484 & 486 Ottawa

Location and ownership: These structures are located in the Jackson Hill Neighborhood and are owned by Vera Johnson who lives in Mobile, AL.

Staff Correspondence: A dangerous building inspection was conducted on 7/30/01. A Notice and Order to repair or demolish was issued on 8/2/01. Brought before HBA on 9/10/01. HBA determined to be dangerous and unsafe.

Owner Contact: The daughter of Vera Johnson contacted this office 7/9/01 to inform that Vera is deceased and they are trying to sell the property. 8/28/01 daughter contacted this office again – they are trying to hire contractor to demo.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$12,100

Estimated cost to repair: \$15,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100121017

August 2, 2001

1. Beginning Date: 6/18/84, at 8:00 A.M.

Please See Attached Liber 1283, Page 77, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 6/27/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1283, Page 77
Liber 1639, Page 887

Liber 1919, Page 267

Mortgages:

NONE

Taxes:

Proof of payment of invoice fees, due and payable to the
City of Muskegon Treasurer in the amount of \$86.00.

Note:

2000 Winter taxes were paid in the amount of:
\$482.95.

No 2001 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-156-0004-00.

2001 State Equalized Value: \$12,100.00.

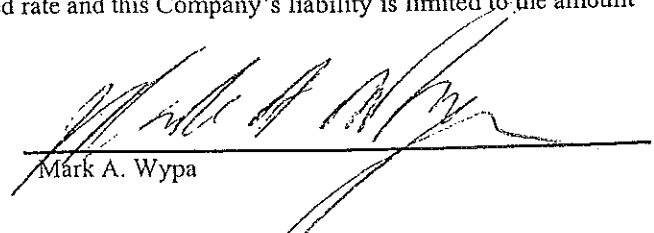
2001 Taxable Value: \$9,198.00.

Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Vera Johnson

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Mark A. Wypa

EWESTER

OTTAWA ST

484

* 486

Ottawa

GIDDINGS AV

SEAIN

HALL AV

559

545

567

599

590

595

428



484 + 486 OTTAWA
Census # 2

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

484 & 486 Ottawa
(Address of Property)

TO: All owners and interested parties:

Vera Johnson, 1525 Brockton Lane E, Mobile, AL 36695
(Name of Owner)

On September 6 , 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: September 10, 2001

To: Vera Johnson, 1525 Brockton Lane E. Mobile, AL 36695
Owners Name & Address

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at 484 & 486 Ottawa St. Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

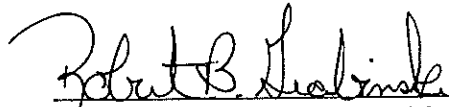
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski", is written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Address of the Property: 484 & 486 Ottawa St., Muskegon, Michigan

Description of the Structure: Lot 4 and the WLY ½ of Lot 3 Ex NLY 44ft. thereof Blk 156

TO: Vera Johnson, 1525 Brockton LN E. Mobile, AL 36695
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 8/2/01.

Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By

Robert B. Grabinski

Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: August 2, 2001

Address of the Property: 484 & 486 Ottawa St., Muskegon, Michigan

Description of the Structure: Lot 4 and the WLY ½ of Lot 3 Ex NLY 44 ft thereof
Block 156

TO: Vera Johnson, 1525 Brockton LN E, Mobile, AL 36695
[Name & Address of Owner]

None
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

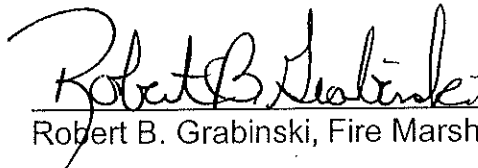
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **484 & 486 Ottawa St.** Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", is written over a horizontal line.

Robert B. Grabinski, Fire Marshal/Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

484 & 486 OTTAWA

7/30/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Structural roof damage on building 486. Interior ceiling caving in. An inspection of roof system is needed for analysis of total damage.
3. Interior wall and floor damage throughout – falling drywall off walls, ceilings. Floor decking rotted – buckled. The need for floor joists and floor support needed.
4. Roof fascia and soffit deteriorating.
5. Building is open – broken out doors and windows.
6. Back garage – storage shed: roofing – siding incomplete, exposed & deteriorated. OSB sheathing. No siding, incomplete window installation.
7. 484 Garage has deteriorating roof covering and rotting exterior doors.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

7/31/2001
DATE

No one present to represent the case. Mr. Grabinski gave history. It has been tax reverted back to the County. There has been no contact with owners. A board up request came through the Police Department due to illegal entry into the property. There are open gaps in block of the foundation, siding falling off house, front stairs rotting, numerous broken windows.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Jerry Bever, supported by John Warner made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-041- 484 & 486 Ottawa – Vera Johnson, 1525 Brockton, Mobile AL

No one present to represent this case. The owner has contacted this office and they have been in contact with demo contractors to get estimates to have the structures demolished.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: John Warner, supported by Randy Mackie made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

**Case #01-029 – 1643 Terrace – Raymond Hill, 829 Macintosh Lane,
Muskegon**

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-029 Address: 1643 Terrace.

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 **1643 Terrace St.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-029, 1643 Terrace St.

Location and ownership: This structure is in the Nelson Neighborhood and is on Terrace St. between Forest and Dale. It is owned by Raymond Hill.

Staff Correspondence: A dangerous building inspection was conducted on 6/19/01. A Notice and Order to repair was issued 7/5/01. A notice of HBA hearing was issued on 8/21/01. An interior inspection was conducted on 9/14/01.

Owner Contact: Owner has been in contact with Henry Faltinowski, Building Official.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$17,400 (2001)

Estimated cost to repair: \$50,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120665

June 29, 2001

1. Beginning Date: 1/19/2001, at 8:00 A.M.

Please See Attached Liber 3154, Page 716, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/8/2001, at 8:00 A.M.

Documents

Deeds:

Liber 3154, Page 716

Liber 3132, Page 163

Mortgages:

NONE

Taxes:

Proof of payment of delinquent water/sewer usage bill, due and payable to the City of Muskegon Treasurer in the amount of \$807.24, if paid by July 31, 2001.

Proof of payment of special assessment for road paving, due and payable to the City of Muskegon Treasurer in the amount of \$187.40, if paid by July 31, 2001.

Proof of payment of invoice fees, due and payable to the City of Muskegon Treasurer in the amount of \$247.88.

Note:

2000 Winter taxes were paid in the amount of:
\$565.13**.

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-292-0025-00.

2001 State Equalized Value: \$17,400.00.

2001 Taxable Value: \$14,117.00.

Non-Homestead Property.

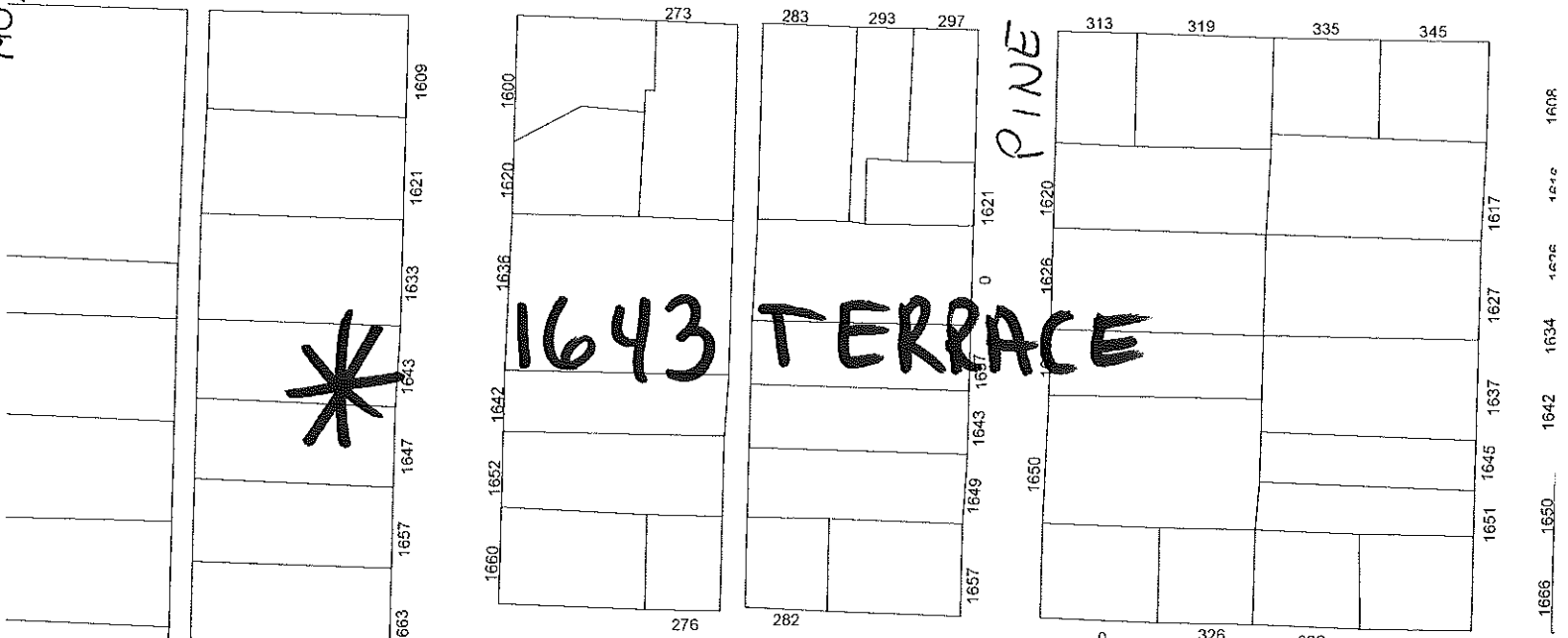
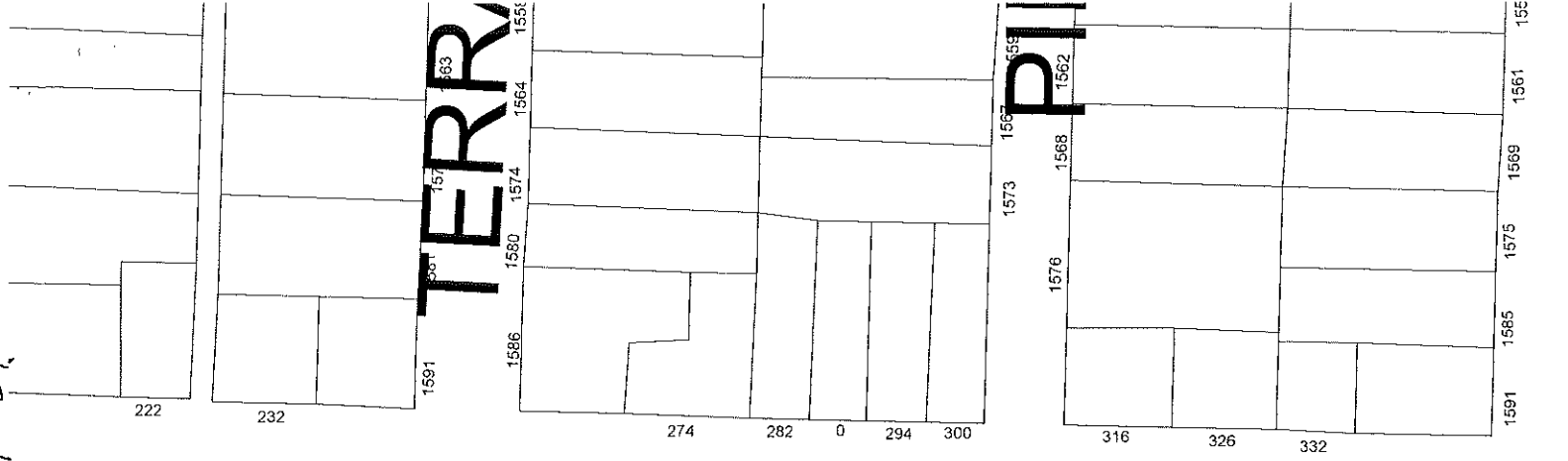
****NOTE:** A Paving Assessment Installment in the amount of \$72.54 was included in the 2000 winter tax bill.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Bryan Spencer

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in

HOYT ST





1643 TERRACE

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

1643 Terrace
(Address of Property)

TO: All owners and interested parties:

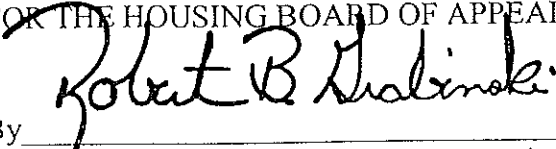
Raymond Hill, 829 MacIntosh Lane, Muskegon, MI 49442
(Name of Owner)

On September 6, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: September 10, 2001

To: Raymond A. Hill, 829 Macintosh Lane, Muskegon, MI 49442
Owners Name & Address

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at **1643 Terrace St.** Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

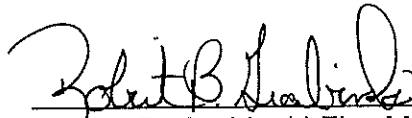
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: August 22, 2001

Address of the Property: 1643 Terrace St. Muskegon, Michigan

Description of the Structure: N 1/3 Lot 25 Blk 292

TO: Raymond A. Hill, 2036 Burton Rd. Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 7/5/01.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 5, 2001

Address of the Property: 1643 Terrace, Muskegon, Michigan

Description of the Structure: N 1/3 Lot 25 Blk 292

TO: Raymond A. Hill, 2036 Burton Rd, Muskegon, MI 49442
[Name & Address of Owner]

Bryan Spencer, 1643 Terrace, Muskegon, MI 49442

← TAKE OFF paperwork
per Mrs. Spencer 8/22/01

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1643 Terrace, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal

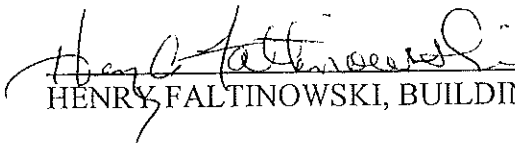
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

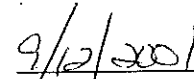
1643 Terrace
(INTERIOR INSPECTION)

Inspection noted:

1. Licensed engineer or architect must design repair for foundation system. Repairs to be made to those specifications required.
2. All floor joists must meet structural design loads for their areas. Sleeping rooms 30 pounds per square foot. Rooms other than sleeping rooms 40 pounds per square foot.
3. All damaged structural areas must be exposed to review proper structural compliance: ceilings, rafters, floor areas.
4. All plumbing and mechanicals must be brought up to 2000 Michigan Residential code.
5. Need to completely rewire home to 2000 Michigan Residential Code.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

/643 Terrace

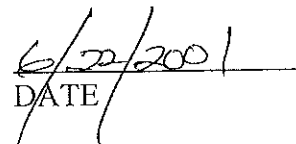
6/19/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).
2. Foundation wall in need of structural repair. Open, missing, cracked foundation walls.
3. Floor joists, columns need repair.
4. Side porch steps, decking, columns in need of replacement. Rotting structurally failing. Back porch deteriorating.
5. Rafter investigation needed. Rafter tails severely unstable.
6. Missing siding.
7. Broken windows.
8. Window frames and glazing deteriorated.
9. Garage roof deteriorated. Sheathing rotting – missing shingles.
10. Paint dumped on shingles – windows painted.
11. Roof covering on home needs proper flashing, fascia, shingle repair.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

Mr. Hill was in attendance to represent this case. He stated that he wants to repair the structure. An interior inspection has been conducted. Mr. Grabinski stated that the amount of work that needs to be done will probably run into thousands of dollars. Mr. Hill said he is aware of that and still would like to proceed with repairs. He would like one year to complete the repairs, exterior and interior. Mr. Borgman stated that Mr. Hill needs to work with our inspectors for repairs to be completed correctly. Michael Sandy, nephew of Raymond Hill, was also present and stated that he thought there were only 3 floor joists that needed repair. Our building inspectors agreed to go through with him and show him where the damaged joists are. Henry Faltinowski also explained that the inspectors can help him to make sure the repairs are up to code, but they are not able to design the repairs needed. He also stated that the foundation walls are bad and there is a potential for collapse. Mr. Sandy stated that he will call the inspection office to set up a time for the interior inspection.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Randy Mackie, supported by Jerry Bever, made a motion to accept staff's recommendation.

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Old Business: What is happening with 286 Irwin? Mr. Grabinski stated that Ms. Moore has had financial difficulty. She should be able to escrow \$5,000 next week.

New Business: Mr. Grabinski stated there have been some ordinance changes. Currently there is an electrical, plumbing, and mechanical board of appeals. This ordinance will change that to just one board. Some of the HBA members may be asked to serve. This board insures that our inspectors interpret codes correctly. Appointments are now made by City Manager.

The second change is pertaining to temporary certificates of compliance. All outstanding invoices must be paid, excluding property taxes.

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-031 Address: 723 Isabella.

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 723 Isabella is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 03-031, 723 Isabella

Location and ownership: This structure is located in the McLaughlin Neighborhood and is owned by Steve Wilbur of Vermontville, MI.
(167 Fourth St)

Staff Correspondence: A dangerous building inspection was conducted on 6/15/01 after a police report of it being vacant and open. A Notice and Order to Repair was issued on 7/5/01. Mr. Wilbur applied for a permit on 7/20/01, but it was not approved by the Building Official because Mr. Wilbur refused to supply a time line for repairs or schedule an interior inspection, which is required when obtaining the permit. A Notice of Hearing for HBA was issued 8/21/01.

Owner Contact: Owner has not been in contact with this office since 7/20/01. At the HBA meeting in September, he was told he could stop this from going before the City Commission by scheduling an interior inspection and supplying this office with a time line for repairs.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$3,700 (2001)

Estimated cost to repair: \$7,500 plus cost of interior repairs.



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120668
June 29, 2001

1. Beginning Date: 7/5/95, at 8:00 A.M.

Please See Attached Liber 1840, Page 10, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/8/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1840, Page 10

Liber 1853, Page 62
Liber 3153, Page 951

Mortgages:

NONE

Taxes:

Proof of payment of special assessment for road paving, due and payable to the City of Muskegon Treasurer in the amount of \$263.93, if paid by July 31, 2001.

Proof of payment of invoice fees, due and payable to the City of Muskegon Treasurer in the amount of \$482.50.

1998 taxes were Sold State. Amount necessary to redeem in July - \$412.94, due and payable to the City of Muskegon Treasurer.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$618.85, if paid by July 31, 2001.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$311.46, if paid by July 31, 2001.

Note:

Permanent Parcel No.: 61-24-205-074-0001-00.

2001 State Equalized Value: \$3,700.00.

2001 Taxable Value: \$3,496.00.

Non-Homestead Property.

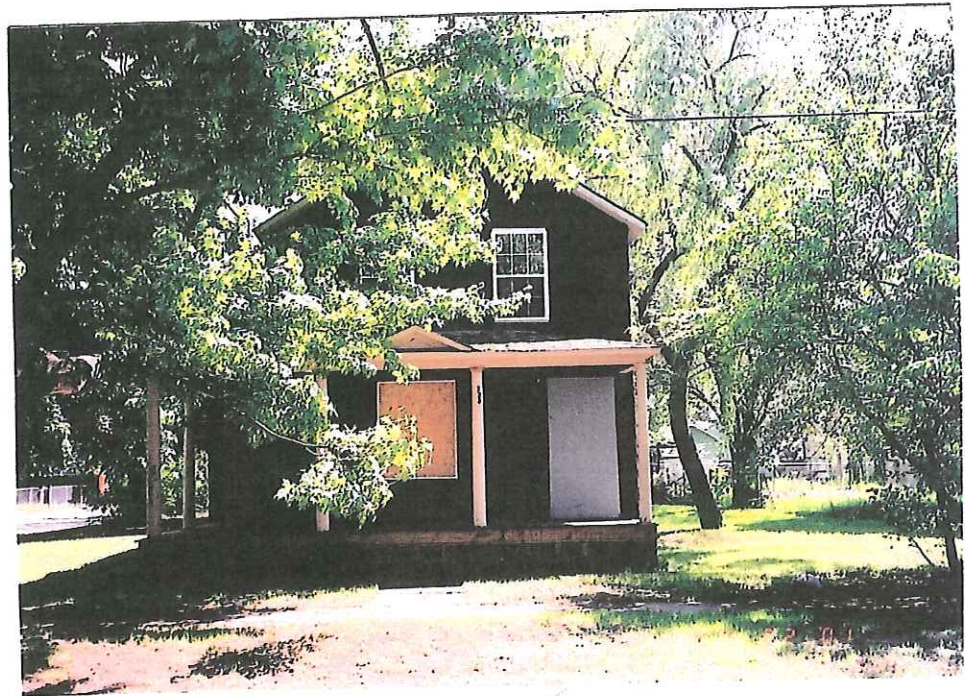
3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Steve Wilbur

4. No search has been made for any instrument, however designated, which has been filed as a financing statement

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.



723 Isabella

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

723 Isabella
(Address of Property)

TO: All owners and interested parties:

Brian Mattson, 15400 Comstock, Grand Haven, MI 49417
(Name of Owner)

Steve Wilbur, 167 Fourth, Vermontville, MI 49096
Name & Address of other Interested Parties

Donald Wilbur, 515 N. Gunnell Rd. Eaton Rapids, MI 48827

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

On September 6, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: September 10, 2001

To: Brian Mattson, 15400 Comstock, Grand Haven, MI 49417
Owners Name & Address

Steve Wilbur, 167 Fourth, Vermontville, MI 49096
Name & Address of other interested parties

Donald R. Wilber, 515 N. Gunnell Rd. Eaton Rapids, MI 48827

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at 723 Isabella Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

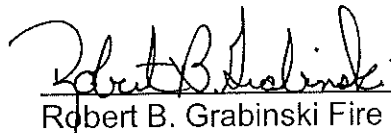
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski", is written over a horizontal line.

Robert B. Grabinski Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: August 21, 2001

Address of the Property: 723 Isabella, Muskegon, Michigan

Description of the Structure: Lot 1, Blk 74

TO: Brian Mattson, 15400 Comstock Grand Haven, MI 49417
[Name & Address of Owner]

Steve Wilber, 167 Fourth, Vermontville, MI 49096
Names & Addresses of Other Interested Parties]

Donald R. Wilber 515 N. Gunnell Rd., Eaton Rapids, MI 48827

Muskegon County Treasurer/Jan Koens, P.O. Box 177, Muskegon, MI 49443

Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 7/5/01.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By



Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 5, 2001

Address of the Property: 723 Isabella, Muskegon, Michigan

Description of the Structure: Lot 1, Blk 74

TO: Brian Mattson, 15400 Comstock, Grand Haven, MI 49417
[Name & Address of Owner]

Michael Mattson, 206 N. Fourth St. Grand Haven, MI 49417
[Names & Addresses of Other Interested Parties]

Steve Wilber 167 Fourth, Vermontville, MI 49096

Donald R. Wilber 515 N. Gunnell Rd. Eaton Rapids, MI 48827

Jan A Koens, P.O. Box 177, Muskegon, MI 49443

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

F:\Inspections\Grabinski_Lorraine\Word\STANDARD FORMS\Inspections Department Notice and Order.doc

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 723 Isabella, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal

April 25, 2001

Steve Wilbur
167 Fourth Street
Vermontville MI 49096

Dear Property Owner:

Subject: Board-up: 723 E. Isabella, Muskegon MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

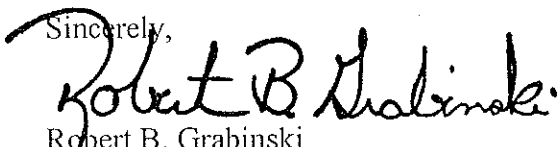
To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. Please board up/secure all doors and first floor windows of all structures. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days. As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property.

Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions concerning this matter, please do not hesitate to contact me at 724-6715.

Sincerely,


Robert B. Grabinski
Fire Marshal/Inspections Dept.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

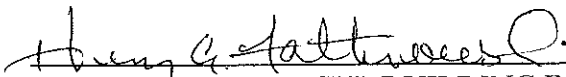
723 Isabella

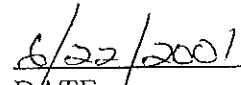
6/15/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).
2. Roof rafters investigation needed as large bows in roof line are observed.
3. Home in need of roof covering – shingles.
4. Need roof decking inspection when re-roofing occurs.
5. Chimney deteriorated – needs rebuild inspection by mechanical inspector.
6. Siding on home incomplete, siding needs protection (paint) from decay.
7. Missing stairs, landing on back of home.
8. Broken out windows.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

HBA Minutes 8/01

Mr. Wilbur was in attendance. Mr. Grabinski gave history on the property. It came to Inspection department through a complaint from the Police Department as to being open and vacant. It was boarded up at that time and upon inspection was put on the dangerous building list. Mr. Wilbur did come into the office for a permit to work on the structure, but did not submit a time frame as required when obtaining the permit. This is the problem in this case. Mr. Wilbur will not submit a timetable and it appears that work has not commenced. Mr. Wilbur also refused to schedule an interior inspection. Mr. Grabinski stated that if there is much progress in the next 30 days, along with an interior inspection and timetable submitted, he can stop this case from being forwarded to the City Commission. Mr. Kroes asked how long Mr. Wilbur needs to complete repairs. He stated he needs 60-90 days. He stated that he has already done work on some of the windows and he has done some painting. He also stated that he is making an effort to repair the structure. He stated he will agree to an interior inspection to a certain extent. There was much discussion on rules pertaining to permits, codes, ordinances and requirements of the inspection department.

Staff Recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion: Randy Mackie, supported by Jerry Bever, made a motion to declare the structure substandard, unsafe, a public nuisance, and dangerous building and forward to the city commission for concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-030 – 363 McLaughlin – Stephen Delore - Muskegon

No one present to represent this case. Mr. Grabinski gave history. The structure is boarded, no contact from owner. The foundation is deteriorating, broken basement windows have led to entry into the property, siding needs repair, broken doors. Since boarding up there seems to be less problems.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

DATE: September 27, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-45 Address: 994 Pine St.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **994 Pine St.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-45, 994 Pine St.

Location and ownership: This structure is located on the corner of Pine St. and Apple Ave. and is owned by Arthur Hilton of Muskegon.

Staff Correspondence: A dangerous building inspection was conducted on 5/17/00. A Notice and Order to repair or demolish was issued 6/12/00. Brought before HBA 8/17/00 where structure was declared dangerous and unsafe. Appeal filed and denied 10/00. Inspection scheduled 12/20/00, unable to gain access on that date. July 17, 01 partial emergency demolition and inspection conducted on remaining structure. A Notice of hearing before the HBA was issued 8/21/01. HBA determined structure to be dangerous, determination letter issued 9/10/01.

Owner Contact: None

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$39,400

Estimated cost to repair: \$100,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 9, 2001.

994 PINE

TSK

ANA AV



994 Pine



↑ Portion that was demo'd 7/17/01

994
PINE



Remaining area ↑



994
PINE



10/17/07





994 Pine

411178

<u>OWNER</u>	Arthur Hilton
<u>PROPERTY</u>	994 Pine
<u>PLATE #</u>	03306
<u>DESCRIPTION</u>	Lot 8 Block 216

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT
Affecting land in Muskegon County, Michigan
described as follows:

Lot 8, Block 216 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-216-0008-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 City taxes.

STATE AND COUNTY TAXES

1998 County tax due in the amount of \$1,992.09, plus penalties and interest.

1999 County tax due in the amount of \$2,020.56, plus penalties and interest.

SPECIAL ASSESSMENTS

City of Muskegon invoices, infractions or Special Assessments not checked.

TAX SALES

State Equalized Value \$39,400.00.
Taxable Value \$37,249.00.

NOTE: No Homestead filed.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 28, 2001

994 Pine St.
(Address of Property)

TO: All owners and interested parties:

Arthur Hilton, 3507 Padelt St. Muskegon, MI 49441
(Name of Owner)

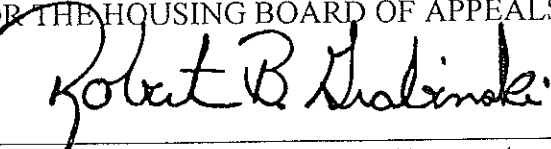
Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

On September 6, 2001, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on October 9, 2001, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on October 9, 2001, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: September 10, 2001

To: Arthur Hilton, 3507 Padelt St., Muskegon, MI 49441
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 6, 2001, does hereby order that the following structure(s) located at 994 Pine St., Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

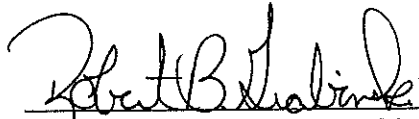
The director of inspections is ordered to place before the Muskegon City Commission on October 9, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski Fire Marshal/Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: August 21, 2001

Address of the Property: 994 Pine St., Muskegon, Michigan

Description of the Structure: Lot 8 Block 216

TO: Arthur Hilton, 3507 Padelt St. Muskegon, MI 49441
[Name & Address of Owner]

Muskegon County Treasurer/Jan Koens, P.O. Box 177 Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

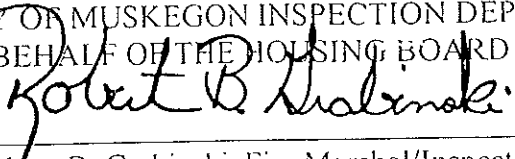
Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 6/12/00.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

Invoice Header

Next Screen

Go to Detail

Organization # 900
 Invoice # 9820986
 Customer # 36771
 Name ARTHUR R HILTON
 Mailing Address # 0
 Operator ***
 Invoice Total 3400.00+
 Invoice Date 81701
 Open Balance 3400.00+

Suppress Print

☐

Date/Time of Incident

71701

Collection Agency Date

0

Lite Screen Option

☐

A/R Type LN LIENABLE ITEM

Payment Terms

30 DUE 30 DAYS-1%/MONT

DUE 30 DAYS-1%/MONTH LATE FEE

Description

EMERGENCY DEMO - PARTIAL OF 994 PINE ST. (D/S 7/17/01)

#24-205-216-0008-00

QUESTIONS? CONTACT LORRAINE @ (231)724-6715

Add

Chg

Del

Inq

First

Back

Next

Last

OK

Franklin Contractors

3500 S. Getty Street
Muskegon, MI 49444
(231) 737-9903
Federal ID # 38-3215163

DATE	INVOICE #
7/20/2001	1485

BILL TO
City of Muskegon Inspection Services 933 Terrace Street PO Box 536 Muskegon, MI 49443-0536

9820986

P.O. NO.	TERMS	PROJECT
	Due on receipt	

QUANTITY	DESCRIPTION	RATE	AMOUNT
	7/17/01 Emergency Response to unsafe structure near corner of Pine St. and Apple Ave. Dismantle and Demolish unsafe structure.	3,400.00	3,400.00
A service charge of 1 1/2% per month (18% per annum) will be added to past due accounts.		Total	\$3,400.00

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

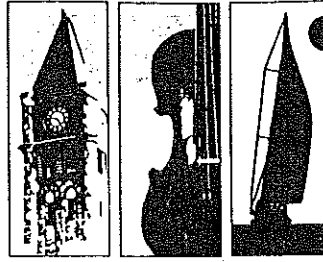
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

DATE: August 8, 2001

Arthur Hilton
3507 Padelt St.
Muskegon, MI 49441

36771

24-205-216-0008-00

Dear Property Owner:

Subject: Emergency Demolition of portion of 994 Pine St.

The above named property has been demolished and cleaned up through the lowest bidder of the advertised contract. We are requesting that you make reimbursement within thirty (30) days in the amount of \$3,400.00.

If payment is not received within 30 days, interest will accrue. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

The Treasurer's office will be sending out the invoice for the services rendered for the dangerous building process. If you have any questions, please feel free to contact this office at 724-6715

Sincerely,

Robert Grabinski
Fire Marshall/Inspection Services

July 17, 2001

Arthur Hilton
3507 Padelt St.
Muskegon, MI 49441

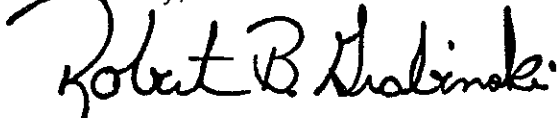
Re 994 Pine St.

Dear Mr. Hilton:

Due to the eminent and immediate hazard to the public, the City of Muskegon has been forced to remove the Southeast portion of the above referenced structure, pursuant to the 1997 Uniform Fire Code and Public Act #207, Fire Prevention Code of the State of Michigan.

If you have any questions, please contact me at (231) 724-6715.

Sincerely,

A handwritten signature in black ink that reads "Robert B. Grabinski". The signature is written in a cursive, flowing style with a large initial "R".

Robert B. Grabinski
Fire Marshal/Inspection Services

or other writings or things considered material to the inquiry in an investigation or at a hearing when ordered to do so by the state fire marshal on the ground that the testimony or evidence may tend to incriminate the person or subject the person to a criminal penalty. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury, making a false statement, or otherwise failing to testify or produce evidence as required.

History: 1941, Act 207, Imd. Eff. June 16, 1941 ;—CL 1948, 29.7 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;—Am. 1999, Act 252, Imd. Eff. Dec. 28, 1999 .

29.7a Conditions dangerous to persons or property; restrictions and requirements; investigation of causes and effects. [M.S.A. 4.559(7a)]

Sec. 7a. (1) If the state fire marshal or the commanding officer of the fire department of a city, village, township, or county, or a fire fighter in uniform acting under the orders and directions of the commanding officer determines a dangerous condition exists, the state fire marshal, the commanding officer of the fire department of a city, village, township, or county, or the fire fighter in uniform acting under the orders and direction of the commanding officer upon finding an emergency condition dangerous to persons or property, may take all necessary steps and prescribe all necessary restrictions and requirements to protect persons and property until the dangerous condition is abated.

(2) The state fire marshal, the commanding officer of the fire department of a city, village, township, or county, or a fire fighter in uniform acting under the orders and directions of the commanding officer, responding to a fire or emergency call, who, upon arriving at the scene of a fire or emergency, finds a condition dangerous to persons or property, may take all necessary steps and requirements to protect persons and property until the dangerous condition is abated.

(3) The state fire marshal or the commanding officer of the fire department of a city, village, township, or county, or a fire fighter in uniform acting under the orders and direction of the commanding officer may investigate causes and effects related to dangerous conditions.

History: Add. 1952, Act 26, Eff. Sept. 18, 1952 ;—Am. 1965, Act 200, Imd. Eff. July 16, 1965 ;—Am. 1968, Act 321, Imd. Eff. July 3, 1968 ;—Am. 1973, Act 199, Imd. Eff. Jan. 11, 1974 ;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 .

29.7b Tents; requirements for resistance to fire; exceptions; camping tentage of new manufacture. [M.S.A. 4.559(7b)]

Sec. 7b. (1) The following items shall meet the appropriate requirements for resistance to fire prescribed in the standard methods of fire tests for flame-resistant textiles, films, national fire protection association No. 701-1969: (a) A tent which may be occupied or furnished for public assembly by 50 or more people.

(b) A tent in which animals are stabled for public exhibition or sale.

(c) A tent located within a building used by the public.

(d) All tarpaulins and decorative material used in connection with any of the above.

(2) A safety net or tent used for recreational camping is exempt from this section.

(3) After October 1, 1975, all camping tentage of new manufacture sold in this state shall comply with the provisions for resistance to fire as prescribed in the specification for flame-resistant materials used in camping tentage, canvas products association international-84, 1974, or another nationally recognized standard that is acceptable to the director.

History: Add. 1972, Act 131, Imd. Eff. May 11, 1972 ;—Am. 1972, Act 269, Imd. Eff. Oct. 11, 1972 ;—Am. 1973, Act 4, Imd. Eff. Mar. 29, 1973 ;—Am. 1975, Act 172, Imd. Eff. July 20, 1975 .

work is ready for inspection. The chief is authorized to require that every request for inspection be filed not less than one working day before such inspection is desired. Such requests may be in writing or by telephone at the option of the chief.

It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work.

103.3.2.3 Changes in use or occupancy of buildings. Changes made in the character or use of an occupancy shall be in accordance with the Building Code.

103.3.3 Firesafety during construction and alterations. Firesafety during construction, alteration or demolition of a building shall be in accordance with Article 87.

103.3.4 Records. The fire prevention bureau shall retain for not less than three years a record of each inspection made showing the findings and disposition of each inspection made.

103.4 Enforcement.

103.4.1 Authorization to issue corrective orders and notices.

103.4.1.1 General. When the chief finds any building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the chief is authorized to issue corrective orders.

See also Appendix VI-D.

103.4.1.2 Unsafe heating or electrical equipment and structural hazards. When the chief deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally recognized standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create a hazard, the chief is authorized to serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. The chief is authorized to affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag shall only be removed by the order of the chief when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices listed in this section, the chief shall immediately notify the building official to investigate such hazard and cause such hazard to be abated as required by the Building Code.

103.4.1.3 Stopping uses, evacuation. The chief is authorized to order an operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a fire hazard.

103.4.1.4 Time limit for corrective orders. Orders or notices shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation.

103.4.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to and leaving it with a person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy

thereof to such person by registered or certified mail to the person's last known address.

Orders or notices which are given verbally shall be confirmed by service in writing as herein provided.

103.4.3 Compliance with orders, notices and tags.

103.4.3.1 Compliance with orders and notices. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. In cases of extreme danger to persons or property, immediate compliance is required.

If the building or other premises is not owner occupied, under lease or otherwise, and the order or notice requires additions or changes in the building or premises which would immediately become real estate and be the property of the owner of the building or premises, such orders or notices shall be complied with by the owner.

EXCEPTION: When the owner and the occupant have agreed otherwise between themselves, in which event the occupant shall comply.

103.4.3.2 Compliance with tags. A building, premises or thing shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 103.4.1.

103.4.3.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the chief shall not be mutilated, destroyed or removed without authorization by the chief.

103.4.4 Citations. Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the chief shall be guilty of a misdemeanor.

103.4.5 Unsafe buildings. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are, for the purpose of Section 103.4.5, unsafe buildings. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal. See the procedure specified in Chapters 4 through 9 of the *Uniform Code for the Abatement of Dangerous Buildings*.

103.4.6 Appeals. For appeals, see Section 103.1.4.

SECTION 104 — CONTROL AND INVESTIGATION OF EMERGENCY SCENES

104.1 Authority at Fires and Other Emergencies.

104.1.1 General. The chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of duty. In the exercise of such power, the chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which could impede or interfere with the operations of the

fire department and, in the judgment of the chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.1.2 Interference. The operations of the fire department in connection with extinguishing any fire or other emergency shall not be obstructed. Lawful commands of the chief or officer of the fire department in charge at such a scene, or any part thereof, or any police officer assisting the fire department, shall not be disobeyed.

104.1.3 Barricades. The chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.2 Investigations. The fire department is authorized to investigate promptly the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears to the bureau of investigation that such fire is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the fire and are authorized to pursue the investigation to its conclusion.

The chief is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials.

The police department is authorized to assist the fire department in its investigations when requested to do so.

104.3 Records and Reports.

104.3.1 Fire occurrences. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the chief.

104.3.2 Record retention. The fire department shall retain for not less than three years a record of each investigation made showing the cause, the findings and disposition of each investigation.

SECTION 105 — PERMITS

105.1 Scope. Permits shall be in accordance with Section 105.

105.2 Conditions of Permits.

105.2.1 General. A permit constitutes permission to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law.

105.2.2 Expiration. A permit shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

105.2.3 Compliance. Permit applicants and the applicants' agents and employees shall carry out the proposed activity in compliance with this code and other laws or regulations applicable thereto, whether specified or not, and in complete accordance with approved plans and specifications. Permits which purport to sanction a violation of this code or any applicable law or regulation

shall be void and approvals of plans and specifications in the issuance of such permits shall likewise be void.

105.3 Application for Permit. Applications for permits shall be made to the bureau of fire prevention in such form and detail as prescribed by the bureau. Applications for permits shall be accompanied by such plans as required by the bureau.

105.4 Inspection Required. Before a permit is issued, the chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

105.5 Retention of Permits. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the chief. Permits shall be subject to inspection at all times by an officer of the fire or police department or other persons authorized by the chief.

105.6 Permits for the Same Location. When more than one permit is required for the same location, such permits may be consolidated into a single permit.

105.7 Revocation of Permits. The chief is authorized to suspend or revoke a permit when it is determined after a hearing by the chief that:

1. The permit has been used by a person other than the person to whom the permit was issued,

2. The permit has been used for a location other than that for which it was issued,

3. Any of the conditions or limitations set forth in the permit have been violated,

4. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein,

5. There has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based, or

6. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.8 Permit Required. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

- a.1. **Aerosol products.** To store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (226.8 kg) net weight. See Article 88.

- a.2. **Aircraft refueling vehicles.** To operate aircraft refueling vehicles. See Article 24.

- a.3. **Aircraft repair hangar.** To use any structure as an aircraft hangar for the purpose of servicing or repairing aircraft. See Article 24.

- a.4. **Asbestos removal.** To conduct asbestos-removal operations regulated by Article 87.

Assembly. See "places of assembly."

- a.5. **Automobile wrecking yard.** To operate an automobile wrecking yard. See Article 34.

- b.1. **Battery system.** To install or operate stationary lead-acid battery systems having a liquid capacity of more than 100 gallons (378.5 L). See Article 64.

- b.2. **Bowling pin or alley refinishing.** To conduct a bowling pin refinishing or bowling alley resurfacing operation involving

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

82 APPLE – 994 PINE

7/17/01

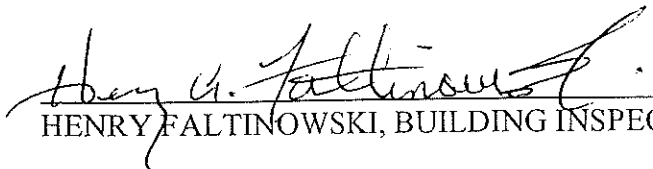
Inspection noted:

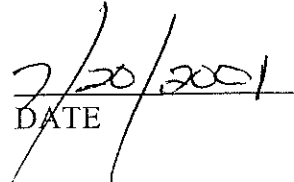
Complaint called into office about roof collapse at 82 Apple – 994 Pine commercial building complex.

Approximately 15 feet deep, 55 feet wide of roof system had collapsed across entire front of southeast portion of building. This collapse left the front brick exterior wall unsupported with collapsed material loading the wall with extreme pressure on the exterior brick. A main support beam snapped dislodging it from support column and beam pocket. Upon investigation of building after entry, the following inspection noted:

1. Rafters and sheathing rotted – saturated from exposure to weather. Beams and columns in same state as first collapsed section – in near state of collapse.
2. Floor system in building rotted – saturated with moisture and mold. Floor joists, supports, decking severely deteriorated. When walking through building, flooring system was caving in.
3. Roof covering on entire building missing, deteriorated, leaving building completely open to the weather for a long period of time. This has caused severe structural damage to every section of this building complex.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

**994 Pine St. – Exiting Buildings
Adjacent to Demolished Building**

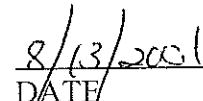
717/01

Inspection noted:

1. Neglected roof maintenance on these structures has caused severe structural damage to rafters, ceiling, walls, and flooring in all buildings. Ceilings are collapsing, drop ceilings caving in, walls damaged by moisture, flooring rotted, buckling. Since the interior damage is so severe, an inspection of all roof systems must be conducted. An architect or engineer must be obtained to design any repair due to this wide spread damage.
2. All plumbing must be brought up to code. Fixtures have been removed – broken supply lines.
3. All mechanicals must be brought up to code.
4. Entire electrical exposed to elements must be replaced to code.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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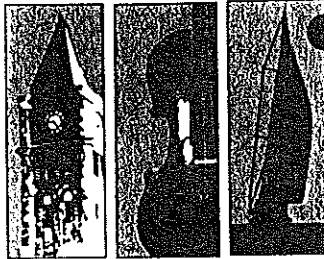
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Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

December 20, 2000

Arthur Hilton
3507 Padelt St.
Muskegon MI 49441

Re: Interior inspection of 994 Pine St.

Dear Mr. Hilton:

On December 12, 2000, a letter was sent to you regarding an inspection that was to be held on December 20, 2000 at 9AM. This inspection was the result of a complaint about the possible collapse of interior ceilings. Our staff was unable to gain entry for this interior inspection. Therefore, another inspection has been scheduled for January 8, 2001 @ 9:00 AM.

Failure to appear for this inspection will result in this office seeking an administrative search warrant on that day. If you have any questions, please contact this office at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
31/724-6703
FAX/722-1214

Assessor
31/724-6708
FAX/726-5181

Cemetery
31/724-6783
FAX/726-5617

Civil Service
31/724-6716
FAX/724-4405

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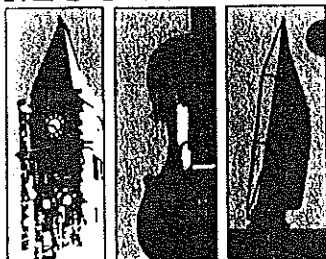
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MUSKEGON



West Michigan's Shoreline City

December 12, 2000

Arthur Hilton
3507 Padelt St.
Muskegon, MI 49441

RE: Interior Inspection

Mr. Hilton,

After receiving recent complaints about your building at the corner of Apple Ave. and Pine St., (referred to as 994 Pine,) the City of Muskegon Safety Dept. is requiring you to allow the city inspectors to inspect the interior of said building.

The inspection will be on December 20, 2000 at 9:00am.

Your presence will be required at this inspection to allow the city entry to the building.

If we do not gain entry on the date stated we will request our attorney to petition the court for a warrant to enter said building.

Your cooperation in this matter would be greatly appreciated.

If you have questions about this inspection please contact Jerry E. McIntyre, Building Official, at 724-6747 or Robert Grabinski, Department Head at 724-6765.

Thank You

Jerry E. McIntyre
Building Official
City of Muskegon

FILE COPY

CITY OF MUSKEGON, MICHIGAN
NEIGHBORHOOD AND CONSTRUCTION SERVICES DEPARTMENT

HOUSING BOARD OF APPEALS
CLAIM OF APPEAL



1. Address of property under appeal:

994 PINE

2. Name of person making appeal:

ARTHUR R HILTON

(Please Print)

3. Relationship to owner:
(If Not Owner)

4. Address of person making appeal:

3507 PADGET

MUSKEGON, MI 49841

5. Telephone (daytime):

231-780-3763

6. How long has the property been owned by the current owner?

APPROX 10 YR

7. Is the property owner-occupied or rental:

OWNER OCCUPIED

8. Reason for appeal (check appropriate line):

- ☐ A City standard causes more hardship for me than others.
☒ The City's order was an incorrect interpretation of the standard.
☐ I have an alternative way to meet the minimum standard.
☐ I need more time to comply with the City's order.

Other (explain):

PLEASE SEE ATTACHED
PAGES

9. Date of the inspection I am appealing:

5/17/00

10. Date of the repair notice I am appealing:

JUNE 12, 2000

11. Violation numbers being appealed (from repair notice):

1 THROUGH 11

12. I would agree to correct the violations no later than:

60 DAY AFTER AGREEMENT

13. I have already corrected the following violations listed on the repair order (indicate violation number):

#2 #4 #5 #6 THERE WERE NONE
#7 #8 #11

On # 1 bowed walls . There are no bowed wall the way Mr. McIntyre determined this is by his eye. In Muskegon code #4-23 paragraph 9 & 10 explains the system used to determined bowed walls. You may refer to the Muskegon Housing Board recording of the aug.17 meeting.

On #3 Chimney does not exceed paragraph 10 of 4-23. I will agree to tuck point the chimney if this appeal is in my favor.

On # 9 signs I can not find this in the code book.

On #10 Willing to discuse this with the inspection dept. seeing it was approved April 20 1999. See copy of inspection note 8 B by Mr. Pete Vanderlaan.

Thank you,

Arthur R. Hilton

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

Assessor
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FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
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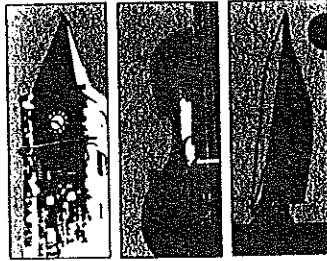
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FAX/724-6768

Water Filtration
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FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

FILE COPY

October 2, 2000

Arthur Hilton
3507 Padelt St.
Muskegon MI 49441

RE: Appeal denial

Dear Mr. Hilton:

I am in receipt of your appeal of the Housing Board of Appeals Finding of Facts and Order dated 8/24/00. Your appeal has been **denied**; however, I will reschedule your case one last time for review at the November 2, 2000 meeting of the Housing Board of Appeals.

I do not agree with the assertions enclosed with your appeal and have gone to the point of having a re-inspection of the exterior for photographs to show the same.

Sincerely,

Robert B. Grabinski, Fire Marshal
Director, Inspection Services Dept.

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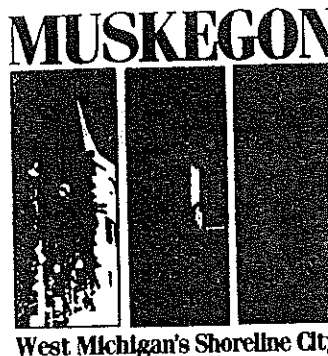
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MUSKEGON HOUSING BOARD OF APPEALS

DATE: August 24, 2000
CASE: #00-45 -- 994 Pine St., Muskegon MI

Arthur Hilton
3507 Padelt St.
Muskegon MI 49441

FINDING OF FACTS AND ORDER

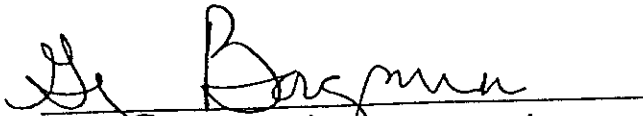
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on , August 17, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Lot 8 Block 216, also know as, 994 Pine St., found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

Affirmative Action
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Assessor
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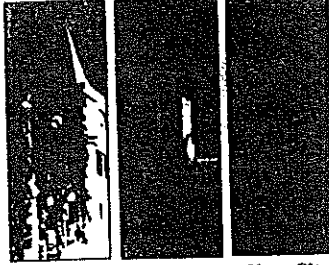
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MUSKEGON



West Michigan's Shoreline City

FILE COPY

NOTICE AND ORDER

June 12, 2000

Arthur Hilton
3507 Padelt St.
Muskegon MI 49441

Dear Property Owner:

Subject: 994 Pine Street, MI
Lot 8 Block 216

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 9231) 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

DANGEROUS BUILDING INSPECTION REPORT

994 Pine St.

05-17-00

Inspection noted:

1. Exterior walls bowed and cracked.
2. Trash and debris at rear of building
3. Brick Chimney deteriorated
4. Trees and weeds growing into foundation.
5. Roof blown off building and laying in rear yard.
6. Vermin and cats living in building.
7. Coping has fallen from roof and is laying on lower levels.
8. Electrical meter box has broken conduits.
9. Signs to empty businesses not removed.
10. Paint is peeling and O.S.B. is not to be used as a weather-proof covering.
11. Glass above door broken.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CONCURRED IN:

Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

5-18-00
DATE

HOUSING BOARD OF APPEALS
MEETING MINUTES
9/6/01
5:30 P.M.

ATTENDANCE: Greg Borgman, John Warner, Randy Mackie, Nick Kroes and Jerry Bever

ABSENT: Fred Nielsen and Clinton Todd

EXCUSED:

STAFF: Robert Grabinski, Don LaBrenz, Henry Faltinowski and Lorraine Grabinski

GUESTS: Beth Gubocki (1253 Calvin), Steven Wilbur (723 Isabella), Arthur Hilton (994 Pine), Sandra Moore (1345 Allen & 742 Apple), Raymond Hill (1643 Terrace), Richard Faulkner (2084 Henry), Brian Cunningham (412 W. Muskegon), Officer Ken Stier (MPD)

Meeting minutes: Nick Kroes made a motion, seconded by Randy Mackie to approve the minutes to the August meeting. The motion carried.

REVIEW CASES:

~~Case #00-32A – 501 Apple – Lee Vanderstelt, 4126 Deer Run Lane, Muskegon~~

~~Mr. Grabinski pulled this case from the agenda due to repairs being completed.~~

Case #00-45 - 994 Pine St. - Arthur Hilton, 3507 Padelst St. Muskegon

Mr. Hilton was present to represent this case. Mr. Grabinski gave a history of this case. It came before the HBA 8/00 originally. It was declared substandard at that time. Mr. Hilton filed an appeal on that. An interior inspection was scheduled for 12/00 and again 1/01 without success. On July 17, 2001 the Inspection Department had complaints of the building collapsing into Apple Ave. Due to eminent danger of collapse, a portion of the building was immediately demolished. Mr. Hilton stated that he thought the portion of the building that was removed on July 17, 2001 was in good shape and he thinks the remaining building is in good shape. The board indicated that the pictures Mr. Grabinski has passed around to view do not show the building to be in good shape, they show the roof to be collapsing. Mr. Hilton inquired about his previous appeal. Mr. Grabinski stated that it was denied by staff because HBA had voted to forward to CC. It was not brought back to HBA sooner because this department

wanted to conduct the interior inspection to have a complete picture of the building, not just exterior. In regard to the roof collapse, when the roof came down, the beam came out of the beam pocket. Prior to that happening, glass was pushed out of second story windows and the pictures show how the sides of the building on the top half were leaning out toward the street. Therefore, it was considered dangerous to the public. Mr. Grabinski also stated that he attempted to retrieve some belongings from inside the building and fell through the floor, resulting in an injury to his ACL which required medical treatment.

Mr. Kroes asked Mr. Hilton what he has done to the building in the last 11 months. Mr. Hilton stated that the appeal shows what he has done. He also stated that his intention is to fix the building. Mr. Hilton went into detail about his opinion of the condition of the building, the history of this case, and the partial demolition and being billed for it. He feels he has been unfairly treated by the city.

Mr. Kroes stated that Mr. Hilton was originally brought before the HBA 16 months ago and by looking at the pictures, it appears that nothing has been done. His question again, to Mr. Hilton is what are his intentions? Mr. Hilton stated his intention is to remodel, but he has no time frame for the repairs being done. When questioned further about how long he would need he stated 1 year. Borgman stated that there have been many complaints on this being an eyesore in the city.

Staff recommendation: Declare the structure a dangerous building, unsafe, a public nuisance, substandard and forward the case to the city commission in 30 days for concurrence.

Motion made by Nick Kroes, supported by Randy Mackie to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Property Maintenance Code Appeal # 01-004 – 494 Clay Ave., Laura Weaver, Muskegon MI