

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 23, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ SWEAR IN NEW WARD I COMMISSIONER:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Sale of Non-Buildable Lot at 370 Merrill Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - c. Restlawn Cemetery Upright Markers. LEISURE SERVICES
 - d. 2003-2004 Transportation Planning Program Funding. CITY MANAGER
 - e. City – MDOT Agreement for: First Phase of Shoreline Drive (Terrace Connector). ENGINEERING
- ❑ PUBLIC HEARINGS:
 - a. 2004 Budget. FINANCE
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - a. Contractor Pre-Qualification: Filtration Plant Improvements. ENGINEERING
 - b. FIRST READING: Rezoning Request for Property Located at 1344 and 1374 W. Sherman Blvd., and also the South 100 Feet of 1333 Montague Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - c. Request for Preliminary Planned Unit Development Approval for 1344 and 1374 W. Sherman Blvd., and the South 100 Feet of 1333

Montague Avenue. PLANNING & ECONOMIC DEVELOPMENT

- d. **Vacation of the North/South Alley Only, in Block 1, Terrace Street Addition.** PLANNING & ECONOMIC DEVELOPMENT
- e. **Request for Preliminary Planned Unit Development Approval for 980, 1016, 1018 and 1054 W. Sherman Blvd.** PLANNING & ECONOMIC DEVELOPMENT
- f. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:** INSPECTION SERVICES
 - 1. 2037 Kinsey
 - 2. 775 Washington – Area 12 (Garage Only)
 - 3. 769 Washington – Area 12 (Garage Only)
 - 4. 407 Catherine – Area 11
 - 5. 435 Amity – Area 11
- g. **Fireworks Display – Summit Pyrotechnics.** CITY CLERK

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

- ***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: September 23, 2003
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 Commission Worksession that was held on Monday, September 8, 2003; and the Regular Commission Meeting that was held on Tuesday, September 9, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON
CITY COMMISSION MEETING
SEPTEMBER 23, 2003
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 5:30pm, Tuesday, September 9, 2003.

Mayor Warmington opened the meeting with a prayer from Pastor Akin of Central Assembly of God Church after which the Commission and Public recited the Pledge of Allegiance to the Flag.

SWEAR IN NEW WARD I COMMISSIONER: Judge Pittman swore in Christopher L. Carter as the new Ward I Commissioner.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice Mayor Robert Schweifler, Commissioners Christopher Carter, Stephen Gawron, William Larson, Clara Shepherd, and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kunding.

2003-77 CONSENT AGENDA

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, September 8, 2003 and the Regular Commission Meeting that was held on Tuesday, September 9, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Sale of Non-Buildable Lot at 370 Merrill Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-376-0007-40) at 370 Merrill Avenue To Stephen L. Davidson, owner of 376 Merrill Avenue, Muskegon, MI 49441. Approval of this sale will allow the adjacent property owner to expand their current yard. The other adjacent parcel is vacant and owned by a landlord who also owns several other properties on the block. As is required by City's Area 10, \$1 lot sale policy, the subject parcel is being offered to the party who has the smallest lot. The lot will, therefore, be offered to Mr. Davidson for \$1.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on

the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

c. Restlawn Cemetery Upright Markers. LEISURE SERVICES

SUMMARY OF REQUEST: In an effort to increase sales in Restlawn Cemetery, staff is recommending that an upright marker section be created. The two sections currently have no burials and no upright markers would be allowed in other sections of the cemetery.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: Cemetery Committee recommends approval.

**d. 2003-2004 Transportation Planning Program Funding. CITY
MANAGER**

SUMMARY OF REQUEST: To approve the City's share of the local matching funds for the Muskegon County Metropolitan Planning Program for fiscal year 10/1/03 to 9/30/04. The City receives grant funds through this program for certain major streets.

FINANCIAL IMPACT: \$16,040 from the Major Street Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this request.

e. City – MDOT Agreement for: First Phase of Shoreline Drive (Terrace Connector). ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT amending contract #92-1465 dated May 5th, 1993 which was approved by the City Commission back on April 17, 1993. The amendment is necessary to offset the City's obligation to pay over \$866,000 as a result of overage in the project cost according to the final MDOT's audit which was performed in 2001. It was at the time that MDOT discovered the shortage in reimbursement by the City.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None at this time.

The amendment referenced in this contract has increased the TED category A, part "C" of the 1993 agreement from \$2,959,602 to \$3,826,043.54 to offset the shortfall due to overage in the construction cost verses the estimated amount that the agreement referenced. Furthermore, approve the resolution authorizing the Mayor and City Clerk to sign the contract.

STAFF RECOMMENDATION: Approve the agreement and resolution.

Motion by Vice Mayor Schweifler, second by Commissioner Gawron to approve the Consent Agenda.

ROLL VOTE: Ayes: Schweifler, Carter, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

2003-78 PUBLIC HEARINGS:

a. 2004 Budget. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2004. The proposed 2004 budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website page.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2002.

BUDGET ACTION REQUIRED: Adoption of the budget resolution in 2004.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2004, City of Muskegon Budget resolution.

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. Marietta Barrett, 1366 Creston, asked if taxes would be raised.

Motion by Vice Mayor Schweifler, second by Commissioner Spataro to close the Public Hearing at 5:46 p.m.

ROLL VOTE: Ayes: Carter, Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Larson to approve the 2004 budget resolution.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler, Carter

Nays: None

MOTION PASSES

2003-79 NEW BUSINESS:

**a. Contractor Pre-Qualification: Filtration Plant Improvements.
ENGINEERING**

SUMMARY OF REQUEST: To review and approve the contractor pre-qualification score sheet. It is being proposed that the aforementioned sheet be used by the City's consultant (Tetra Tech) and City staff to pre-qualify interested contractors based on the items, questions and answers outlined in said form which, if approved, would be available to all those that are interested in the project. This process, we feel, will enable staff to solicit and accept bids from contractors that are qualified for a project of this size.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the form as presented.

Motion by Commissioner Larson, second by Vice Mayor Schweifler to approve the contractor pre-qualification score sheet.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Schweifler, Carter, Gawron
Nays: None

MOTION PASSES

- b. FIRST READING: Rezoning Request for Property Located at 1344 and 1374 W. Sherman Blvd., and also the South 100 Feet of 1333 Montague Avenue. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone property owned by Francis Mroz, located at 1344 Sherman Blvd. and the south 100 feet of 1333 Montague Ave. and also to rezone property owned by John Achterhoff Estate, located at 1374 W. Sherman Blvd., all from a R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 9/11 meeting. The vote was unanimous with T. Harryman absent.

Motion by Commissioner Spataro, second by Commissioner Gawron to adopt the ordinance approving the rezoning request.

ROLL VOTE: Ayes: Shepherd, Spataro, Carter

Nays: Warmington, Schweifler, Gawron, Larson

MOTION FAILS

- c. Request for Preliminary Planned Unit Development Approval for 1344 and 1374 W. Sherman Blvd., and the South 100 Feet of 1333 Montague Avenue. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request for preliminary Planned Unit Development approval for the properties at 1344 and 1374 W. Sherman Blvd. And the south 100 feet of 1333 Montague Ave., for a commercial development. The request is from Jim Freed.

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the resolution, at their 9/11 meeting. The vote was unanimous with S. Warmington and T. Harryman absent.

NO ACTION TAKEN ON THIS ITEM

- d. Vacation of the North/South Alley Only, in Block 1, Terrace Street Addition. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request for vacation of the north/south alley only, in Block 1 of the Terrace Street Addition (block bounded by Howden St., Holbrook Ave., Terrace St. and City Limit).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the alley, with the condition that all City easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley with the condition that all City easement rights be retained. The vote was unanimous with S. Warmington, J. Aslakson and T. Harryman absent.

Motion by Commissioner Larson, second by Vice Mayor Schweifler to approve the vacation of the alley.

ROLL VOTE: Ayes: Schweifler, Larson

Nays: Spataro, Warmington, Carter, Shepherd

Abstain: Gawron

MOTION FAILS

e. Request for Preliminary Planned Unit Development Approval for 980, 1016, 1018 and 1054 W. Sherman Blvd. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for preliminary Planned Unit Development approval for properties at 980, 1016, 1018 and 1054 W. Sherman Blvd. For a mixed-use commercial and residential (condominium) development. The Request is from Randers Engineers and Constructors, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the resolution at their 9/11 meeting. The vote was unanimous with S. Warmington, B. Mazade, J. Aslakson, and T. Harryman absent.

Motion by Commissioner Larson, second by Commissioner Gawron to approve the preliminary Planned Unit Development for properties at 980, 1016, 1018 and 1054 W. Sherman with the conditions listed on the resolution and the development provide access for removal of sediment and remediation of Ruddiman Creek and that it not be an excessive expense.

ROLL VOTE: Ayes: Warmington, Schweifler, Carter, Gawron, Larson, Shepherd, Spataro

Nays: None

MOTION PASSES

f. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structures located at **2037 Kinsey,**

775 Washington (Garage Only), 769 Washington (Garage Only), 407 Catherine, and 435 Amity are unsafe, substandard, public nuisances 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 structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

1. 775 Washington – Garage only

CASE# & PROJECT ADDRESS: 003—775 Washington – Garage only

LOCATION AND OWNERSHIP: This structure is located on Washington between Henry & Beidler in area 12, Nims Neighborhood. It is owned by Annette Homoley.

STAFF CORRESPONDENCE: This garage was written as dangerous and substandard on 5/19/03. A Notice and Order to repair or remove was issued 6/6/03. On 8/7/03 the HBA declared the structure.

OWNER CONTACT: The owner was present at the HBA meeting in August and stated she knows the garage needs to be removed and plans to do that herself. As of 9/12/03 she has not applied for a demo permit or started the demolition.

FINANCIAL IMPACT: The cost of demolition will be paid with General Funds.

BUDGET ACTION REQUIRED: None

SEV: \$22,300

ESTIMATED COST OF REPAIRS: \$4,000

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

2. 407 Catherine

CASE# & PROJECT ADDRESS: #02-13—407 Catherine

LOCATION AND OWNERSHIP: This structure is located on the corner of Catherine and Wood in the Angell Neighborhood, area 11.

STAFF CORRESPONDENCE: This commercial building has been vacant and boarded for more than one year and a dangerous building inspection report was written 4/4/02. On 7/11/02 the HBA tabled the case for 30 days to verify the current owner, which was the State of Michigan. A Notice and Order to repair or remove was issued 6/25/03 and the HBA declared the structure on 7/3/03.

OWNER CONTACT: The previous owner had been in contact with Inspections to verify she did not own it any longer.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUILIZED VALUE: \$37,400

ESTIMATED COST TO REPAIR: \$8,000 plus additional costs to be determined during interior inspection.

3. 435 Amity

CASE# & PROJECT ADDRESS: 03-29—435 Amity, Area 11

LOCATION AND OWNERSHIP: This structure is located on Amity between Wood and Williams and is owned by Deutsche Bank in Texas. It is in the Angell Neighborhood.

STAFF CORRESPONDENCE: This property was written as dangerous/substandard after being boarded since September 2001. A Notice and Order to repair or remove was issued 7/7/03 and on 8/7/03 the HBA declared the structure.

OWNER CONTACT: Matrix Management has called and requested all reports and to be added as an interested party. Gerald Singer who owns other rental properties in the City, was in the office 9/10/03 and stated he is purchasing the property.

SEV: \$18,100

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$4,000 plus additional amount for interior items once inspected.

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals recommendation to demolish 775 Washington – garage only, 407 Catherine, and 435 Amity.

ROLL VOTE: Ayes: Schweifler, Carter, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

4. 2037 Kinsey

CASE# & PROJECT ADDRESS: 03-07, 2037 Kinsey

LOCATION AND OWNERSHIP: This structure is located on Kinsey between Hudson & Crowley and is now owned by a David Medendorp.

STAFF CORRESPONDENCE: This structure was brought to the attention of the Inspection Department from the MPD on 2/6/03. The inspection report was written on that date and a notice and order to repair or remove was issued 3/5/03. The previous owners, Harry & Kathy Jourden, let the property go back to Dean Pranger of Texas, and he sold the structure to David Medendorp. An electrical permit was issued on 9/9/03.

OWNER CONTACT: During the week of 9/8/03 the director of Inspections noted painting being done and spoke with David Medendorp. He was told any other work to be completed must be done under a permit, including the electrical work which was already done.

FINANCIAL IMPACT: The cost of demolition will be paid with General Funds.

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$16,400

ESTIMATED COST TO REPAIR: \$5,000

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

démolish.

Motion by Commissioner Spataro, second by Commissioner Larson to concur with the Housing Board of Appeals decision to demolish 2037 Kinsey.

ROLL VOTE: Ayes: Carter, Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler

Nays: None

MOTION PASSED

5. 769 Washington – Garage only

CASE # & PROJECT ADDRESS: 03-34 – 769 Washington – Garage only.

LOCATION AND OWNERSHIP: This structure is located on Washington between Henry & Beidler in area 12, Nims Neighborhood. It is owned by Victor Rockafellow.

STAFF CORRESPONDENCE: This garage was written as dangerous and substandard on 5/19/03. A notice and order to repair or remove was issued 6/6/03. On 8/7/03 the HBA declared the structure.

OWNER CONTACT: The owner was present at the HBA meeting in August and stated he wants to repair the garage, but doesn't agree with the building inspector's requirement for a structural engineer to design the repairs. There has been no contact since the HBA meeting.

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALYE: \$32,800 (house & garage)

ESTIMATED COST OF REPAIRS: \$5,000.

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

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler, Carter

Nays: None

MOTION PASSES

g. Fireworks Display – Summit Pyrotechnics. CITY CLERK

SUMMARY OF REQUEST: Steven Franklin is requesting approval of a fireworks display permit for October 11, 2003 from dark till 12:00am. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION; Approval contingent on inspection of the fireworks and approval of insurance. Staff requests the time be changed from dark till 11:00pm and that Mr. Franklin publishes and ad or article in the Muskegon Chronicle notifying the public of the event.

Motion by Commissioner Larson, second by Vice Mayor Schweifler to approve the request.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Schweifler, Carter, Gawron

Nays: None

MOTION PASSES

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:44PM.

Respectfully submitted,

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

Gail A. Kunding, MMC

City Clerk

Commission Meeting Date: September 23, 2003

Date: September 12, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-buildable Lot at 370 Merrill Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-376-0007-40) at 370 Merrill Avenue to Stephen L. Davidson, owner of 376 Merrill Avenue, Muskegon, MI 49441. Approval of this sale will allow the adjacent property owner to expand their current yard (see attached map). The other adjacent parcel is vacant and owned by a land lord who also owns several other properties on the block. As is required by City's Area 10 \$1 lot sale policy, the subject parcel is being offered to the party who has the smallest lot. The lot will, therefore, be offered to Mr. Davidson for \$1.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed 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 the resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2003- 77(b)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$1 from Stephen L. Davidson, 1667 North Creston, Muskegon, MI 49445 for the purchase of a vacant, City-owned lot located adjacent to his property at 376 Merrill Avenue (parcel #24-205-376-0007-40);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Area 10 \$1 lot program;

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 ELY 33 FT OF WLY 264 FT LOT 7 EX N 20 FT BLK 376 be sold to Stephen L. Davidson for \$1.

Resolution adopted this 23rd day of September, 2003.

Ayes: Schweifler, Carter, Gawron, Larson, Shepherd, Spataro,
Warmington

Nays: None

Absent: None

By: _____

Stephen J. Warmington
Mayor

Attest: _____

Gail A. Kunding, MMC
Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on September 23, 2003. 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.

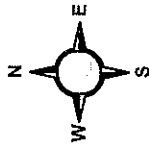
CITY OF MUSKEGON

By

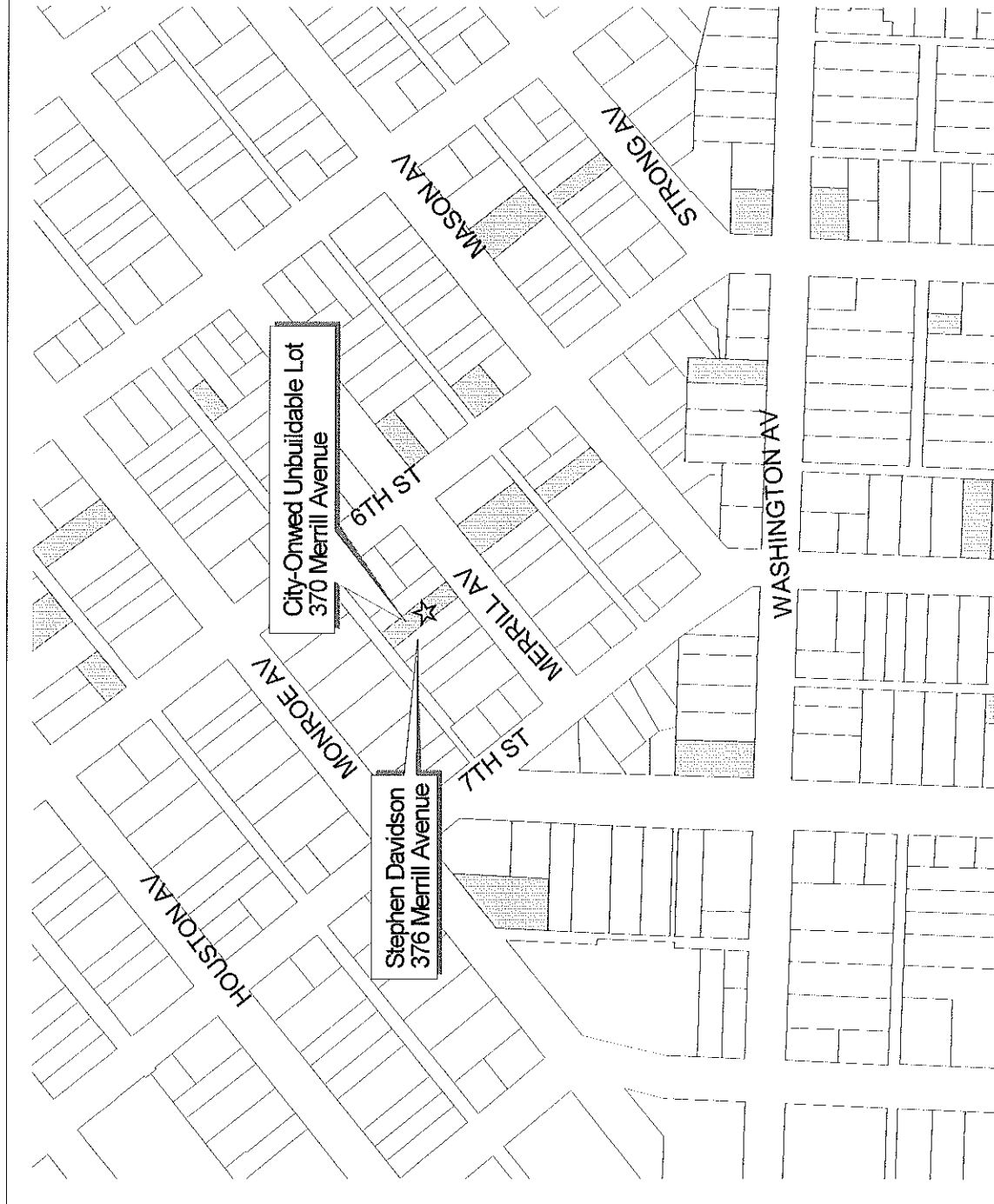
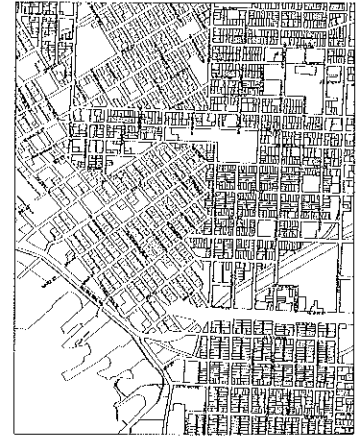


Gail A. Kunderger, MMC
Clerk

Vacant Non-buildable City-Owned Lot 370 Merrill Avenue



☆ = Subject Property(ies)
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **STEPHEN DAVIDSON**, a married man, of 1667 North Creston Street, Muskegon, Michigan 49445,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, THE EASTERLY 33 FEET OF THE WESTERLY 264 FEET OF LOT 7, EXCEPT THE NORTH 20 FEET OF BLOCK 376 (common address: 370 Merrill)

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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 29th day of September, 2003.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Its Mayor

and Gail A. Kunderinger
Gail A. Kunderinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 29th day of September, 2003, by **STEPHEN J. WARRINGTON** and **GAIL A. KUNDERINGER, MMC**, the Mayor and Clerk, respectively, of the **CITY OF MUSKEGON**, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 7-25-06

SEND SUBSEQUENT TAX BILLS TO: Grantee

Date: September 10, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Restlawn Cemetery Upright Markers

SUMMARY OF REQUEST:

In an effort to increase sales in Restlawn Cemetery, staff is recommending that an upright marker section be created. The two sections currently have no burials and no upright markers would be allowed in other sections of the cemetery.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Cemetery Committee recommends approval

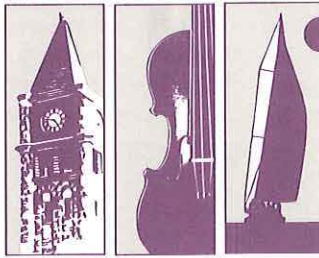
Affirmative Action
(231)724-6703
FAX: (231)722-1214

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

MUSKEGON



West Michigan's Shoreline City

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 Dept.
(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

Date: September 10, 2003

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Restlawn Cemetery Upright Markers

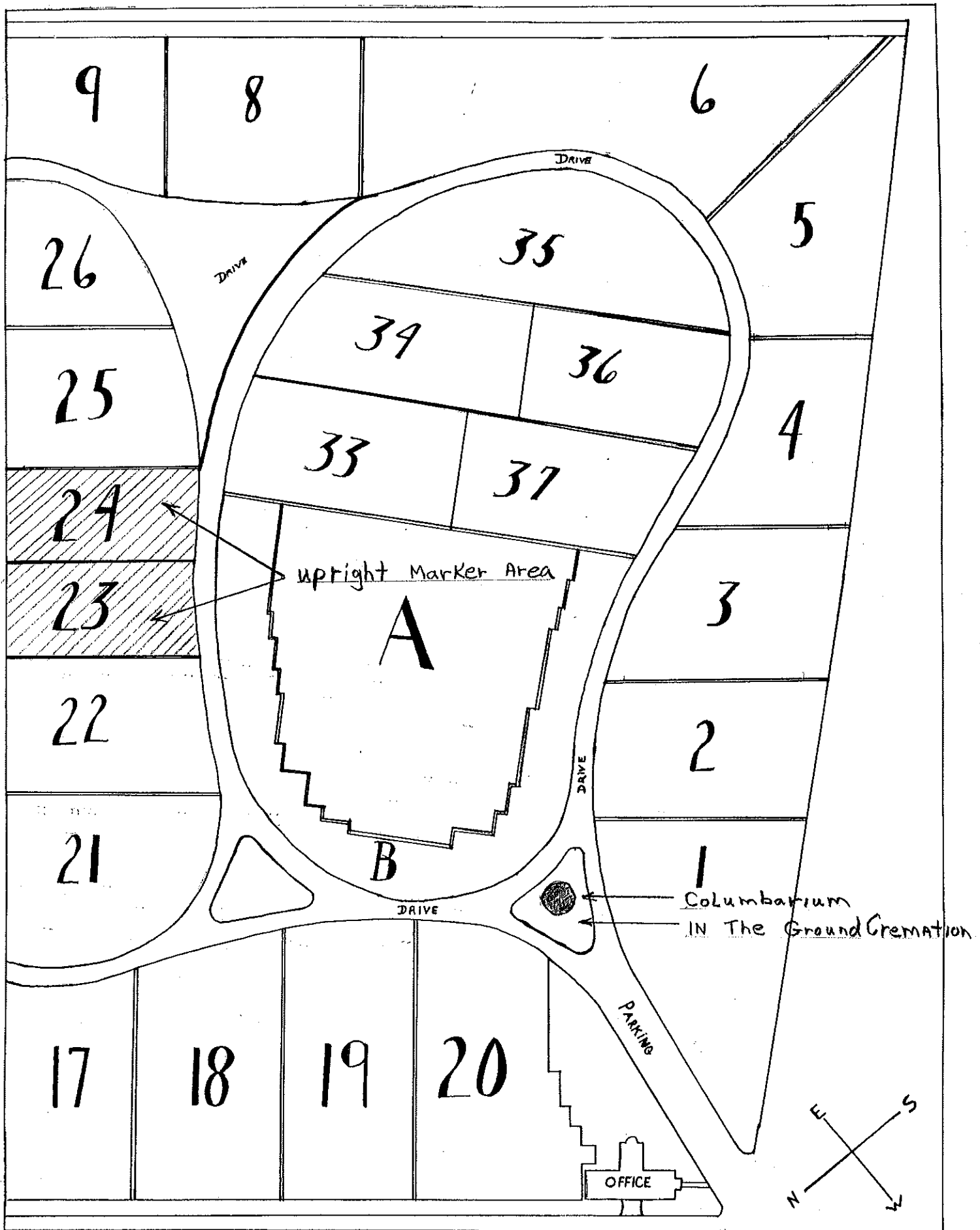
Over the past several years, there have not been a lot of grave sales in Restlawn Cemetery. In fact, there have been a lot of graves sold back to the city.

At the Cemetery Committee meeting in August, staff proposed to create an area within Restlawn where upright markers could be placed. Staff believes that one of the reasons people don't want to be in Restlawn is that they can't have upright markers.

The attached map shows that sections 23 and 24 would be designated for upright markers. Upright markers would not be allowed in any other section of Restlawn. This area is currently undeveloped, so there are no other burials in this area at this time.

The Cemetery Committee recommended approval of staff's recommendations. I would ask that change the current policy that prohibits upright markers in Restlawn and authorize staff to develop sections 23 and 24 for upright markers. The cost for this area would be the same as in the other cemetery's that have upright markers..

Thank you for your consideration.



RESTLAWN

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 9/23/03

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: September 8, 2003
RE: 2003-2004 Transportation Planning Program Funding

SUMMARY OF REQUEST:

To approve the City's share of the local matching funds for the Muskegon County Metropolitan Planning Program for fiscal year 10/1/03 to 9/30/04. The City receives grant funds through this program for certain major streets.

FINANCIAL IMPACT:

\$16,040 from the Major Street Fund.

BUDGET ACTION REQUIRED:

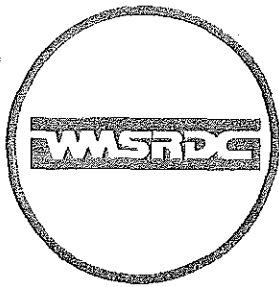
None.

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None.



WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION

Memorandum

Date: September 3, 2003

To: The Honorable Steve Warmington
Mayor, City of Muskegon

From: Nancy Crandall, Chairperson
Transportation Policy Committee
Mayor, City of Norton Shores

Subject: Local Matching Funds
West Michigan Metropolitan Transportation Planning Program(WestPlan)

The Work Program and Budget for the Fiscal Year 2004 (October 1, 2003 through September 30, 2004) for the West Michigan Metropolitan Transportation Planning Program (WestPlan) was approved by the Transportation Policy Committee on July 30, 2003. A copy of the Work Program and Budget was forwarded to your representative on the Transportation Policy Committee.

The dues for participating jurisdictions is identified in the attachment. If you have any questions or comments regarding the Work Program and Budget, please call me or the Regional Commission's Executive Director, Sandeep Dey.

ms

Enclosure

cc: Bryon Mazade ✓

RECEIVED

SEP 5 2003

MUSKEGON
CITY MANAGER'S OFFICE

West Michigan Metropolitan Transportation Planning Program (WestPlan)
Dues Structure
May 2003

Muskegon County		
	Dues	Population
City of Muskegon	\$16,040.00	40,105
Muskegon Heights	\$4,820.00	12,049
Roosevelt Park	\$1,560.00	3,890
Norton Shores	\$9,010.00	22,527
North Muskegon	\$1,620.00	4,031
Village of Fruitport	\$500.00	1,124
*MCRC	\$22,180.00	55,446
Sub Total	\$55,730.00	
Ottawa County		
	Dues	Population
City of Grand Haven	\$4,470.00	11,168
City of Ferrysburg	\$1,220.00	3,040
Village of Spring Lake	\$1,010.00	2,514
*OCRC FAUB	\$13,310.00	33,274
Ottawa County	\$20,000.00	49,996
Sub Total	\$40,010.00	
Transit Agencies		
	Dues	
Harbor Transit	\$1098.00	
Muskegon Area Transit System	\$5,000.00	
Sub Total	\$6,098.00	
TOTAL	\$101,838.00	

1 Dues calculated based on \$.40 per capita using 2000 Census

2 Village of Fruitport assessed flat fee of \$500.00

3 MATS and Harbor Transit are at an 82/18 split, respectively, for a total of \$6,098.00. This breakdown is a result of the breakdown of FTA eligibility

4 The total population of any complete township that has any part of its jurisdictional lines included within the census defined urban boundary is used to compute the dues for Road Commissions.

*Townships included:

Muskegon County: Sullivan, Egelston, Dalton, Fruitport (minus village population), Laketon and Muskegon

Ottawa County: Grand Haven, Robinson, Crockery and Spring Lake

Local Governments in the Muskegon/Grand Haven area are expected to receive \$10 to \$15 million annually in federal transportation funds through the West Michigan Shoreline Regional Development Commission's MPO Program.

INVOICE
**WEST MICHIGAN SHORELINE
REGIONAL DEVELOPMENT COMMISSION**

316 MORRIS AVE., #340 • P.O. BOX 387 • MUSKEGON, MI 49440-0387
PHONE (231) 722-7878 • FAX (231) 722-9362
WEBSITE - WWW.WMSRDC.ORG

SOLD TO

SHIPPED TO

City of Muskegon

Steve Warmington, Mayor

P.O. Box 536

Muskegon, MI 49443

DATE	DATE SHIPPED	SHIPPED VIA	YOUR ORDER NO.	F.O.B.	TERMS	INVOICE NO.	
10/1/03						004028	
QUANTITY	DESCRIPTION					PRICE	AMOUNT
	City of Muskegon's share of the Fiscal Year 2004						
	Transportation Planning Program.						\$16,040.00
	CR: 6341.0346.1 \$13,910.00 6341.0346.3 \$2,130.00						

Reorder Item #NVR73 Please Call Toll Free: 1-800-527-9530
©EGI, 1982, Printed in U.S.A.

Thank You!

ORIGINAL

Date: September 23, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
**RE: City – MDOT Agreement for:
First Phase of Shoreline Dr. (Terrace Connector)**

SUMMARY OF REQUEST:

To approve the attached contract with MDOT amending contract # 92-1465 dated May 5th, 1993 which was approved by the City Commission back on April 17, 1993. The amendment is necessary to offset the City's obligation to pay over \$866,000 as a result of overage in the project cost according to the final MDOT's audit which was performed in 2001. It was at that time that MDOT discovered the shortage in reimbursement by the City.

The amendment referenced in this contract has increased the TED category A, part "C" of the 1993 agreement from \$2,959,602 to \$3,826,043.54 to offset the shortfall due to overage in the construction cost verses the estimated amount that the agreement referenced. Furthermore, approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

RESOLUTION 2003-77(e)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON AMENDING CONTRACT NO. 92-1465 FOR THE CONSTRUCTION OF PHASE I OF SHORELINE DRIVE (TERRACE CONNECTOR) BETWEEN FOURTH STREET & US-31BR TO THE SOUTH. TOGETHER WITH THE NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Vice Mayor Schweifler and supported by

Commissioner Gawron that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **03-5510** between the Michigan Department of Transportation and the City of Muskegon for the resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd. within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **03-5510** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

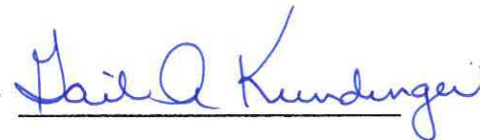
Adopted this 23rd day of September, 2003.

BY

A large, stylized handwritten signature in black ink, likely belonging to Stephen J. Warmington.

Stephen J. Warmington, Mayor

ATTEST

A handwritten signature in blue ink, likely belonging to Gail A. Kunderinger.

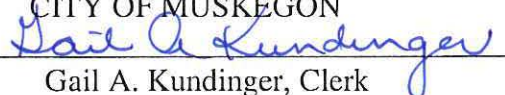
Gail A. Kunderinger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on September 23, **2003**. 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

A handwritten signature in blue ink, likely belonging to Gail A. Kunderinger.

Gail A. Kunderinger, Clerk



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

November 6, 2003

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

Dear Ms. Kunding:

RE: MDOT Contract Number: 03-5510
Control Section: EDAF 61522; EDA 61522
Job Number: 34029; 33997; 30195; 33893; 33894; 34029

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

Cc: M. Kapp, Economic Development
Project Accounting, Financial Operations Division
Grand Region Engineer

AMENDMENT TO CONTRACT 92-1465	CAB
Control Section	EDA 61522; EDAF 61522
Job Number	30195; 33893; 33894; 33997; 34029
Project	STP 31-2(343); STP 2007(060)
Federal Item No.	EB 2007; EB 2006
Contract No.	03-5510

THIS AMENDATORY CONTRACT is made and entered into this date of NOV 06 2003, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to this Amendment to CONTRACT #92-1465.

WITNESSETH:

WHEREAS, the parties to the Amendment have heretofore, by a Contract dated May 5, 1993, hereinafter referred to as "CONTRACT 92-1465" provided for the construction and financing of that which is hereinafter referred to as the "PROJECT" and is described as follows:

RR TRACK WORK – CONTRACTED

PART A – STP 2007(060); EDAF 61522; JOB #34029; FED ITEM EB2006

The construction with rubber crossing materials of at-grade crossings of tracks for the CSX Transportation, hereinafter referred to as the "RAILROAD", with the streets at the following locations within the City of Muskegon, Michigan; and all together with necessary related work:

Crossing X2 of 61-12-41

At-grade crossing of tracks with Third Street, including installation of signals and crossbucks.

Crossing X2 of 61-12-43

At-grade crossing of one track with Fourth Street, including installation of signals and crossbucks.

Crossing X1 of 61-12-50

At-grade crossing of one track with Western Avenue, including installation of signals and crossbucks.

Crossing X1 of 61-12-49

At-grade crossing of one track with Seventh Street, including installation of signals and crossbucks.

Crossing X1 of 61-12-47

At-grade crossing of one track with Fifth Street, including installation of signals and crossbucks.

The complete removal of at-grade crossing of the tracks of the RAILROAD at the following locations; and all together with necessary related work:

Terrace Street
Mart Street
Western Avenue

Ninth Street
Third Street
Fourth Street

Complete removal of the at-grade crossing of the track of Michigan Shore Railroad with Beidler Street; and all together with necessary related work.

PART B – EDA 61522; JOB #33997

Removal of existing tracks and installation of approximately 1.19 miles of unencased railroad tracks for the RAILROAD, including two No. 10 turnouts from Henry Street to Terrace Street; and all together with necessary related work.

ROAD WORK

PART C – EDA 61522; JOB #30195

The construction of a new roadway or the reconstruction of the existing roadway to provide a four to five lane roadway with curb and gutter, including adjustment or construction of drainage structures as may be required; together with necessary related work; at the following locations within the corporate limits of the City of Muskegon:

Glade Street from Southern Avenue to Washington Avenue;
Western Avenue from Division Street to Eighth Street;
Ninth Street from US-31BR to Western Avenue;
Terrace Street (Shoreline Drive) from east of Eighth Street to Fourth Street;
Highway US-31BR from Southern Avenue to Eighth Street;
Terrace Point Drive (realigned) from the Third Street/Shoreline Drive intersection to existing Terrace Point Drive;
Fifth Street from Shoreline Drive thence northerly approximately 250 feet;
Seventh Street from Shoreline Drive thence northerly approximately 350 feet.

PART D – EDA 61522; JOB #33893

The landscaping necessary for the construction or reconstruction of roadways as described in PART C and consisting of planting trees, installation of irrigation system, new watermain construction, topsoil, seeding, and mulching; and all together with necessary related work.

PART E – STP 31-2(343); EDAF 61522; JOB #33894; FED ITEM EB2007

The removal of the Highway US-31BR bridge structure over the Michigan Shore Railroad, including construction of storm sewer and embankment, pavement restoration by bituminous paving and construction of curb and gutter; and all together with necessary related work.

RAILROAD WORK – FORCE ACCOUNT

PART F – STP 2007(060); EDAF 61522; JOB #34029; FED ITEM EB2006

Temporary track relocation and connection of new track to existing RAILROAD track at Western Avenue and Terrace Street.

WHEREAS, the DEPARTMENT and the REQUESTING PARTY having appropriate authority desire to amend CONTRACT 92-1465 to provide for the an increase in the maximum amount of TED FUNDS to be applied to the eligible items of the PART C portion of the PROJECT COST and the associated increase in the maximum amount of TED FUNDS available for the overall Economic Development project consisting of Grants 92.1, 92.2, 92.3, and 92.4.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that:

1. Section 5 of CONTRACT 92-1465 is revised to read as follows:
 5. The PROJECT COST shall be met in accordance with the following:

PART A, PART E, AND PART F

The Federal Surface Transportation Funds shall be applied to the eligible items of the PART A, PART E, and PART F portions of the PROJECT COST at a Federal participation ratio equal to 50 percent. The balance of the PART A, PART E, and PART F portions of the PROJECT COST shall be paid with TED FUNDS Category A up to an amount not to exceed \$292,725.00 for the total of PART A and PART F and \$310,198.00 for PART E.

PART B

TED FUNDS Category A shall be applied to the eligible items of the PART B portion of the PROJECT COST at a participation ratio equal to 80 percent up to an amount to exceed \$507,449.00. The balance of the PART B portion of the PROJECT COST, after deduction of TED FUNDS, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART C AND PART D

TED FUNDS Category A shall be applied to the eligible items of the PART C and PART D portions of the PROJECT COST at a participation ratio equal to 65 percent up to an amount not to exceed \$3,826,043.54 for PART C and \$148,486.00 for PART D. The balance of the PART C and PART D portions of the PROJECT COST, after deduction of TED FUNDS, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share, if any, of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds and/or TED FUNDS earned as the PROJECT progresses.

Any items of PROJECT COST not reimbursed by Federal Funds and/or TED FUNDS will be the sole responsibility of the REQUESTING PARTY.

2. Section 8 of CONTRACT 92-1465 is revised to read as follows:

8. Upon completion and final accounting of the PROJECT, any balance remaining in Grants 92.1, 92.2, 92.3, and 92.4 may be transferred to other phases of the Economic Development project such that the combined total of TED FUNDS does not exceed the lesser of \$6,639,441.54, the amount approved in any of the grants or 75 percent of the eligible cost for the overall Economic Development project.

3. EXHIBIT I of CONTRACT 92-1465 is superseded by EXHIBIT I REVISED, dated August 20, 2003, attached hereto and made a part hereof. Any references to EXHIBIT I in CONTRACT 92-1465 shall be construed to mean EXHIBIT I REVISED.

4. Except as amended by the provisions herein, all of the provisions, covenants, and obligations of the parties contained in CONTRACT 92-1465 shall remain in full force and effect.

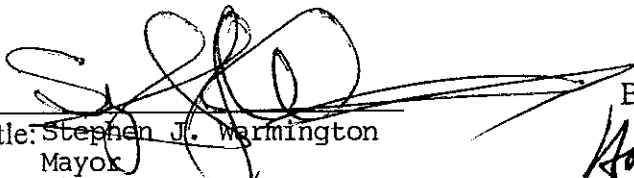
5. The REQUESTING PARTY waives any and all claims it has or may have against the DEPARTMENT which arise out of the need to amend CONTRACT 92-1465.

6. This Amendatory contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

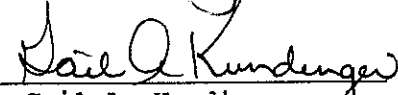
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Title: Stephen J. Warmington
Mayor

By 
Department Director MDOT

By 
Title: Gail A. Kunderinger
City Clerk

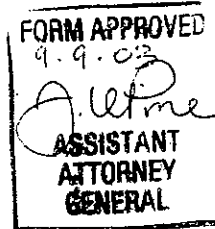


EXHIBIT I REVISED

CONTROL SECTION EDA 61522; EDAF 61522
 JOB NUMBER 30195; 33893; 33894; 33997; 34029
 PROJECT STP 31-2(343); STP 2007(060)

August 20, 2003

	<u>ESTIMATED COST</u>						
	<u>PART A</u>	<u>PART B</u>	<u>PART C</u>	<u>PART D</u>	<u>PART E</u>	<u>PART F</u>	<u>TOTAL</u>
	#34029	#33997	#30195	#33893	#33894	#34029	
I. CONTRACTED WORK (INCLUDING CONTINGENCIES)							
RR TRACK WORK	\$461,450	\$619,975	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$1,081,425
ROAD WORK	\$ -0-	\$ -0-	\$3,986,997	\$228,440	\$539,486	\$ -0-	\$4,754,923
TOTAL ESTIMATED COST (CONTRACTED WORK)	\$461,450	\$619,975	\$3,986,997	\$228,440	\$539,486	\$ -0-	\$5,836,348
II. FORCE ACCOUNT WORK							
BY RAILROAD	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$62,000	\$ 62,000
CONSTR. ENG. & INSPECTION	SEE NOTE BELOW FOR ADDITIONAL INFORMATION						
BY REQUESTING PARTY	\$ 58,418	\$ 69,189	\$ 444,950	\$ 25,494	\$ 40,455	\$ -0-	\$ 638,506
BY DEPARTMENT	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 40,455	\$ -0-	\$ 40,455
TOTAL CONSTR. ENG. & INSPECTION	\$ 58,418	\$ 69,189	\$ 444,950	\$ 25,494	\$ 80,910	\$ -0-	\$ 678,961
TOTAL ESTIMATED FORCE ACCOUNT	\$ 58,418	\$ 69,189	\$ 444,950	\$ 25,494	\$ 80,910	\$62,000	\$ 740,961
GRAND TOTAL ESTIMATED COST INCLUDING CONTINGENCIES	\$519,868	\$689,164	\$4,431,947	\$253,934	\$620,396	\$62,000	\$6,577,309
	<u>ESTIMATED COST PARTICIPATION</u>						
	<u>PART A</u>	<u>PART B</u>	<u>PART C</u>	<u>PART D</u>	<u>PART E</u>	<u>PART F</u>	<u>TOTAL</u>
GRAND TOTAL ESTIMATED COST	\$519,868	\$689,164	\$4,431,947	\$253,934	\$620,396	\$62,000	\$6,577,309
LESS FEDERAL FUNDS	\$230,725	\$ -0-	\$ -0-	\$ -0-	\$310,198	\$31,000	\$ 571,923
LESS TED FUNDS	\$261,725	\$507,449	\$2,880,766	\$148,486	\$310,198	\$31,000	\$4,139,624
BALANCE (REQUESTING PARTY'S SHARE)	\$ 27,418	\$181,715	\$1,551,181	\$105,448	\$ -0-	\$ -0-	\$1,865,762

Construction engineering (CE) is an eligible PROJECT COST for all parts of the TED project. The total cost of CE for PARTS A through D has been estimated at 15% of the construction cost for PART C. This estimated amount has been prorated in the above EXHIBIT among PARTS A through D on the basis of the estimated construction costs. CE costs for PART E have been estimated and programmed separately. CE costs for PART F are included in PART A (Job Number - #34029). Funds for CE for PARTS A through D have all been programmed by the DEPARTMENT under job number #30195 (PART C). CE is eligible for Federal Aid on PART E only.

TED FUNDS for all phases of the Economic Development project are limited to the lesser of \$6,639,441.54 or 75 percent of the eligible cost of the overall Economic Development project.

NOTICE OF HEARING
CITY OF MUSKEGON
2004 BUDGET

Notice is hereby given that a Public Hearing will be held by the City Commission of the City of Muskegon on the proposed 2004 Budget of the City of Muskegon at 5:30 p.m., September 23, 2003, at the Muskegon City Hall Commission Chambers, located at 933 Terrace Street, Muskegon, Michigan.

**THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT
THE PROPOSED BUDGET WILL BE A SUBJECT OF THIS HEARING.**

A copy of the proposed budget is available for public inspection in the office of the City Clerk, and the Hackley Public Library during regular business hours and through our web site at www.shorelinecity.com. All interested citizens will have the opportunity to give written and oral comments.

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR
SUBCOMMITTEES**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four (24) hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

GAIL A. KUNDINGER, MMC
City Clerk
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705
TDD: (231) 724-4172

Publish: September 13, 2003

NOTE: Must be 11 pt. Bold Face type.

CITY OF MUSKEGON
RESOLUTION OF APPROPRIATION
2004 BUDGET

2003-78(a)

WHEREAS, the City Manager has submitted a proposed Budget for 2004 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2004 proposed Budget has been reviewed by the City Commission following a public hearing for which due notice was given; NOW, THEREFORE, BE IT RESOLVED that the Budget for the City of Muskegon for the fiscal year beginning January 1, 2004 is hereby determined and adopted as follows:

GENERAL FUND

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
101-10101	City Commission	103,078
101-10102	City Promotions & Public Relations	25,102
101-10145	City Attorney	390,121
101-10172	City Manager	208,094
101-10875	Contributions to Outside Agencies	151,500
101-10891	Contingency and Bad Debt Expense	400,000
101-20173	Administration	167,992
101-20215	City Clerk & Elections	303,985
101-20220	Civil Service	169,863
101-20228	Affirmative Action	84,054
101-20744	Julia Hackley Internships	7,736
101-30202	Finance Administration	406,781
101-30205	Income Tax Administration	314,924
101-30209	Assessing Services	406,537
101-30248	Information Systems Administration	376,110
101-30253	City Treasurer	357,173
101-30851	Insurance Premiums	379,061
101-30906	Debt Retirement	216,816
101-30999	Transfers to Other Funds	970,000
101-40301	Police	7,957,780
101-50336	Fire	3,439,678
101-50387	Fire Safety Inspections	1,064,634
101-60265	City Hall Maintenance	265,345
101-60446	Community Event Support	15,429
101-60448	Street Lighting	515,000
101-60523	Sanitation	1,520,135
101-60528	Recycling	140,179
101-60550	Stormwater Management	15,429
101-60770	Senior Citizen Transit	61,108
101-70276	Cemeteries Maintenance	479,299
101-70585	Parking Operations	23,144
101-70751	Parks Maintenance	1,230,148
101-70752	Forestry	88,781
101-70757	McGraft Park Maintenance	46,288
101-70775	General & Inner City Recreation	393,703
101-70863	Farmers' Market and Flea Market	40,117
101-80387	Environmental Services	406,692
101-80400	Planning, Zoning and Economic Development	489,898
101-90000	Major Capital Improvements	0
	Grand Total General Fund Appropriations	<u>\$23,631,714</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	10,558,804
203	Local Streets	2,022,769
254	L.C. Walker Arena	903,247
264	Criminal Forfeitures	10,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	60,000
306	Special Assessment Debt	70,000
394	Downtown Development Authority Debt	460,000

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2004 are estimated as follows:

GENERAL FUND

<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
Taxes	\$ 13,239,937
Licenses and Permits	1,268,000
Federal Grants	100,087
State Grants	27,000
State Shared Revenue	5,000,000
Charges for Sales & Services	2,045,783
Interest & Rentals	210,053
Fines & Fees	435,750
Other Revenue	323,250
Other Financing Sources	595,000
Use of Fund Balance	<u>386,854</u>
 Total General Fund Revenue	
Appropriations	<u>\$23,631,714</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	10,558,804
203	Local Streets	2,022,769
254	L.C. Walker Arena	903,247
264	Criminal Forfeitures	10,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	60,000
306	Special Assessment Debt	70,000
394	Downtown Development Authority Debt	460,000

BE IT FURTHER RESOLVED that the operating expense projections for the following non-budget funds are hereby approved:

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
404	Public Improvement Fund	\$ 530,000
403	Sidewalk Improvement Fund	816,498
482	State Grants Fund	660,076
590	Sewer	4,677,966
591	Water	17,209,705
594	Marina/Launch Ramp	242,847
661	Equipment	2,283,285
642	Public Service Building	578,582
643	Engineering Services Fund	668,374
677	General Insurance Fund	4,120,102

BE IT FURTHER RESOLVED, that there is hereby appropriated for said fiscal year the several amounts set forth above which, pursuant to the "Uniform Budget and Accounting Act", define the City of Muskegon's appropriation centers, and

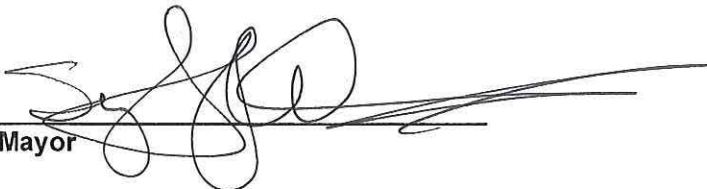
BE IT FURTHER RESOLVED, that the City Manager is hereby empowered to transfer appropriations within appropriation centers, and

BE IT FURTHER RESOLVED, that there is hereby levied a general tax as herein fixed on each dollar of taxable valuation for the purposes herein outlined, said levy to be applied on all taxable real and personal property in the City of Muskegon as set forth in the assessment roll dated May 24, 2003:

<u>PURPOSE</u>	<u>MILLAGE (MILLS)</u>
General Operating	7.5000
Sanitation Service	2.5000
Promotion	<u>.0774</u>
Total	10.0774

At a regular meeting of the City Commission of the City of Muskegon, on the twenty-third Day of September 2003, the foregoing resolution was moved for adoption by Commissioner Spataro. Commissioner Larson supported the motion.

Resolution declared adopted.


Mayor


City Clerk

ORIGINAL TO: County Clerk
COPY TO: Equalization Department
COPY TO: Each Township or City Clerk

2003 TAX RATE REQUEST (This form must be completed and submitted on or before October 1, 2003)

MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

County MUSKEGON	2003 Taxable value as of 5-27-03 646,975,848
Local Government Unit CITY OF MUSKEGON	For LOCAL School Districts: 2003 Taxable value of NON-Homestead and Non-Qualified Agricultural Properties If a millage is Levied Against Them.

You must complete this form for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119.
The following tax rates have been authorized for levy on the 2003 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Millage Authorized by Election, Charter, etc.	(5) 2002 Millage Rate Permanently Reduced by MCL 211.34d	(6) 2003 Current Year Millage Reduction Fraction	(7) 2003 Millage Rate Permanently Reduced by MCL 211.34d	(8) 2003 Sec 211.34 Millage Rollback Fraction	(9) 2003 Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
CHARTER PA 1925	OPERATING	10/6/1919	10.0000	10.0000	1.0000	10.0000	1.0000	10.0000		7.5000	PERPETUAL
NO 359 PA 298 OF	PROMOTION	STATUTE	4.0000	4.0000	1.0000	4.0000	1.0000	4.0000		0.0774	PERPETUAL
1917	SANITATION	STATUTE	3.0000	3.0000	1.0000	3.0000	1.0000	3.0000		2.5000	PERPETUAL

Prepared by TIMOTHY PAUL	Title FINANCE DIRECTOR	Date 9/17/2003
------------------------------------	----------------------------------	--------------------------

As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e and 211.34. for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3)

☐ Clerk	Signature <i>Gail A. Kunding</i>	Type Name Gail A. Kunding	Date 9/25/03
☐ Secretary	Signature <i>Bryon L. Mazade</i>	Type Name Bryon L. Mazade	Date 9/25/03
☐ Chairperson			
☐ President			

* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

IMPOTANT: See instructions on the reverse side regarding where to find the millage rate used in column (6)

Original mailed to county 9-26-03

cc: Assessor
Tim Paul

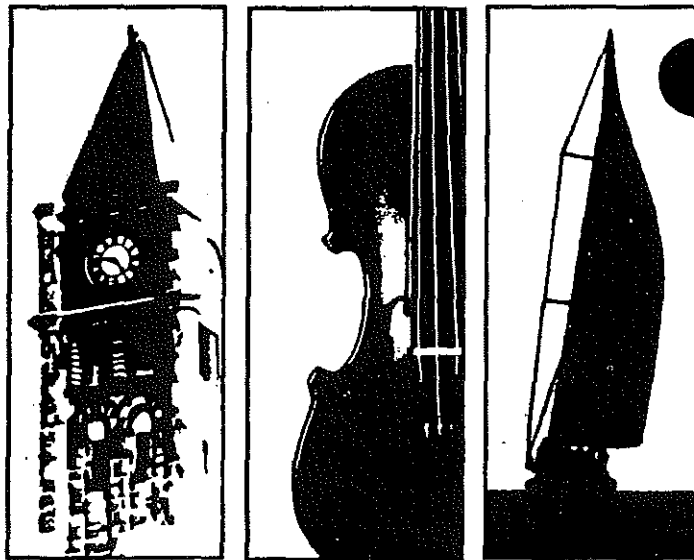
*For Full Packet see
Agenda Packet*

**City of Muskegon,
Michigan**

2004 Proposed Budget and Quarterly Budget Reforecast

For The Year Beginning January 1, 2004

MUSKEGON



West Michigan's Shoreline City

Date: September 23, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Contractor Pre-Qualification:
Filtration Plant Improvements

SUMMARY OF REQUEST:

To review and approve the attached contractor prequalification score sheet. It is being proposed that the aforementioned sheet be used by the City's consultant (Tetra Tech) and City staff to pre-qualify interested contractors based on the items, questions & answers outlined in said form which, if approved, would be available to all those that are interested in the project. This process, we feel, will enable staff to solicit and accept bids from contractors that are qualified for a project of this size.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Approve the form as presented

COMMITTEE RECOMMENDATION:

SECTION 00110
CONTRACTOR PREQUALIFICATION SCORE SHEET

Project: _____

Owner: _____

Name of Bidding Organization: _____

Role on Project: _____
(General, Mechanical, Excavation, Electrical, etc.)

Scoring Prepared by: _____ Date: _____

Score: _____ Qualified: Y/N

Instructions for filling out this form: See Below

N/Q = Not qualified

1	Formal claims or legal actions within last 3 years	None	+10	
	Formal claims or legal actions within last 3 years	2 or less	0	
	Formal claims or legal actions within last 3 years	More than 2	N/Q	
2	Has not paid liquidated damages within last three years		+10	
	Has paid liquidated damages on two or fewer projects within last three years		0	
	Has paid liquidated damages on more than two projects within last three years		N/Q	
3	Three or more projects greater than	\$	In last 3 years	+10
	At least one project greater than	\$	In last 3 years	0
	No projects greater than	\$	In last 3 years	N/Q
4	Three projects of this type in last three years		+10	
	At least one project of this type in last three years		0	
	No projects of this type in last three years		N/Q	
5	Has adequate bonding capacity	Greater than	+10	
	Has marginal bonding capacity		0	
	Has inadequate bonding capacity	Less than	N/Q	
6	Workers Comp Insurance Experience	Modifier	<0.70	+10
			>0.70	0
			>1.0	-10
7	Superintendent identified, references positive		+10	
	Superintendent identified, references not identified		0	
	Superintendent identified, references questionable		-10	

Reference Check Items 8 through 12 (Based on Reference Responses)

8	Effectively schedules and manages the work and subs	+10	
	Marginally effective at managing work and subs	0	
	Ineffectively manages work and subs	-10	
9	Has a Dun & Bradstreet Paydex rating greater than 80	+10	
	Has a Dun & Bradstreet Paydex rating between 60 and 80	0	
	Has a Dun & Bradstreet Paydex rating less than 59	-10	
10	Has filed minimal claims on past projects (one or less per three projects)	+10	
	Has filed a moderate number of claims on past projects (one per project on average)	0	
	Has filed excessive claims on past projects (more than two per project on average)	NQ	
11	Has completed all past projects	+10	
	Has not completed one project in the last three years.	0	
	Has not completed two or more projects in the last three years	NQ	
12	Excellent Financial Rating	+10	
	Average Financial Rating	0	
	Poor Financial Rating	NQ	
13	Consistently good Owner recommendations	+10	
	Both good and poor and average Owner recommendations.	0	
	Consistently poor Owner recommendations	NQ	
TOTAL			

Prequalified = 70% of points, plus zero "Not Qualifieds"

Instructions for Filling Out this Form

Note: The Contractor prequalification Score Sheet is to be completed by the Prequalification Team consisting of the Owner assisted by TTMPs

1. Fill in pertinent identification information for each Contractor applying for Prequalification.
2. Fill in 75% of Engineers Opinion of Probable Cost in item 3 for comparison purposes.
3. Refer to Contractor's Qualification Statement for data for items 1 thru 7.
4. Project type refers to facility/construction type i.e. water plant, wastewater plant, type of construction and equipment, etc.
5. Check with references and project Owner for items 7 through 13 in addition to review of information provided. Document reference checks using the "Contractor Prequalification Reference Check" data sheet.
6. Check with project Owner on Contractor performance, whether or not Owner is listed as a reference.
7. Assign points in increments of 10 points with no partial credit.
8. Where data on a particular item is inconclusive (Example: Item 12 Financial Data cannot be categorized), delete the item and reduce the total number of possible points by 10. Prequalification is determined by the Contractor attaining 70% of the possible points with zero "Not Qualifieds".
9. Record score on form.

Commission Meeting Date: September 12, 2003

Date: September 12, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 1344 and 1374 W. Sherman Blvd., and also the south 100 feet of 1333 Montague Ave.

SUMMARY OF REQUEST:

Request to rezone property owned by Francis Mroz, located at 1344 W. Sherman Blvd. and the south 100 feet of 1333 Montague Ave. and also to rezone property owned by John Achterhoff Estate, located at 1374 W. Sherman Blvd. all from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

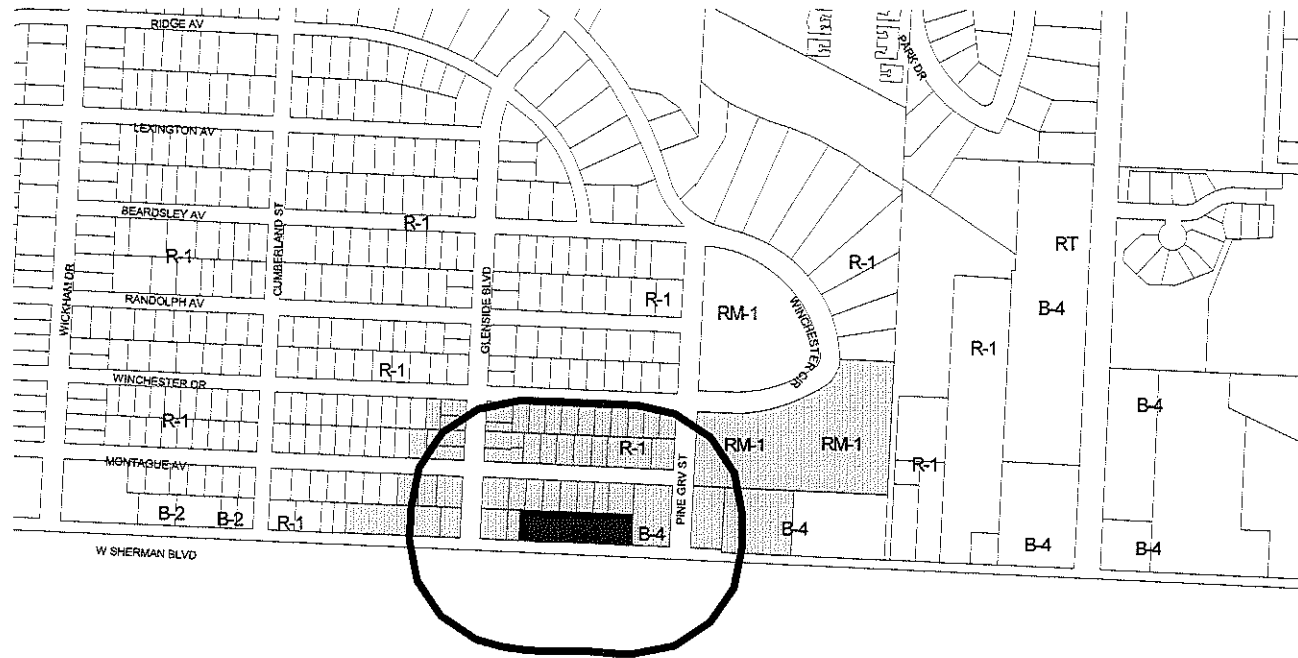
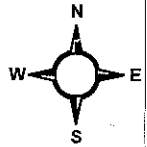
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/11 meeting. The vote was unanimous with T. Harryman absent.

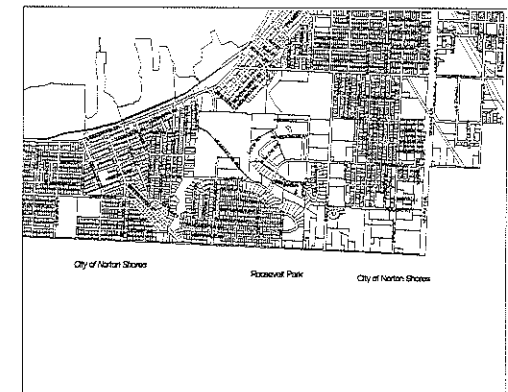
**City of Muskegon
Planning Commission
Case # 2003-34**



■ = Subject Property(ies)

○ = Notice Area

R-1 = Single-Family Residential
RT = Two-Family Residential
RM-1 = Low Density Multiple-Family Residential
B-2 = Convenience & Comparison Business
B-4 = General Business



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
September 11, 2003

Hearing; Case 2003-34: Request to rezone the properties located at 1344 W. Sherman Blvd., 1374 W. Sherman Blvd., and the south 100 feet of 1333 Montague Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Jim Freed.

BACKGROUND

Applicant: Jim Freed

Address/Location of Subject Property: 1344 and 1374 W. Sherman Blvd., and the south 100 feet of 1333 Montague Ave.

Current Zoning: R-1, Single-Family Residential

Proposed Zoning: B-1, Limited Business

STAFF OBSERVATIONS

1. Staff has spoken to the City Attorney about the discussion from the August Planning Commission meeting and asked for an opinion as to whether a Planned Unit Development (PUD) in a R-1, Single-Family Residential zoning district could contain commercial uses. The City Attorney's opinion is attached and states that a PUD in the R-1 district cannot contain commercial uses. Therefore the applicant is asking to rezone just the Sherman Blvd. frontage of the subject property to B-1, Limited Business.
2. The B-1 district would accommodate the proposed use of this portion of the property as a small, 3-unit commercial strip mall. None of the three suites proposed are larger than 2,500 square feet and the 2 uses proposed so far (beauty parlor and tanning salon) are both permitted uses in the B-1 district.
3. The Future Land Use Map shows one of the subject parcels (directly west of and adjacent to the Landmark Bar, Sherman Blvd. frontage only, to be "Commercial". The rest of the subject parcels are shown as "Single & Two-Family Residential".
4. The Master Land Use Plan states:
 - ◆ ...it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts on the sub-area's residential focus.
 - ◆ Commercial development is sporadically located along Sherman Boulevard. Typically, commercial uses are found as small nodes near intersections or as small strip segments within various blocks.

5. Sub-Area Stability:

- ◆ Some of the commercial uses along Sherman have not provided or maintained sufficient buffer protection to fully mitigate unwanted compatibility impacts (e.g., noise, lights, aesthetics, etc.) between said uses and nearby homes. This is not conducive to residential stability.

6. Sub-Area Issues:

- ◆ The presence of commercial development and commercial zoning along Sherman Boulevard (both sides), combined with high rates of traffic (local and transient) will result in additional requests for strip commercial rezonings.
- ◆ Commercial signage along Lakeshore Drive and Sherman Boulevard is not consistent pursuant to size, type, and design.
- ◆ Many of the commercial establishments along Lakeshore Drive and Sherman Boulevard lack streetscapes consistent with the residential character of the subarea.

7. The Master Plan recommends for this sub-area:

- ◆ Sherman Boulevard, work with adjoining Norton Shores to coordinate the preparation and implementation of consistent (compatible) sign, access, and related streetscape standards. Such standards should recognize the subarea's residential character.
- ◆ Implement zoning (site plan) standards requiring adequate buffer protection between the commercial uses along Lakeshore Drive and Sherman Boulevard and adjacent residential development.
- ◆ Limit expansion of commercial development (rezonings) along Sherman Boulevard.
- ◆ Existing commercial districts along Sherman Boulevard, west of Pine Grove Street, should be restricted to the B-1 Zone District Classification. B-1 uses are designed primarily to serve persons residing in adjacent residential areas or neighborhoods.

8. Staff has not received any phone calls or letters regarding this case.

PHOTOS



ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
...
3. Churches and other facilities normally incidental thereto subject to the following conditions:
...

4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

...

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

In a B-1 Limited Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned,

subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.

3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

The following area, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there are no external changes made to the buildings or properties.

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
...
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

...

SECTION 1003: AREA AND BULK REQUIREMENTS [amended 4/00]

...

RECOMMENDATION

Staff recommends approval of this request. Although the Future Land Use Map calls for most of this property to be residential, the Master Plan does allow for B-1 zoning on Sherman in this area. Staff recognizes that this property will most likely never be developed for residential purposes and feels that a B-1 zoning designation will protect the property from being used for highly intensive commercial uses. Staff is also glad to see that the Montague Ave. frontage has been left out of this rezoning request.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a **"Spot Zone"**?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

**An ordinance to amend the zoning map of the City to provide for a zone change for certain property
from R-1 "Single-Family Residential" to B-1 "Limited Business"**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following
described property from R-1 "Single-Family Residential" to B-1 "Limited Business":

CITY OF MUSKEGON GLENSIDE SUB-DIVISION #2 LOTS 20-28 INCL BLK 29

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Gail A. Kunding, MMC, City Clerk

CERTIFICATE (Rezoning of 1344 and 1374 W. Sherman Blvd. and the south 100 feet of 1333 Montague Ave.)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of September, 2003, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2003.

Gail A. Kunderling, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on September 23, 2003, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "Single-Family Residential" to B-1 "Limited Business":

CITY OF MUSKEGON GLENSIDE SUB-DIVISION #2 LOTS 20-28 INCL BLK 29

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

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

Published _____, 2003

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Glenside Neighborhood Association
2312 Westwood Muskegon, MI 49441

September 23, 2003

To: The Honorable members of the Muskegon City Commission

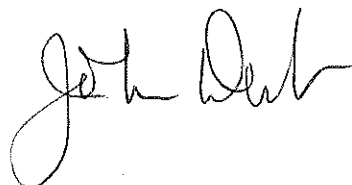
My name is John Derbin, I am president of the Glenside Neighborhood Association and reside at the address listed above. My Board has directed me to communicate with you on behalf of the Association in opposition to tonight's actions relative to the rezoning and the Planned Unit Development on Sherman and Montague.

This property rests in the Glenside Community and is an integral part of the residential character of our neighborhood. The neighbors directly impacted, residing on Montague, have addressed the Planning Commission and have expressed strong opposition. We support those neighbors. We believe that the residential designation of that property is correct. The Planning Department indicated that they were not aware of any current or past efforts to market this property as residential. Neighborhood members indicated that in the past the adjacent business had attempted to buy the questioned property as residential lots to achieve a permanent buffering area. The approval of a zoning change permanently changes the character of this property, based solely on the assumption that there is not other feasible use of this property beyond a strip mall development. By approving this change you surrender the residential definition and constraints that you put on this property and take away the residential character of the homes adjacent to this development.

We recognize the value of using the P.U.D. as a means of defining and controlling the land development. I attended the first Commission meeting where the specific plans were first revealed, there were significant issues with those plans and the approval request was tabled. There have been no plan changes presented to the Planning Department since that time. While I understand that it is the normal process, the owner is not required to incur added development expense before the conceptual approval of a P.U.D.; I also understand that approval at this point is a de facto approval of the development, with the details to be developed between the owner and the Commission. That level of approval dismisses fundamental neighborhood concerns, and moves the process forward. No approval should even be considered before the core issues of permanent and greenbelt separation, placement of the actual business structure, placement and quantity of parking, and placement of traffic ingress and egress are addressed and defined.

This is admittedly a selfish request; we want to maintain the quality of our neighborhood. We are struggling to maintain Glenside as one of the City's finest residential areas. This development is a major intrusion, and we do not believe that the added business tax base will outweigh the damage imposed on the neighborhood.

Thank you for listening to your constituents. I think we all want to see progress and growth in Muskegon, but please don't attack the neighborhoods. Vote no on these issues.



Commission Meeting Date: September 23, 2003

*Not voted
on because
Reasoning provided
(prior item
2003-29 (6))*

Date: September 12, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Request for preliminary Planned Unit Development approval
for 1344 and 1374 W. Sherman Blvd. and the south 100
feet of 1333 Montague Ave.**

SUMMARY OF REQUEST:

Request for preliminary Planned Unit Development approval for the properties at 1344 and 1374 W. Sherman Blvd. and the south 100 feet of 1333 Montague Ave., for a commercial development. The request is from Jim Freed.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends preliminary approval of the PUD provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the attached resolution, at their 9/11 meeting. The vote was unanimous with S. Warmington and T. Harryman absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
August 14, 2003

Hearing; Case 2003-33: Request for preliminary Planned Unit Development approval for a mixed-use commercial and single-family residential development at 1344 W. Sherman Blvd., 1374 W. Sherman Blvd., 1333 Montague Ave., and 1343 Montague Ave., by Jim Freed.

BACKGROUND

Applicant: Jim Freed

Request: Preliminary PUD approval for a mixed-use, commercial and residential development.

Present Land Use: Vacant property

Zoning: R-1, Single-Family Residential

STAFF OBSERVATIONS

1. The subject property is located on W. Sherman Blvd., west of the Landmark Bar. A portion of the property also fronts on Montague Ave.
2. This property has been the subject of a rezoning request in October of 1999. The request was to rezone it to B-2, Convenience & Comparison Business. That request was denied by the City Commission. Staff understands that there was a previous request to rezone the property for a business use as well which also was denied.
3. The applicant has purchase agreements for the subject property, which also includes an additional parcel than previous requests, bringing the subject property up to the adjoining property line of the existing residence at the NE corner of Sherman Blvd. and Glenside Blvd.
4. The applicant is looking to develop the Sherman Blvd. frontage into a small commercial strip development with three suites and associated parking. The Montague Ave. frontage would be developed into residential lots, most likely for two single-family homes to be built there. The applicant has stated that two of the three commercial suites are spoken for – a tanning parlour and a hair salon.
5. The applicant has submitted a preliminary site plan for the property. At this time, only detailed plans for the commercial portion of the site are provided but a notation on the plan indicates that the Montague Ave. development will be residential in nature.
6. Staff has reviewed the preliminary site plan and has the following comments:
 - a. The site is currently heavily wooded. As many of the existing trees as practical need to be preserved, especially at the rear of the site to help act as a buffer between the proposed commercial use and existing residential uses on Montague Ave. Existing trees preserved may be counted in lieu of providing additional landscaping for the site.

- b. The parking area cannot be paved up to the property line. All proposed setbacks need to be shown on the site plan.
 - c. Plans will need to be submitted and approved for the proposed residential homes fronting Montague Ave. A maximum of two homes can be built on the Montague Ave. frontage.
 - d. Barber or beauty shops require two parking spaces for each of the first two beauty chairs, and one-half space for each additional chair. Tanning parlours require one parking space for each 400 square feet of usable floor area. There are 60 parking spaces proposed for this development, which should meet ordinance requirements. Once more detailed information is received about the proposed uses, staff can further determine if the proposed parking area exceeds the maximum parking spaces allowed for the site.
 - e. The City Engineer has reviewed the preliminary site plan (comments received 8/7) and states that a permit to construct the drive must be approved by Engineering and that all surface water must be managed on site.
 - f. The Fire Marshal has reviewed the preliminary site plan (comments received 7/31) and states:
 - i) Please submit documentation on proposed use group of commercial building.
 - ii) Please list and display current hydrant location.
 - iii) Fire flow test required – please contact the DPW for current or past history on fire flow (water supply).
 - iv) This proposed project shall be in accordance with Planned Building Groups NFPA 1141.
 - g. The Department of Public Works has reviewed the preliminary site plan (comments received 7/30) and states that water and sewer utility easements need to be shown on future drawings. Will need to know proposed size and location of water and sewer service.
 - h. The Police Department has no outstanding concerns with the preliminary site plan (comments received 8/5).
7. Staff has not received any phone calls or letters regarding this case.

PHOTOS



DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

CITY OF MUSKEGON

RESOLUTION #2003-

RESOLUTION FOR PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL FOR 1344 AND 1374 W. SHERMAN BLVD. AND THE SOUTH 100 FEET OF 1333 MONTAGUE AVE.

WHEREAS, a petition for a planned unit development was received from Jim Freed and,

WHEREAS, a planned unit development will allow a commercial development; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the preliminary Planned Unit Development and associated conceptual site plan with conditions as follows:

1. The applicant must apply for a final PUD approval including review of a complete site plan. The site plan will need to meet ordinance requirements and will need to specifically include:
 - a. Retaining as many trees as practical on the site, especially along the north property line adjacent to residential uses on Montague Ave.
 - b. The number of parking spaces needs to meet ordinance requirements but should not be more than one third over the number of spaces required.
 - c. All setbacks will be labeled. The property cannot be paved up to the property line.
 - d. All current hydrant location(s) must be listed.
 - e. Water and sewer utility easements need to be shown as well as the proposed size and location of water and sewer service.
2. A permit to construct the drive must be approved by the Engineering Department and all surface water must be managed on site.
3. The applicant will need to submit documentation on the proposed use group of the commercial building to the Fire Marshal.
4. A fire flow test required, the applicant needs to contact the DPW for current or past history on fire flow (water supply).
5. This proposed project shall be in accordance with Planned Building Groups NFPA 1141.

NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the preliminary planned unit development is hereby approved with conditions.

Adopted this 23rd day of September, 2003

Ayes:

Nays:

Absent:

By: _____
Stephen J. Warmington, Mayor

Attest: _____
Gail A. Kunding, MMC, City Clerk

CERTIFICATE (Preliminary PUD for 1344 and 1374 W. Sherman Blvd. and the south 100 ft. of
1333 Montague Ave.)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of September, 2003, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2003.

Gail Kunding, MMC
Clerk, City of Muskegon

Commission Meeting Date: September 23, 2003

Date: September 12, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Vacation of the north/south alley only, in Block 1, Terrace Street Addition

SUMMARY OF REQUEST:

Request for vacation of the north/south alley only, in Block 1 of the Terrace Street Addition (block bounded by Howden St., Holbrook Ave., Terrace St. and the City Limit).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

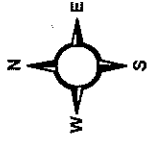
STAFF RECOMMENDATION:

Staff recommends vacation of the alley, with the condition that all City easement rights be retained.

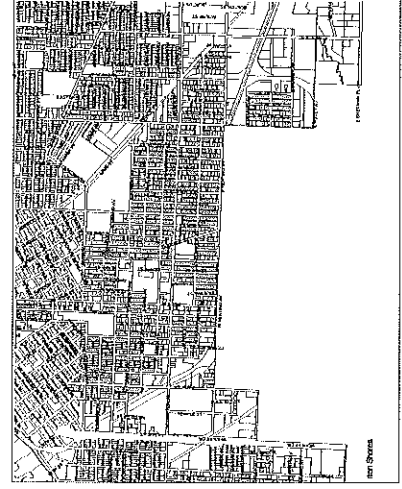
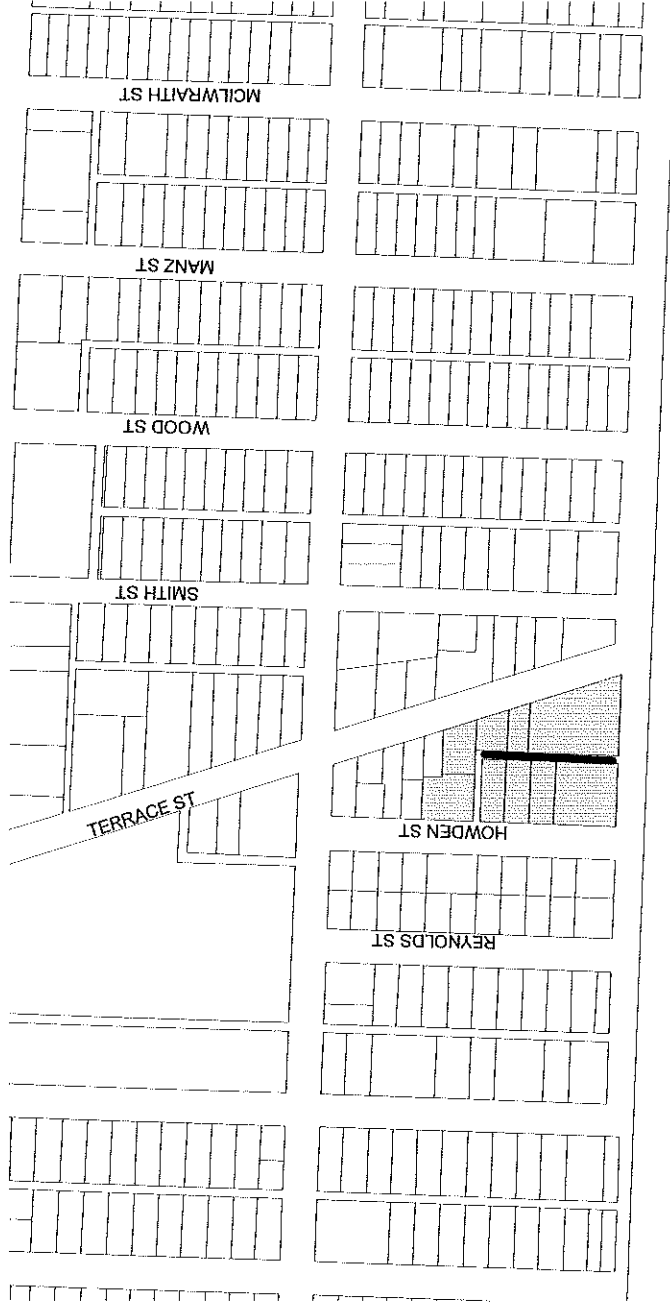
COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the alley with the condition that all City easement rights be retained. The vote was unanimous with S. Warmington, J. Aslakson and T. Harryman absent.

**City of Muskegon
Planning Commission
Case # 2003-35**



 = Subject Property(ies)
 = Notice Area



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
September 11, 2003

Hearing; Case 2003-35: Request to vacate the north/south alley in Block 1 of the City of Muskegon Terrace Street Addition (block bounded by Howden, Holbrook, Terrace and the City limit), by Stephen Gawron.

BACKGROUND

The applicant owns the property at 1952 Howden St. and his parents live at 1978 Howden St. The alleys in this block form an L-shape with the entrance/exit onto Howden St. about midway down the block. The east/west portion is used by the adjoining property owners on either side to access their garages. However, the applicant states that a property owner living on Terrace St. uses the alley to access Howden St., and several other people cut through the alley as well. Also, another property owner on Terrace St. apparently uses the alley to store unlicensed vehicles on his property. The applicant would like to vacate the north/south portion of the alley and install a gate at the end of the east/west alley where it now turns south, in order to keep the alley from being used as a throughway.

The City has an 8-inch sewer line which runs down the alley. The City Engineer is recommending against vacating the alley due to the presence of the active sanitary sewer. The Fire Marshal has no objections to the vacation.

RESOLUTION #2003-_____

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the north/south alley in Block 1 of the Terrace Street Addition, City of Muskegon; and,

WHEREAS, the Planning Commission held a public hearing on September 11, 2003, to consider the petition and, subsequently, recommended the vacation; and,

WHEREAS, due notice had been given of said hearing as well as the September 23, 2003, City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the alley, legally described as:

The entire north/south alley located in Block 1
of the Terrace Street Addition of the City of Muskegon, County of
Muskegon, State of Michigan.

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said alley vacated and discontinued, provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the City shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 23rd day of September, 2003.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Warmington, Mayor

Attest: _____
Gail A. Kunding, MMC, City Clerk

CERTIFICATION (North/South Alley Vacation in Block 1, Terrace St. Addition)

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 September 23, 2003.

Gail Kunding, MMC
Clerk, City of Muskegon

Commission Meeting Date: September 23, 2003

Date: September 12, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Request for preliminary Planned Unit Development approval
for 980, 1016, 1018 and 1054 W. Sherman Blvd.

SUMMARY OF REQUEST:

Request for preliminary Planned Unit Development approval for the properties at 980, 1016, 1018, and 1054 W. Sherman Blvd. for a mixed-use commercial and residential (condominium) development. The request is from Randers Engineers and Constructors, Inc.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

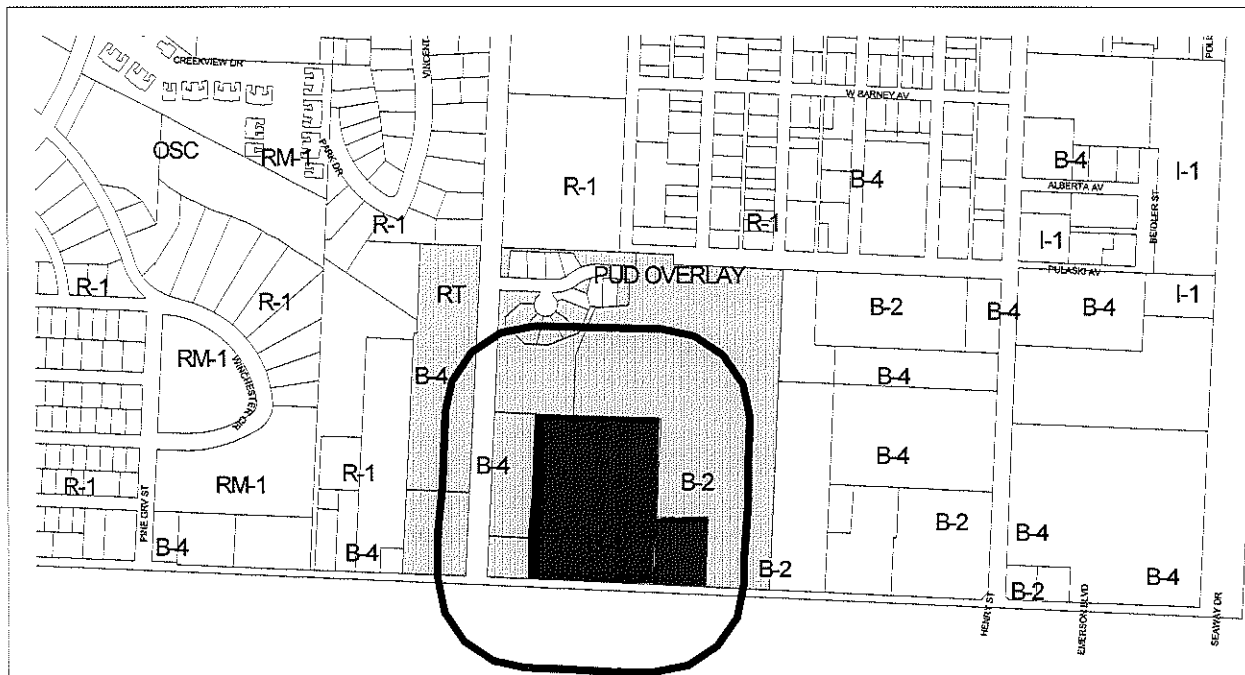
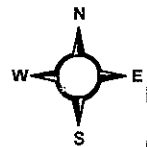
STAFF RECOMMENDATION:

Staff recommends preliminary approval of the PUD provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the attached resolution, at their 9/11 meeting. The vote was unanimous with S. Warrington, B. Mazade, J. Aslakson and T. Harryman absent.

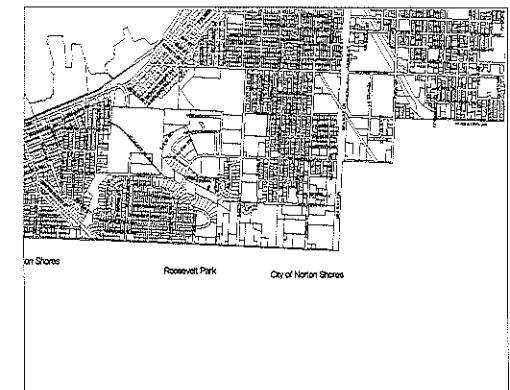
City of Muskegon Planning Commission Case # 2003-37



■ = Subject Property(ies)

○ = Notice Area

R-1 = Single-Family Residential
RT = Two-Family Residential
RM-1 = Low Density Multiple-Family Residential
OSC = Open Space Conservation
PUD Overlay
I-1 = Light Industrial
B-2 = Convenience & Comparison Business
B-4 = General Business



1000 0 1000 2000 Feet

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
September 11, 2003

Hearing; Case 2003-37: Request for preliminary Planned Unit Development approval for a mixed-use commercial and condominium development at 980, 1016, 1018 and 1054 W. Sherman Blvd., by Randers Engineers and Constructors, Inc.

BACKGROUND

Applicant: Randers Engineers and Constructors, Inc.

Property Owner: James Lindbeck

Request: Preliminary PUD approval for a mixed-use, commercial and residential (condominium) development.

Present Land Use: Vacant property

Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located on W. Sherman Blvd., just east of the mini-golf course at the corner of Sherman Blvd. and Barclay St. The subject property is currently vacant.
2. The applicant is looking to develop a mixed-use development on this site, with a commercial portion on the Sherman Blvd. frontage and with residential condominiums to the rear of the property.
3. The applicant has submitted a preliminary site plan for the property. The site plan is conceptual only and does not include much detail. The applicant will need to return for a final PUD approval, including approval of the final site plan.
4. Staff has reviewed the preliminary site plan and has the following comments:
 - a. The plan is very conceptual in nature and contains a preliminary site layout. No specifics are given so staff was not able to review the plan in very much detail.
 - b. The plan shows 3 commercial buildings on the Sherman Blvd. frontage and 2 condominium buildings behind. No information is given as to the type of commercial uses proposed or the total number of condominium units.
 - c. The site is zoned B-4 which does allow most commercial uses. The condominiums would be permitted through the PUD process in this zoning district.
 - d. Staff feels that the proposed concept is a good one, with the commercial uses concentrated on Sherman Blvd. and the residential behind, buffered from the heavy traffic on Sherman. The condominiums will need to be adequately buffered and screened from the commercial uses, most likely through heavy landscaping to block the noise and view.

- e. Without more specific information, staff was unable to look at the plan in terms of parking requirements or setbacks. Some general comments for the developer to keep in mind are that the residential units will require 2 parking spaces per unit. The commercial parking requirements will vary, depending on the proposed uses. Some form of parking lot landscaping will be necessary in the commercial parking areas, either through landscape islands or bump-outs. A 10-foot minimum landscaped buffer will need to be in place along the Sherman Blvd. frontage.
 - f. The site does contain some existing trees. Mature trees need to be preserved as much as practical, and can be counted in lieu of providing new landscape materials. A landscaping plan will need to be provided which will show the locations of all existing mature trees and notations as to whether they will be preserved or removed. The landscape plan will also need to show additional landscaping (including buffering between the commercial and residential uses) meeting ordinance requirements.
 - g. The final site plan will need to show all dimensions and setbacks and proposed elevations should be provided for the proposed commercial buildings as well as the proposed condominiums.
 - h. Sidewalk along Sherman Blvd. needs to be provided, as well as sidewalk interior to the development. A pedestrian link between the commercial and residential portions of the development needs to be provided.
 - i. The City Engineer has reviewed the preliminary site plan (comments received 8/29) and states that surface water management and utilities availability, locations, layout and sizes will need to be reviewed and approved by the Engineering and Public Works Departments.
 - j. The Fire Marshal has reviewed the preliminary site plan (comments received 8/26) and states:
 - i) Need fire hydrant locations.
 - ii) Need Fire Department access around structures or fire suppression.
 - iii) Need not less and 8" water main installed.
 - iv) Need building heights for all structures.
 - k. The Department of Public Works has reviewed the preliminary site plan (comments received 8/26) and has no outstanding concerns with it.
 - l. The Police Department has no outstanding concerns with the preliminary site plan (comments received 8/5).
5. No signage is shown on the preliminary site plan. All signage will need to meet ordinance requirements and will require sign permits.
6. Staff has not received any phone calls or letters regarding this case.

PHOTOS



DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

CITY OF MUSKEGON

RESOLUTION #2003-79(e)

RESOLUTION FOR PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL FOR
980, 1016, 1018, AND 1054 W. SHERMAN BLVD.

WHEREAS, a petition for a planned unit development was received from Randers Engineers and Constructors, Inc. and,

WHEREAS, a planned unit development will allow a mixed-use commercial and residential (condominium) development; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the preliminary Planned Unit Development and associated conceptual site plan with conditions as follows:

1. The applicant must apply for a final PUD approval including review of a complete site plan. The site plan will need to meet ordinance requirements and will need to specifically include:
 - a. The proposed uses of the commercial areas need to be given (as much as is known) and the number of proposed condominium units also needs to be given.
 - b. The condominium units will need to be well buffered and screened from the proposed commercial uses, with heavy landscaping.
 - c. All dimensions and setbacks will need to be shown. An average of 10-feet along Sherman Blvd. needs to be greenspace and landscaped. The commercial parking areas need to contain either landscape islands or bump-outs.
 - d. Sidewalk needs to be provided along Sherman Blvd., and interior to the development and needs to contain a link between the residential and commercial portions.
 - e. Proposed elevations should be provided for all buildings.
 - f. All fire hydrant locations.
 - g. Fire Department access around all structures or fire suppression.
 - h. Building heights for all proposed structures.
2. Surface water management and utilities availability, locations, layout and sizes will need to be reviewed and approved by the Engineering and Public Works Departments.
3. There will need to be not less than an 8" water main installed.
4. The development will provide access for removal of sediment and remediation of Ruddiman Creek and it will not be an excessive expense.

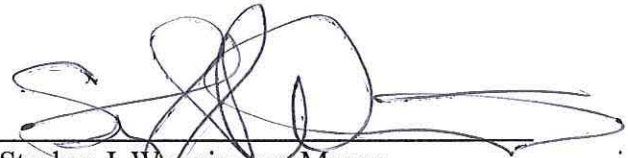
NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the preliminary planned unit development is hereby approved with conditions.

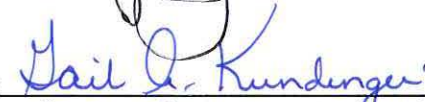
Adopted this 23rd day of September, 2003

Ayes: Warmington, Schweifler, Carter, Gawron, Larson, Shepherd, Spataro

Nays: None

Absent: None

By: 
Stephen J. Warmington, Mayor

Attest: 
Gail A. Kunderinger, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of September, 2003, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: 10-28, 2003.


Gail Kunderinger, MMC
Clerk, City of Muskegon

DATE: September 15, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #03-33-
775 Washington.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **775 Washington – Garage only, Area 12**, 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: 03-33 – 775 Washington – Garage only.

Location and ownership: This structure is located on Washington between Henry & Beidler in area 12, Nims Neighborhood. It is owned by Annette Homoley.

Staff Correspondence: This garage was written as dangerous and substandard on 5/19/03. A notice and order to repair or remove was issued 6/6/03. On 8/7/03 the HBA declared the structure.

Owner Contact: The owner was present at the HBA meeting in August and stated she knows the garage needs to be removed and plans to do that herself. As of 9/12/03 she has not applied for a demo permit or started the demolition.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$22,300

Estimated Cost of Repairs: \$4,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at its meeting on Tuesday, September 23, 2003.

HENRY

Beidler

WASHINGTON



1447

1435 1445 1451

1430 0 1444

1467 1477

1462 1476

ST

ST



775 WASHINGTON

For The Inspection Department
City of Muskegon

File #: 428953

FROM CITY ASSESSOR'S RECORDS

OWNER: Annette Homoley
PROPERTY: 775 Washington
PARCEL NO: 24-205-412-0003-00
DESCRIPTION: Lot 3 Blk 412

FROM RECORDS OF TRANSNATION TITLE

LIBER: 3317
PAGE: 35
DATE OF DEED: November 26, 2001
GRANTOR NAME & ADDRESS: Bank One, National Association
GRANTEE NAME & ADDRESS: Annette Homoley, 6082 Evanston,
Muskegon, MI 49442
LIENS OR MORTGAGES: 3537/146
TODAY'S DATE: May 23, 2003
EFFECTIVE DATE: April 23, 2003 at 8:00 AM

Abstracted by: Judy A. Tanner
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.

19 52

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

2001 DEC -6 AM 9:25

Mark Fairchild
REGISTER OF DEEDS

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That Bank One, National association, as Trustee (formerly known as The First National Bank of Chicago, as Trustee), a National Association organized and existing under the laws of the United States of America by its Attorney-in-Fact Residential Funding Corporation, a corporation organized and existing under the laws of the state of Delaware and whose address is 9275 Sky Park Ct., San Diego, CA 92123, covenants that it is seized of said land and has a right to convey it, conveys to:

Annette Homoley

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

Lot 3, Block 412, Revised Plat of the City of Muskegon, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Parcel #61-24-205-412-0003-C0

More commonly known as: 775 Washington

for the full consideration of Nineteen Thousand Two Hundred Dollars and 00/100 (\$19,200.00) subject to covenants, restrictions, and easements of record and subject to such liens and encumbrances as may have attached or accrued through the acts or omissions of persons other than the Grantor(s) and subject to the lien of taxes not yet due and payable.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he or she is duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Dated this 26th day of November, 2001

Witnesses:

Bank One National Association, as Trustee (formerly known as The First National Bank of Chicago, as Trustee) by its Attorney-in-Fact Residential Funding Corporation

By: Sharmel Dawson-Tyau
SHARMEL DAWSON-TYAU
As its: Asst VP

TERRI AOTERNO
KATHY BUSTLE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

SHARMEL DAWSON-TYAU

The foregoing instrument was acknowledged before me this 26th day of November, 2001 by _____ the _____ of Residential Funding Corporation as the Attorney in Fact for Bank One National Association, as Trustee (formerly known as The First National Bank of Chicago, as Trustee)

My commission expires:

Michelle Rae McManus
Michelle Rae McManus
Notary Public San Diego County, California

Drafted by:
Potestivo & Associates, P.C.
By: Brian A. Potestivo
36150 Dequindre, Ste. 620
Sterling Heights, MI 48310

Send subsequent tax bills to:
Annette Homoley
6082 Evanston
Muskegon, MI 49442

When recorded return to:
Annette Homoley
6082 Evanston
Muskegon, MI 49442

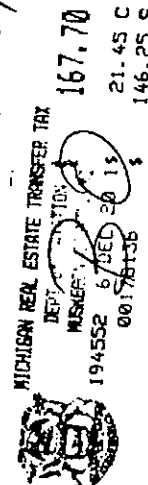
Tax Parcel: 24-205-412-0003-00

Recording Fee _____

Transfer Tax: _____

Notary Public, Mich: 12-5-2001
I hereby certify that there are no tax liens or taxes held by the State of Michigan or any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office.

No. 116501 John A. Kenna Notary Public



NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

775 Washington - Garage

(Address of Property)

TO: All owners and interested parties:

Annette Homoley, 6082 Evanston, Muskegon, MI 49442
Owner

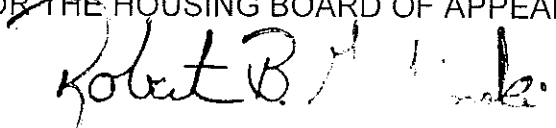
Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On August 7, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: August 11, 2003

To: Annette Homoley, 6082 Evanston, Muskegon, MI 49442
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 7, 2003 does hereby order that the following structure(s) located at **775 Washington (Garage)**, 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.

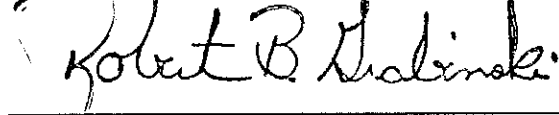
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a horizontal line underneath it.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: July 25, 2003

Address of the Property: 775 Washington - Garage

TO: Annette Homoley, 775 Washington, Muskegon, MI 49441
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, August 7, 2003, 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 issued 6/6/03.

At the hearing on Thursday, August 7, 2003, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 6, 2003

Address of the Property: 775 WASINGTON - GARAGE

TO: Annette Homoley, 775 Washington, Muskegon, MI 49441
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(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

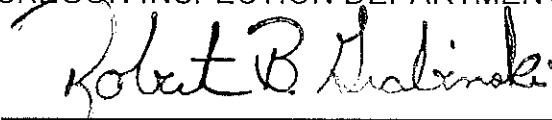
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. 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 775 Washington 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, reading "Robert B. Grabinski". The signature is written in a cursive style with a horizontal line underneath the name.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

775 WASHINGTON - Garage

5/19/03

Inspection noted:

1. Roof damage – severe – rafter investigation is required.
2. Rotted siding noted.
3. Structural lean noted.
4. Garage doors damaged.
5. Sill plate investigation is required.
6. No work may commence without obtaining said permit first.

Please contact Inspection Services at 231-724-6715 with any questions.

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 Falcinowski /-lg
HENRY FALCINOWSKI, BUILDING INSPECTOR

6-3-03
DATE

#03-33 - 775 Washington – Garage only – Annette Homoley, same address

Ms. Homoley was present to represent this case. She stated she knows the garage needs to be removed and she intends to demolish it herself.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Nick Kroes made a motion, seconded by Clara Shepherd to accept staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

OLD BUSINESS: None

NEW BUSINESS: Nick Kroes inquired about 71 W. Southern. He stated it looks worse, maybe we need to re-light a fire under the owner. Bob Grabinski stated he will bring it before commission on 8/26/03. Also, the old Betten Chevrolet building on Third Street is open and needs to be boarded up.

ADJOURNMENT: 6:10 P.M.

CITY OF MUSKEGON

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR
SUBCOMMITTEES.**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

DATE: September 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-13 Address: 407 Catherine

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 **407 Catherine – Area 11** 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: #02-13 – 407 Catherine, Area 11

Location and ownership: This structure is located on the corner of Catherine and Wood in the Angell Neighborhood, area 11.

Staff Correspondence: This commercial building has been vacant and boarded for more than one year and a dangerous building inspection report was written 4/4/02. On 7/11/02 the HBA tabled the case for 30 days to verify the current owner, which was the State of Michigan. A notice and order to repair or remove was issued 6/25/03 and the HBA declared the structure on 7/3/03.

Owner Contact: The previous owner had been in contact with Inspections to verify she did not own it any longer.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$37,400

Estimated cost to repair: \$8,000 plus additional costs to be determined during interior inspection.

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, September 23, 2003.

WOODS

E ISABI

1119

114

1128

1136

423

435

441

451

412

428

432

438

442

448

456

407

421

427

433

437

0

449

453

0

4



117

1185

1191

1192

1198

1202

CA7



407 CATHERINE

[Home](#) [Help ▾](#) [Tools ▾](#) [Departments ▾](#)

Property Information

[New Property Search](#)

Owners Name	STATE OF MICHIGAN
Property Address	407 CATHERINE AVE MUSKEGON MI 49442
Owners Address	430 WEST ALLEGAN FIRST FLOOR LANSING MI 48922
Property Number	24-205-079-0006-00
Map Number	24-31-29-210-001
Class	704
Neighborhood	C01.
Legal Desc	CITY OF MUSKEGON REVISED PLAT 1903 LOT 6 BLK 79

[View Mailing Label](#)

2003 City of Muskegon | Commu

For The Inspection Dept.
City of Muskegon

419618

FROM CITY ASSESSOR'S RECORDS

OWNER Josephine Leutscher
PROPERTY 407 Catherine
PLATE # 24-205-079-0006-00
DESCRIPTION Lot 6 Block 79

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 923

PAGE: 342

DATE OF DEED: June 2, 1969

GRANTOR NAME & ADDRESS: Farr View Dairy, Inc. 3130 Farr Rd.
Muskegon MI 49445

GRANTEE NAME & ADDRESS: McDonald Cooperative Dairy Company 609
Lewis St. Flint

LIENS OR MORTGAGES: 1653/794, 1653/795, 1823/905, 2149/299,
3153/966, 3296/221, 3268/104

TODAY'S DATE: April 16, 2002

EFFECTIVE DATE: March 20, 2002 at 8:00 AM

ABSTRACTED BY: Debra K. Johnson
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of the 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.

0+2+f

C-26

2

26-9-16

STATE OF MICHIGAN
CLERK 3760-1085 EGON
RECEIVED FOR RECORD

11et

LIBER 923 PAGE 342

JUL 25 PM 4 03

Rev 172.15 WARRANTY DEED

John W. Hanks
Clerk

KNOW ALL MEN BY THESE PRESENTS: That FARR VIEW DAIRY, INC., a Michigan corporation, whose address is 3130 Farr Road, Fruitport, Michigan, conveys and warrants to McDONALD COOPERATIVE DAIRY COMPANY, a Michigan corporation, whose street number and postoffice address is 609 Lewis Street, Flint, Michigan, the following described premises situated in the Township of Fruitport, County of Muskegon, and State of Michigan, to-wit:

---The Northwest quarter of the Northeast quarter of Section 26, and the East half of the Northeast quarter of Section 26, Town 9 North, Range 16 West; together with now abandoned right-of-way formerly known as the Muskegon Freight line of the Pere Marquette Railroad System except the following; commence at Northeast corner of Section 26, thence South 39 rods, then West to Pere Marquette Railroad right-of-way, thence Northwesterly along said right-of-way to North line of Section, thence East along said North line to place of beginning; also except that part of the North half of the Northeast quarter of Section 26, Town 9 North, Range 16 West, Fruitport Township, which lies between a line 200 feet Northeasterly of, measured at right angles, and parallel to the survey centerline of Highway US-16 and a line 100 feet Southwesterly of, measured at right angles, and parallel to the survey reference line of the Southbound Roadway of Highway US-16.

The survey reference line of Southbound Roadway of Highway US-16 is described as follows: Commencing on the East and West quarter line of Section 23, Town 9 North, Range 16 West, Fruitport Township, at a point which is South 89° 18' 02" East, 988.28 feet from the West quarter corner of said Section 23; thence North 50° 40' 02" West, 600 feet to the point of beginning of this survey reference line; thence South 50° 40' 02" East, 923.01 feet to the point of a curve of a 00° 15' curve to the right; thence along arc of said curve, 351.00 feet to the point of tangent; thence South 49° 47' 23" East, 4518.83 feet to the point of curve of a 00° 15' curve to the left; thence along arc of said curve 816.00 feet to the point of tangent; thence South 51° 49' 47" East, 1000 feet to a point of ending. The survey centerline of Highway US-16 is described as follows: Commencing in the East and West quarter line of Section 23,

LIBER 923 PAGE 342

Witness my hand and seal of office this 25th day of July 1963 at Fruitport, Michigan.
John W. Hanks
Clerk

Mich. Title 11,351

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

407 Catherine

(Address of Property)

TO: All owners and interested parties:

State of MI, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-4948

Owner

None

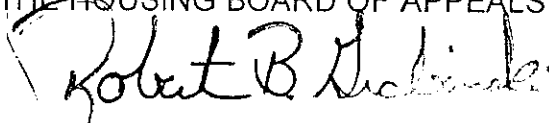
(Other interested parties)

On July 3, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: July 9, 2003

To: State of MI, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-4948
Owners Name & Address

None

Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, July 3, 2003 does hereby order that the following structure(s) located at 407 Catherine, 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.

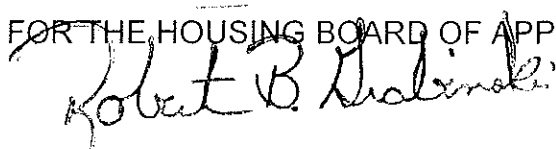
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

Memo

To: State of MI/DNR Real Estate Div.
From: Robert Grabinski Director of Inspection Services
Date: June 25, 2003
Re: 407 Catherine

On June 20, 2003 a notice of hearing was issued to you regarding the above property. It has come to the attention of this office that you were not sent previous notices because of a change of ownership.

Attached, you will find all previous notices. If you have any questions regarding this, please call 231-724-6715.

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 25, 2003

Address of the Property: 407 Catherine

TO: State of MI, DNR Real Estate Div, P.O. Box 30448, Lansing, MI 48909-7948
[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 **407 Catherine,** 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, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: June 20, 2003

Address of the Property: 407 Catherine

TO: State of Michigan, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-7948

[Name & Address of Owner]

None

[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, July 3, 2003, 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 Remove dated 7/18/02.

At the hearing on Thursday, July 3, 2003, 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, Director of 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

Letsure 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

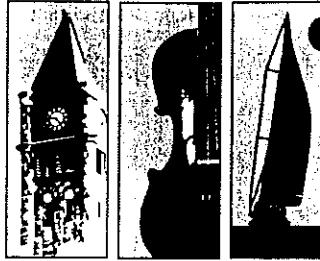
Public Works
231/724-4100
FAX/722-4188

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 18, 2002

State of Michigan
Dept. of Natural Resources, Real Estate Div.
P.O. Box 30448
Lansing, MI 48909-7948

Re: 407 Catherine

To Whom It May Concern:

The enclosed notices are regarding a property in Muskegon, Michigan that is owned by the state. The notices originally went to the previous owner by mistake.

This structure is on our dangerous building list and the case was brought before the Housing Board of Appeals on July 11, 2002. Usually, at this meeting it is determined by the board whether the structure can be repaired or needs to be demolished. It was at this meeting that this office was informed we had not notified the correct owner, so the case was tabled for 30 days.

I am enclosing the exterior inspection report, a picture of the building, and the portion of the title search that shows current ownership. Please notify this office either by telephone or in writing of your intentions on this structure.

If you have any questions, please call (231) 724-6715.

Sincerely, _____

Robert B. Grabinski
Robert B. Grabinski
Director of Inspections

RBG/lg

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only, No Insurance Coverage Provided)	
407 Catherine	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Recipient's Name (Please Print Clearly) (To be completed by mailer) State DNR - Real Estate Div.	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

7000 0520 0003 9767 1109

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE 30 DAYS

Date of Order: July 16, 2002

Address of the property: 407 Catherine

To: Josephine Leutscher, 906 Kampenga, Muskegon, MI 49442
Owners Name & Address

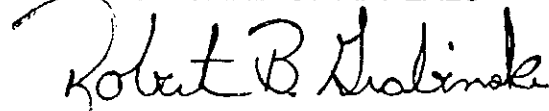
None
Names & Addresses of Other Interested Parties

CASE TABLED FOR 30 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled for 30 days to verify the current owner. We will drop your name from this case and notify the state and county with further notices.

If you have any questions, please call the Inspection Department at 231-724-6715.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: July 1, 2002

Address of the Property: **407 Catherine**

TO: Josephine Leutscher, 906 Kampenga, Muskegon, MI 49442
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

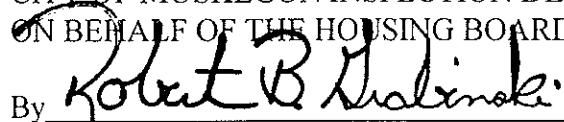
Please take notice that on **Thursday, July 11, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review your intentions for repairing this structure.

At the hearing on Thursday, July 11, 2002, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE FOR INTERIOR INSPECTION

DATE: April 15, 2002

Address of Property: 407 Catherine

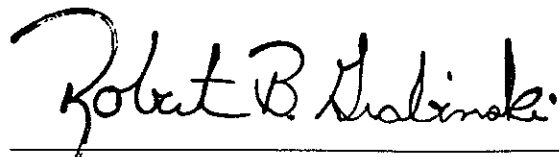
TO: Josephine Leutscher, 906 Kampenga Ave, Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

The Inspection Services Department of the City of Muskegon has preliminarily determined that the structures described above are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Thursday, May 16, 2002** at **2:00 P.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

407 CATHERINE

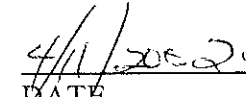
4/4/02

Inspection noted:

1. Structural cracks on buildings, exterior walls will need a designed professional repair. Missing bricks in walls. Parapet caps loose & missing.
2. Roof investigation needed: Missing and rotted fascia.
3. Unprotected wood doors – frames are rotting: deteriorated garage doors.
4. Graffiti constantly on building.
5. Open exhaust openings, deteriorating the exhaust frames.
6. Building is boarded – no uniform pain or siding on exterior.

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

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
Clara Shepherd

John Warner

The motion carried.

DANGEROUS BUILDING NEW CASES:

#02-013 – 407 Catherine – Josephine Leutscher, 906 Kampenga, Muskegon

Lori O'Nealas was present to represent this case. Her mother is Josephine Leutscher. She was not aware that her mother had anything to do with this building anymore. Mr. Grabinski gave a history of this case. It is a commercial building and we have had some neighbor complaints. An exterior inspection was conducted, but as Ms. Leutscher sold it, she has no key to get in. Randy Mackie stated the property has now gone back to the state.

Staff Recommendation: Table the case for a minimum of 30 days and notify the correct owners. We will drop Josephine Leutscher's name off this case.

Motion made by Jerry Bever, supported by Nick Kroes to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
Clara Shepherd

John Warner

The motion carried.

#02-012 – 215 W. Grand – Dwight Taylor/Renetta McClanahan – 1845 Kinsey, Muskegon

The owners were not present to represent this property. Mr. Grabinski gave a history of this case. There was a fire in April. An interior inspection was conducted with the apartment manager (4/15/02). There has been no contact with the owner since then.

DATE: September 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Director Inspections

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:03-07 Address: 2037 Kinsey.

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 2037 Kinsey – 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: 03-07, 2037 Kinsey

Location and ownership: This structure is located on Kinsey between Hudson & Crowley and is now owned by a David Medendorp.

Staff Correspondence: This structure was brought to the attention of the Inspection Department from the MPD on 2/6/03. The inspection report was written on that date and a notice and order to repair or remove was issued 3/5/03. The previous owners, Harry & Kathy Jourden, let the property go back to Dean Pranger of Texas, and he sold the structure to David Medendorp. An electrical permit was issued on 9/9/03.

Owner Contact: During the week of 9/8/03 the Director of Inspections noted painting being done and spoke with David Medendorp. He was told any other work to be completed must be done under a permit, including the electrical work which was already done.

Financial Impact: The cost of demolition will be paid with General Funds.

Budget action required: None

State Equalized value: \$16,400

Estimated cost to repair: \$5,000

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

HUDSON ST

1951 1958 1961 1975 1976 1977 1993 1999

YOUNG AV

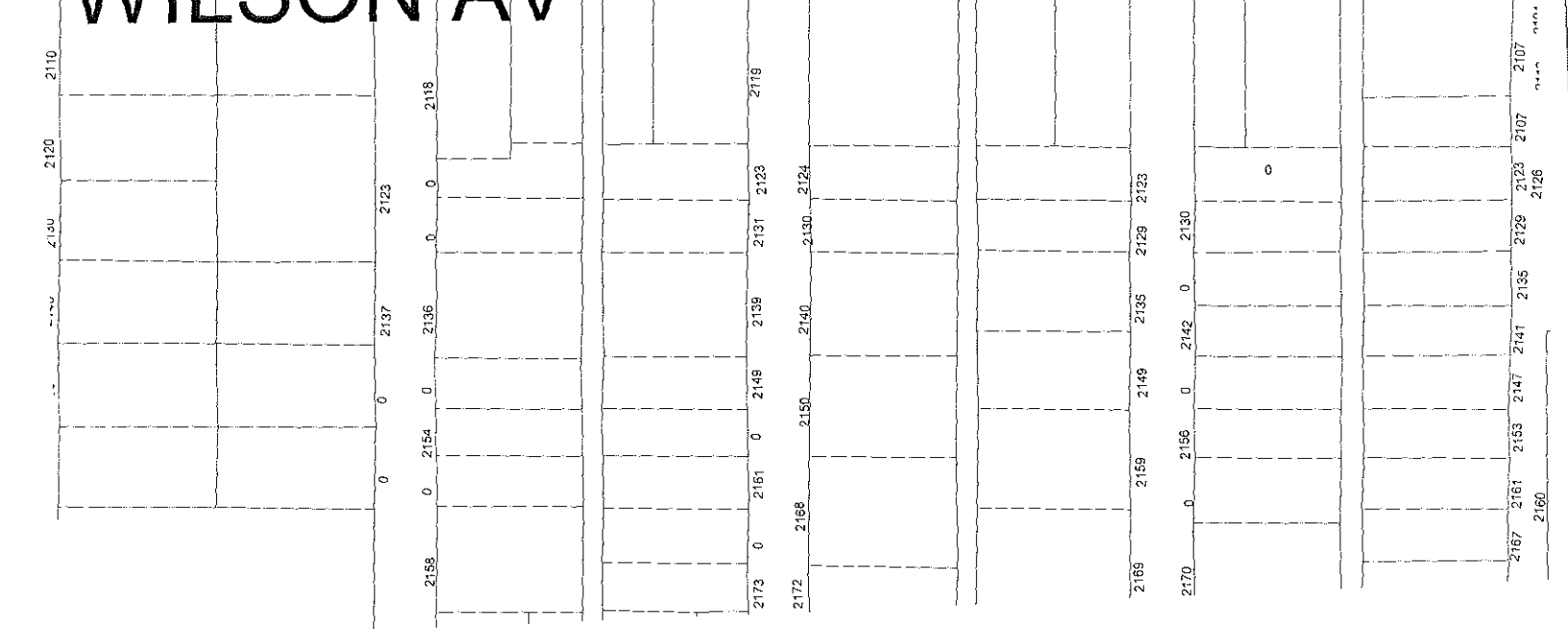
HUDSON ST

2037 *

KINSEY ST

CROWLEY ST

WILSON AV





2037 KINSEY

For The Inspection Department
City of Muskegon

File #: 424919

FROM CITY ASSESSOR'S RECORDS

OWNER: Harry/Kathy Jourden
PROPERTY: 2037 Kinsey
PARCEL NO: 24-665-000-0246-00
DESCRIPTION: Orchard Grove Addition Lot 246

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1974
PAGE: 6
DATE OF DEED: March 31, 1997
GRANTOR NAME & ADDRESS: Dean Alan Pranger and Isabel G. Pranger,
husband and wife, 2037 Kinsey St., Muskegon, MI 49441
GRANTEE NAME & ADDRESS: Dean Alan Pranger and Isabel G. Pranger,
husband and wife, 2037 Kinsey St., Muskegon, MI 49441
LIENS OR MORTGAGES: 3021/406
TODAY'S DATE: February 20, 2003
EFFECTIVE DATE: January 22, 2003 at 8:00 AM

Abstracted by: _____
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.

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1997 APR 10 PM 12:43

Carrie Carter
REGISTER OF DEEDS

QUIT-CLAIM DEED

TITLE OFFICE

This Indenture,

Dated this day of:
MARCH 31, 1997

KNOW ALL MEN BY THESE PRESENTS THAT:

DEAN ALAN PRANGER AND ISABEL G. PRANGER, HUSBAND AND WIFE
2037 KINSEY ST.
MUSKEGON, MI 49441

Convey(s) and Quit-Claim(s) To:

DEAN ALAN PRANGER AND ISABEL G. PRANGER, HUSBAND AND WIFE
2037 KINSEY ST.
MUSKEGON, MI 49441

for the sum of

THIS INSTRUMENT IS EXEMPT FROM COUNTY TRANSFER TAX PURSUANT TO MCL 207.505 (1). THIS
INSTRUMENT IS EXEMPT FROM STATE TRANSFER TAX PURSUANT TO MCL 207.526(1).

the following described premises situated in

THE CITY OF MUSKEGON, COUNTY OF MUSKEGON AND STATE OF MICHIGAN TO WIT:

LOTS 246 AND 247 ORCHARD GROVE ADDITION TO THE CITY OF MUSKEGON, AS RECORDED IN
LIBER 6 OF PLATS ON PAGE 40, MUSKEGON COUNTY RECORDS.

P.P. #61-30-36-277-020 (17356-247) [LOT 247]

P.P. #61-30-36-277-019 (17356-246) [LOT 246]

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND LIMITATIONS OF RECORD, IF ANY.

Witnesses:

Signed and Sealed

Dave Organeck

Doris Crandell

DEAN ALAN PRANGER

ISABEL G. PRANGER

STATE OF MICHIGAN COUNTY OF KENT

The foregoing instrument was acknowledged before me

ON MARCH 31, 1997 BY DEAN ALAN PRANGER AND
ISABEL G. PRANGER, HUSBAND AND WIFE

PREPARED BY:

DEAN ALAN PRANGER
2037 KINSEY ST.
MUSKEGON, MI 49441

ASSISTED BY:

THE TITLE OFFICE, INC.
3655 LAKE EASTBROOK, SE
GRAND RAPIDS, MICHIGAN 49546

Dave Organeck

NOTARY PUBLIC _____ COUNTY,
MY COMMISSION EXPIRES:

WHEN RECORDED RETURN TO

MAY 2001

3676 RNC 411

2851 CHARLEVOIX E.A. S.E., SUITE 304
GRAND RAPIDS, MI. 49546-7048

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

2037 Kinsey

(Address of Property)

TO: All owners and interested parties:

David Medendorp, 1718 Beach St., Muskegon, MI 49441
Owner

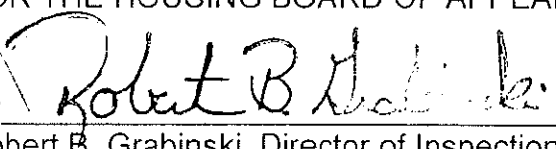
Dean Pranger, 19022 Armington Dr, El Paso, TX 79928
(Other interested parties)

On June 5, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

ELECTRICAL PERMIT APPLICATION

City of Muskegon

933 Terrace St. P.O. Box 536

Muskegon, MI 49443-0536

(231) 724-6758

Date 9-9-03

Permit #

Expires 9-23-03

I. JOB LOCATION

Job Address <u>2037 Kinsey</u>	Has a building permit been issued for this project? YES ☐ NO ☐ NOT REQUIRED ☐
Name of Owner/Agent <u>David Mendenhall</u>	Owner Address

II. CONTRACTOR / HOMEOWNER INFORMATION

☒ Contractor ☐ Homeowner	Name <u>J + J Electrical Cont</u>	License Number	Expiration Date
Address (Street & Name)		State	Zip Code
Telephone Number ()	Federal employer ID Number (or reason for exemption)	MESC Employer Number (or reason for exemption)	
Workers Compensation Insurance Carrier (or reason for exemption)		Contractor information registered with the City of Muskegon YES ☐ NO ☐	

III. TYPE OF JOB

Class of work (check all that apply)			
NEW BUILDING ☐	ADDITION ☐	ALTERATION ☒	REPAIR ☐
RESIDENTIAL ☒	COMMERCIAL ☐	INDUSTRIAL ☐	OTHER ☐
Description of work <u>Repairs per Dangerous Bldg list, including hard-wired smoke detectors, open flames</u>			

IV. FEE SCHEDULE - Enter the number of items being installed. Multiply by the unit price for the total fee.

	FEE	#ITEMS	TOTAL
Base Fee (Non-refundable)	\$35.00		35.00
Service, Subpanel, change of panel thru 200 amp	\$15.00		
Over 400 amp thru 600 amp	\$20.00		
Over 600 amp thru 800 amp	\$23.00		
Over 800 amp thru 1200 amp	\$30.00		
Over 1200 Amp GFI Only	\$50.00		
Circuits each	\$5.00		
Lighting Fixtures per 25	\$9.00	1	9.00
Dishwasher	\$8.00		
Electrical Heating (baseboards)	\$8.00		
Furnace (unit heaters)	\$8.00		
Power outlets (inc. range & drivers)	\$10.00		
Signs (units)	\$15.00		
Signs (letter)	\$15.00		
Signs (Neon - Each 25 ft)	\$2.00		
Feeders - Bus ducts per 50 ft	\$8.00		
Mobile home park site	\$8.00		
Recreational vehicle park site	\$8.00		

	FEE	#ITEMS	TOTAL
KVA & HP each up to 20	\$9.00		
KVA & HP each 21 to 50	\$15.00		
KVA & HP each 51 to 100	\$18.00		
Fire alarm up to 10 devices	\$75.00		
Fire alarm 11 to 20 devices	100.00		
Fire alarm over 20 devices ea.	\$8.00		
Energy/ Temperature Controls	\$45.00		
Conduit or grounding only	\$45.00		
Inspections Re-inspections or final	\$35.00		
Inspections Special Safety	\$50.00		
Inspections Hourly Rate	\$50.00		
Meter inspection to turn on power	\$25.00		
Plan Review Fee	25%		
Other			

TOTAL FEES

44.00

RECEIVED BY

APPROVED FOR ISSUE BY

V. HOMEOWNER AFFIDAVIT

I hereby certify the electrical work described on this permit application shall be installed by myself in my own home which I am living or am about to occupy. All work shall be installed in accordance with the electrical code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Electrical Inspector. I will cooperate with the electrical inspector and assume responsibility to arrange all necessary inspections.

VI. APPLICANT SIGNATURE

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines."

Signature of Licensee or Homeowner (Homeowner signature indicates compliance with Section V)

Date 9-9-03

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: June 6, 2003

To: Harry & Kathy Jourden, 2037 Kinsey, Muskegon, MI 49441
Owners Name & Address

Dean Pranger, 19022 El Paso, TX 79928
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, June 5, 2003 does hereby order that the following structure(s) located at **2037 Kinsey**, 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.

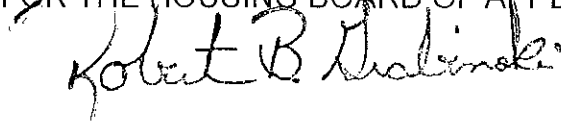
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: May 22, 2003

Address of the Property: 2037 Kinsey

TO: Harry & Kathy Jourden, 2037 Kinsey, Muskegon, MI 49441
[Name & Address of Owner]

Dean Pranger, 19022 El Paso, TX 79928
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, June 5, 2003, 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 issued 3/5/03.

At the hearing on Thursday, June 5, 2003, 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, Director of 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

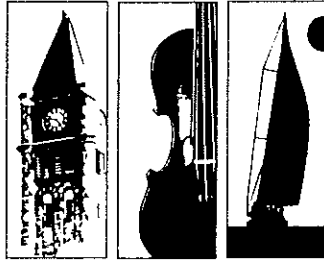
FAX/724-6768

Water Filtration

231/724-4106

FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

March 10, 2003

Harry & Kathy Jourden
2037 Kinsey
Muskegon, MI 49441

Re: Unsafe Living Conditions

Dear Mr. And Mrs. Jourden:

Your residence was recently inspected and found to have several violations that pose a serious life safety issue. At the time of the inspection you were informed that no one would be able to stay in the structure. In an effort to assist with repairs, this office agreed to leave the utilities in place. It has come to our attention that some, if not all, of the occupants have been staying in the structure. Again, this places those persons in extreme danger.

With the above knowledge, this office is forced to take the following action. You must obtain a permit and complete the repairs for items 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12, of the attached list, within 48 hours of this notice. Failure to comply will result in this office taking the necessary steps to terminate all utilities.

Sincerely,

A handwritten signature in black ink that reads "Robert B. Grabinski".

Robert B. Grabinski
Director of Inspections

Cc: Sue Johnson, Protective Services

RBG/lg

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: March 5, 2003

Address of the Property: 2037 Kinsey

TO: Harry & Kathy Jourden, 2037 Kinsey, Muskegon, MI 49441
[Name & Address of Owner]

Dean Pranger, 19022 El Paso, TX 79928
(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

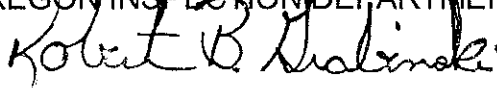
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. 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 **2037 Kinsey**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

2037 Kinsey

2/6/03

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. Water heater in unsafe condition.
3. Wall furnace installed in contact with combustibles.
4. Furnace exhaust duct rusting out.
5. Chimney needs to have a liner installed.
6. Bathroom plumbing in disrepair.
7. Bedroom on front porch has no egress window, no smoke detector and blocked exiting due to large amounts of debris.
- ~~8.~~ Use of numerous extension cords.
9. Open junction electrical box in attic.
- ~~10.~~ Open electrical switch and box in closet stuffed with homeowners contents.
11. Blocked access to service panel in closet.
- ~~12.~~ No working smoke detectors in home.
13. Repair/replace all damaged siding.
14. Floor repair in bathroom floor is severely sloped. Check joists, bearing.
- ~~15.~~ Garage structure needs to be inspected. Must remove large amounts of debris for investigation. No access available on this date.
- ~~16.~~ Remove all debris out of yard.

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 Llg
HENRY FALTINOWSKI, BUILDING INSPECTOR

2-6-03
DATE

Incident Report

MUSKEGON POLICE DEPARTMENT

2003-003598-I

Incident No 2003-003598-I	Date & Time Rept 02/20/2003 17:56	Offense: 89004 WARRANTS		
Occurred From: 02/20/2003 17:56	Occurred Until: 02/20/2003 18:54	Incident Location 2037 KINSEY ST		
Current Disp CLOSED	Disposed To CLOSED LORD	Municipality MUSKEGON	District 115	
Disposition Date 02/20/2003	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / 00:00	
Officer Assigned 10557 HEPWORTH, SCOTT JASON		Investigating Officer		

N Copy to inspections for information. Lt. Lord

O
T
E
S

----- [02/20/2003] --- [17:56] -----
CMP MOTHER KATHERINE JOURDEN 47YO W/F THERE TEARING UP THE
HOUSE...ACTING ODD ANGRY ABOUT HUSB BEING IN JAIL...ANOTHER
FEM THERE ALSO...NO FIGHT...

----- [02/20/2003] --- [17:56] -----
THE CMP IS THE DAUGHTER BLVS THE MOTHER IS UPSET WITH
FATHER BEING IN JAIL STATES THAT MOTHER IS ON MEDICATIONS
THE OTHER FEM THAT IS WITH HER IS SUPPOSED TO BE HELPING
HER

----- [02/20/2003] --- [18:28] -----
FIRE 95 CAN DISREGARD, FOUND 10-99 ON SUBJECT

----- [02/20/2003] --- [18:37] -----
CONVEY OCCURED 02/20/03 @ 18:37:10 TO: COUNTY

----- [02/20/2003] --- [18:44] -----
ARRIVED ON CONVEY TO COUNTY

----- [02/20/2003] --- [18:44] -----
ARRIVED ON CONVEY TO COUNTY

----- [02/20/2003] --- [18:52] -----
STATUS CHECK BY SS

----- [02/20/2003] --- [18:52] -----
STILL ON IT

NAME: JEANETTE MARSHALL
ADDR: SPRING LK

OFFENSE: CWB Check Wellbeing

=CAD TIMES: 17:56;18:01;18:07;18:54;

Continued

MUSKEGON POLICE DEPARTMENT

2003-003598-I

Incident No 2003-003598-I		Date & Time Rept 02/20/2003 17:56		Offense: 89004 WARRANTS	
P E R S O N	Name/Address/Phone			Description	
	JOURDEN, KATHERINE SUE			Born 06/11/1955 FEMALE	
	2037 KINSEY			Hgt. 5' 8" WHITE	
	MUSKEGON MI 49441			Wgt. 253 NON-HISP	
	(231) 759-2371 (231) 215-1082			Hair BRO Eyes BLU	
ARREST 02/20/2003		89004		WARRANTS	
Description/Name/Comments		Make/Model/Stat		Serial No./Qty/Value	
NO PROPERTY					
Status/Plate Type/VIN		Reg/Evid/Value		Description	
NO VEHICLES					
Category		Description			
NO M.O. INFORMATION					

Continued

MUSKEGON POLICE DEPARTMENT

2003-003598-I

Incident No 2003-003598-I	Date & Time Rept 02/20/2003 17:56	Offense: 89004 WARRANTS
------------------------------	--------------------------------------	----------------------------

N TAKEN FROM WORDPERFECT DOCUMENT 2003003598.001

A DISPATCH INFO:

R
R Officer VELIK and I were dispatched to 2037 Kinsey on a check well
A being. The mother of the complainant was in a house that was
T condemned tearing it up. The mother was upset because her husband
I was in jail.

V

E CONTACT WITH RESIDENT:

When I arrived, I made contact with KATHERINE JOURDEN (Arrest/TX:
759-2371). JOURDEN said that she was upset and threw a lamp.
JOURDEN said that she was not suicidal. JOURDEN advised me that
she was only supposed to be in the house during business hours.
JOURDEN let me in to look at the house. The house was messy, but
it did not appear to be damaged.

OFFICER'S ACTIONS:

There was a white and orange notice from the MFD and Muskegon
Inspections, respectively, stating that the structure was not to be
occupied.

I ran JOURDEN on LEIN. LEIN showed JOURDEN to have a confirmed and
valid warrant out of RPPD for FTA on a misdemeanor traffic
violation. JOURDEN told me that her daughter just paid \$200 on
that. JOURDEN said that her daughter put the receipt on her desk.
JOURDEN briefly looked for it, but she said she could not find it.

JOURDEN was allowed to lock up the house. I placed JOURDEN in hand
cuffs (double locked and checked for tightness). JOURDEN pockets
were searched in front of my cruiser's camera (nothing found).
JOURDEN was transported to MCJ and lodged on the valid warrant
without incident.

STATUS:

Please refer this report to MFD and inspections for informational
purposes.

Closed.

Officer S. HEPWORTH # 42

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

John Warner
Randy Mackie
Jon Rolewicz
Nick Kroes
Jerry Bever
Clara Shepherd

Greg Borgman

The motion carried.

Case #03-07 – 2037 Kinsey – Harry & Katherine Jourden

There was no one present to represent this case. Mr. Grabinski gave a history of the case, which began with a Police Department investigation.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Nick Kroes and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

John Warner
Randy Mackie
Jon Rolewicz
Nick Kroes
Jerry Bever
Clara Shepherd

Greg Borgman

The motion carried.

Case #03-02 – 424 Orchard – Scott Flaska

No one was present to represent this case.

Butt, Kipley only
 had lead to practice on
 the floor
 11) NO Plumbing fixture!!!



CITY OF MUSKEGON

INSPECTION DEPARTMENT

(231) 724-6715

INSPECTION SHEET For

Kinsky 2037

Building	Electrical	Mechanical	Plumbing	Zoning
☐ Footing	☐ Service	☐ Underground	☐ Underground	
☐ Rough In	☐ Rough In	☐ Rough In	☐ Rough In	
☐ Final	☐ Final	☐ Final	☐ Final	
☐	☐	☐	☐	

Inspector H. J. F. Date 9/23/2003 Approved ☐ yes ☐ no

Reason 1) SEAL CRAWL SPACE OPENINGS.

2) All windows must be operable
3) Repair all siding - caulk
Holes.

4) Needs floor covering
Kitchen.

5) Handrail on side back
porch.

6) Scrape paint garage

7) touch paint back garage

8) Fix screens.

9) Stabilize handrails and poles

10) Verify floors
 Correct prior to _____ and call for reinspection.
 in both R.M. structural.



Front Porch



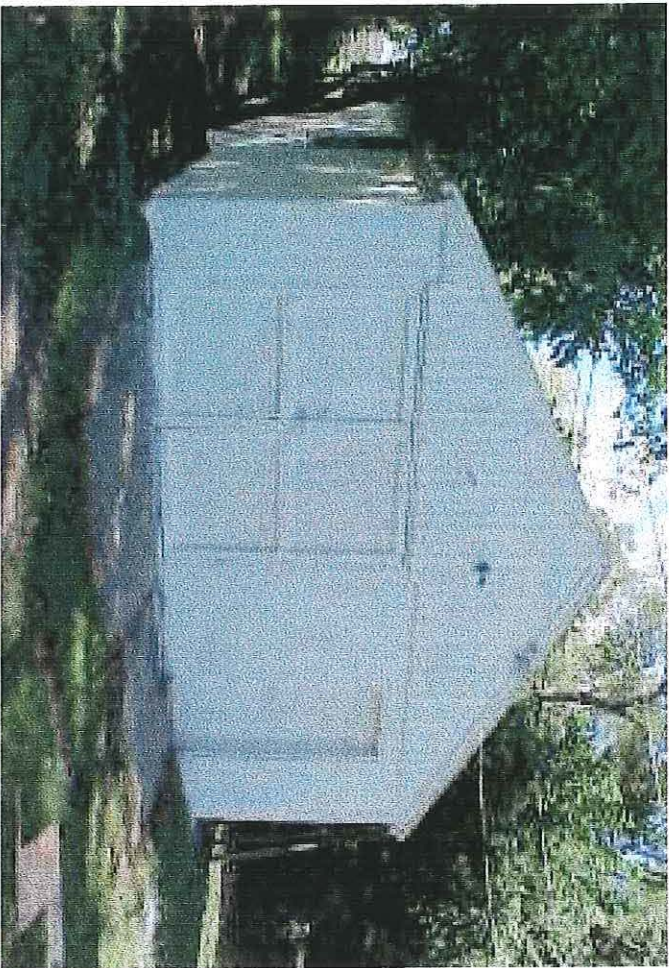
Living Room



Bathroom



Laundry Room



Garage



Kitchen cabinets

Back



front

Front



Living Room

DATE: September 15, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #03-29
435 Amity.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **435 Amity – Area 11**. 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: 03-29 – 435 Amity, Area 11.

Location and ownership: This structure is located on Amity between Wood and Williams and is owned by Deutsche Bank in Texas. It is in the Angell Neighborhood.

Staff Correspondence: This property was written as dangerous/substandard after being boarded since September 2001. A notice and order to repair or remove was issued 7/7/03 and on 8/7/03 the HBA declared the structure.

Owner Contact: Matrix Management has called and requested all reports and to be added as an interested party.
Gerald Singer, who owns other rental properties in the city, was in the office 9/10/03 and stated he is purchasing the property.

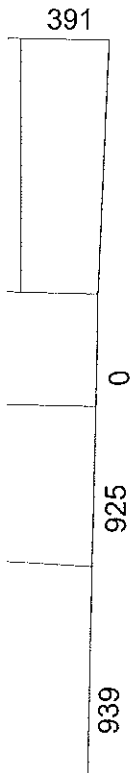
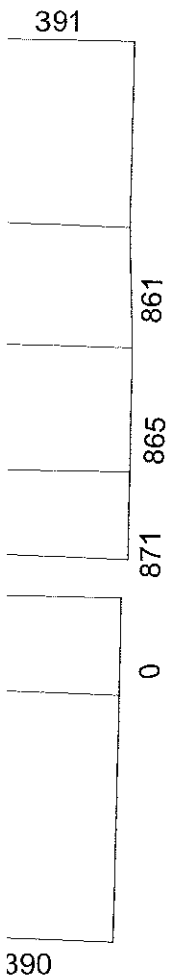
SEV: \$18,100

Financial Impact: CDBG.

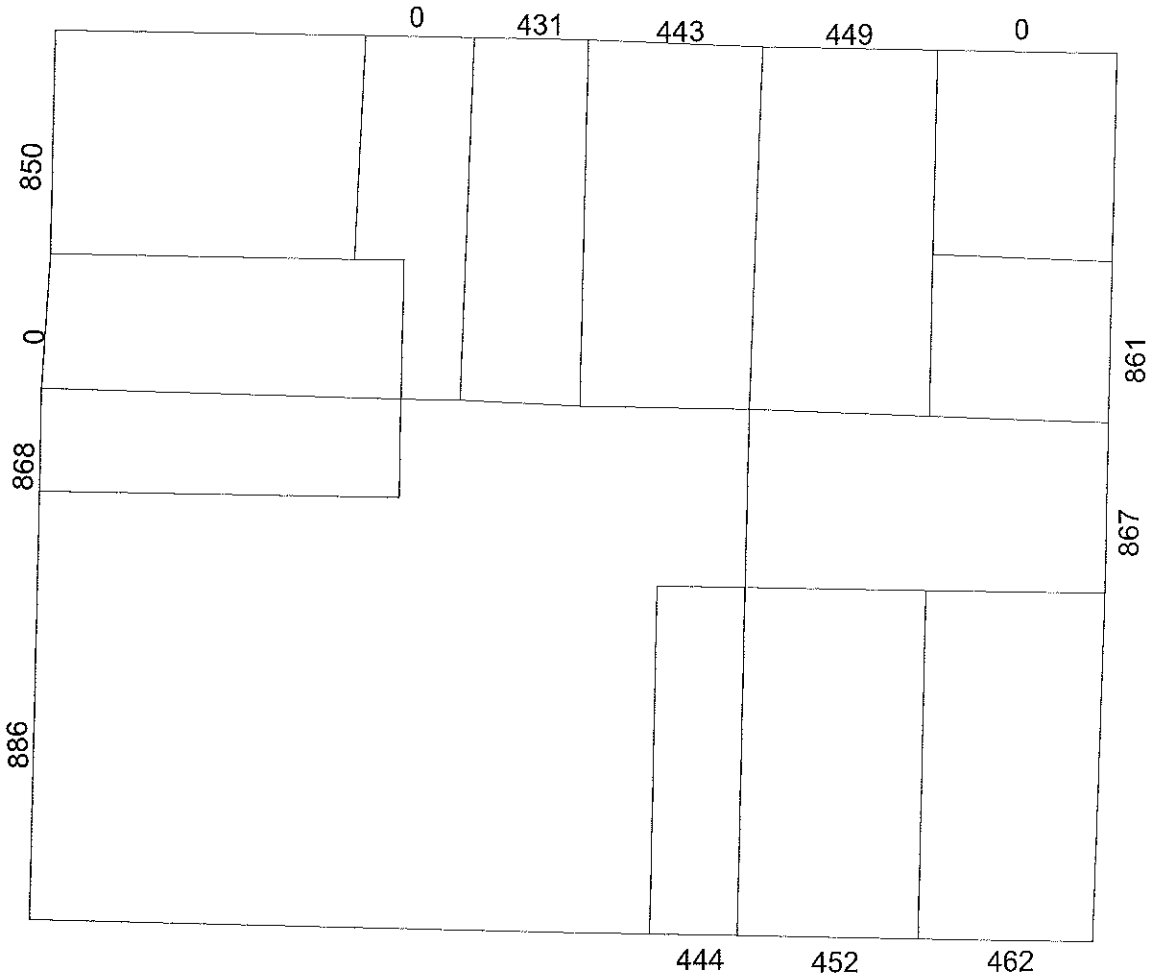
Budget Action Required: None

Estimated Cost of Repairs: \$4,000 plus additional amount for interior items once inspected.

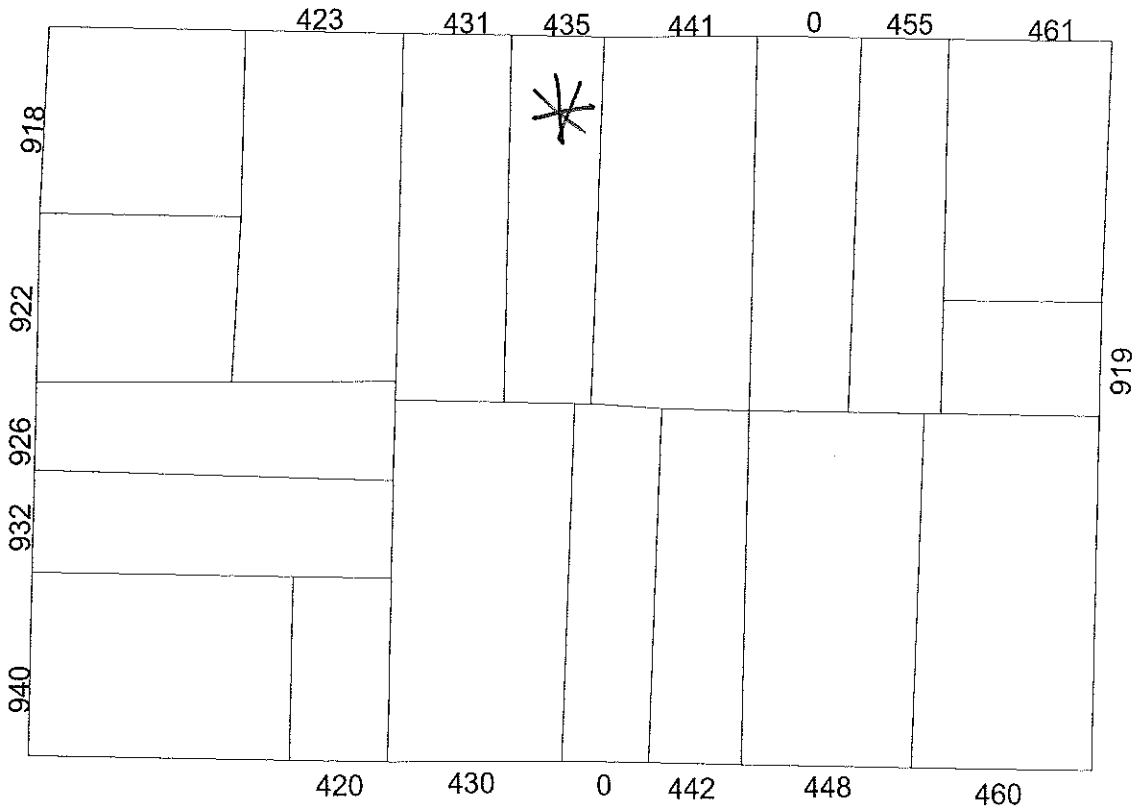
CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, September 23, 2003



WOOD



Amity



*



435 Amity

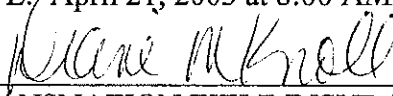
For The Inspection Department
City of Muskegon

File #: 428792

FROM CITY ASSESSOR'S RECORDS

OWNER: James Noble
PROPERTY: 435 Amity
PARCEL NO: 24-205-055-0004-00
DESCRIPTION: Revised Plat of 1903 Lot 4 also E 1.5 ft Lot 5 Blk 55

FROM RECORDS OF TRANSNATION TITLE

LIBER: 2010
PAGE: 886
DATE OF DEED: July 31, 1997
GRANTOR NAME & ADDRESS: Dorothy Ann Jenkins fka Dorothy Noble,
912 Allen Ave., Muskegon, MI 49442
GRANTEE NAME & ADDRESS: James Noble, 435 Amity Ave., Muskegon
MI 49442
LIENS OR MORTGAGES: 3054/199
TODAY'S DATE: May 16, 2003
EFFECTIVE DATE: April 21, 2003 at 8:00 AM
Abstracted by: 
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.

STATE OF MICHIGAN
COUNTY OF MUSKEGON

1997 JUL 12 PM 1:25

[Signature]

QUIT CLAIM DEED
STATUTORY FORM
FOR INDIVIDUALS

KNOW ALL MEN BY THESE PRESENTS: That DOROTHY ANN JENKINS f/k/a DOROTHY NOBLE, whose street number and postoffice address is 912 Allen Avenue, Muskegon, Michigan, 49442

QUIT CLAIMS to JAMES NOBLE, a single man, whose address is 435 Amity Avenue, Muskegon, Michigan, 49442,

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

Lot Four (4) and the East 1.5 feet of Lot Five (5), Block Fifty Five (55), Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

This deed is exempt from real estate transfer tax pursuant to MCLA 207.505(a), MSA 7.456(5)(a); and MCL 207.526(a); MSA 7.456(26)(a).

for the sum of less than One Hundred (\$100.00) Dollars.

Dated this 31st day of July, 1997.

Signed and Sealed in presence of:

Signed and Sealed:

[Signature: Rebecca Kelly]
Rebecca Kelly
[Signature: Lisa Hilliard]
Lisa Hilliard

[Signature: Dorothy Ann Jenkins] (L.S.)
Dorothy Ann Jenkins f/k/a Dorothy Noble
_____(L.S.)

STATE OF MICHIGAN)
) ss
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me this 31st day of July, 1997, by Dorothy Ann Jenkins f/k/a Dorothy Jenkins

[Signature: Lisa Hilliard]
Lisa Hilliard, Notary Public
Muskegon County, Michigan
My Commission Expires 5-8-00

Drafted By Richard Catalano
 Attorney at Law
Business Address Nolan & Nolan, P.C.
 40 Concord Avenue
 Muskegon, Michigan 49442

After recording return to Richard Catalano

Send subsequent tax bills to

James Noble
435 Amity Avenue
Muskegon, MI 49442

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

435 Amity

(Address of Property)

TO: All owners and interested parties:

Deutsche Bank, 4708 Mercantile Dr. N, Fort Worth, TX 76137

Owner

Matrix Management, 700 17th St. Suite 100 LL, Denver, CO 80202

(Other interested parties)

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

On August 7, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: August 11, 2003

To: Matrix Management, 700 17th Street Suite 100 LL, Denver, CO 80202
Owners Name & Address

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012
Names & Addresses of Other Interested Parties

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 7, 2003 does hereby order that the following structure(s) located at **435 Amity**, 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.

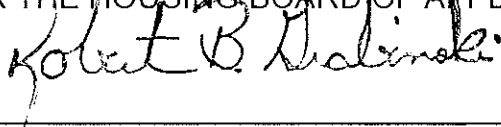
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski". The signature is written in a cursive, flowing style.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: July 25, 2003

Address of the Property: 435 Amity

TO: Matrix Management, 700 17th Street, Suite 100 LL, Denver, CO 80202
[Name & Address of Owner]

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012
[Names & Addresses of Other Interested Parties]

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

Please take notice that on Thursday, August 7, 2003, 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 remove issued 7/7/03.

At the hearing on Thursday, August 7, 2003, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 7, 2003

Address of the Property: 435 Amity

TO: James Noble, 447 Marshall St. Muskegon, MI 49442-1230
[Name & Address of Owner]

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012
(Interested Parties)

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

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 **435 Amity,** 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, reading "Robert B. Grabinski", is written over a horizontal line.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE OF INTERIOR INSPECTION

DATE: May 28, 2003

Address of Property: **435 AMITY**

TO: James Noble, 447 Marshall St. Muskegon, MI 49442
[Name & Address of Owner]

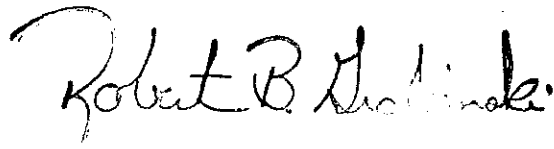
Hamilton Mortgage, 3200 North Central Ave, Suite 1260, Phoenix, AZ 85012
(Interested Parties)

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

The Inspection Services Department of the City of Muskegon has preliminarily determined that the structures described above are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Tuesday, June 10, 2003** at **1:30 P.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

435 AMITY

5/15/03

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. Front porch column are structurally damaged – replace.
3. Front porch steps are insecure – wrong rise and run.
4. Porch ceiling is rotting.
5. Open electrical box on front porch.
6. Missing siding.
7. Broken out windows – repair or replace.
8. Tuck point blocks.
9. No work may commence without obtaining said permit first.

Please contact Inspection Services at 231-724-6715 with any questions.

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 /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

5-19-03
DATE

**#03-29 - 435 Amity – Matrix Management, 700 17th Street, Suite 100 LL,
Denver, CO 80202**

No one was present to represent this case. Bob Grabinski gave a history of the case and stated Barb Delello has listed the house to sell as is.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Jon Rolewicz made a motion, which was seconded by Randy Mackie to accept staff's recommendation.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT:

Clara Shepherd	John Warner
Randy Mackie	
Jon Rolewicz	
Nick Kroes	
Greg Borgman	
Jerry Bever	

The motion carried.

#02-90 - 1345 Fifth – Garage only – Fannie Jones, Chicago IL

There was no one present to represent this case. Bob Grabinski gave a history of the case and stated it is in the process of being sold.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Clara Shepherd made a motion, seconded by Jerry Bever to accept staff's recommendation.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT:

Clara Shepherd	John Warner
Randy Mackie	
Jon Rolewicz	
Nick Kroes	
Greg Borgman	
Jerry Bever	

DATE: September 15, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #03-34-
769 Washington.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **769 Washington – Garage only, Area 12**, 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: 03-34 – 769 Washington – Garage only.

Location and ownership: This structure is located on Washington between Henry & Beidler in area 12, Nims Neighborhood. It is owned by Victor Rockafellow.

Staff Correspondence: This garage was written as dangerous and substandard on 5/19/03. A notice and order to repair or remove was issued 6/6/03. On 8/7/03 the HBA declared the structure.

Owner Contact: The owner was present at the HBA meeting in August and stated he wants to repair the garage, but doesn't agree with the building inspector's requirement for a structural engineer to design the repairs. There has been no contact since the HBA meeting.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$32,800 (house & garage)

Estimated Cost of Repairs: \$5,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at its meeting on Tuesday, September 23, 2003.

816

819

813

HENRY

1447

812

811

ST

790

784

776

768

756

730

791

783

775

769

757

751

WASHINGTON



790

782

774

766

758

750

742

789

783

775

765

759

749

741

BEIDLER

1435

1445

1451

1467

1477

1430

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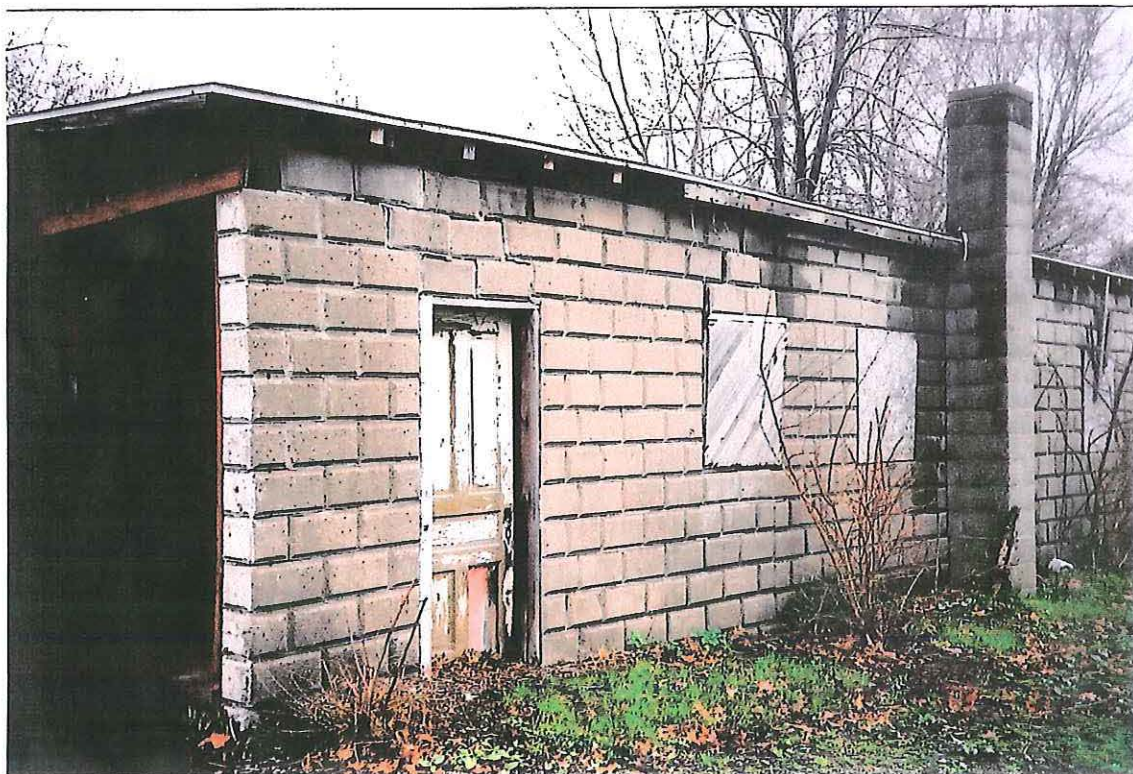
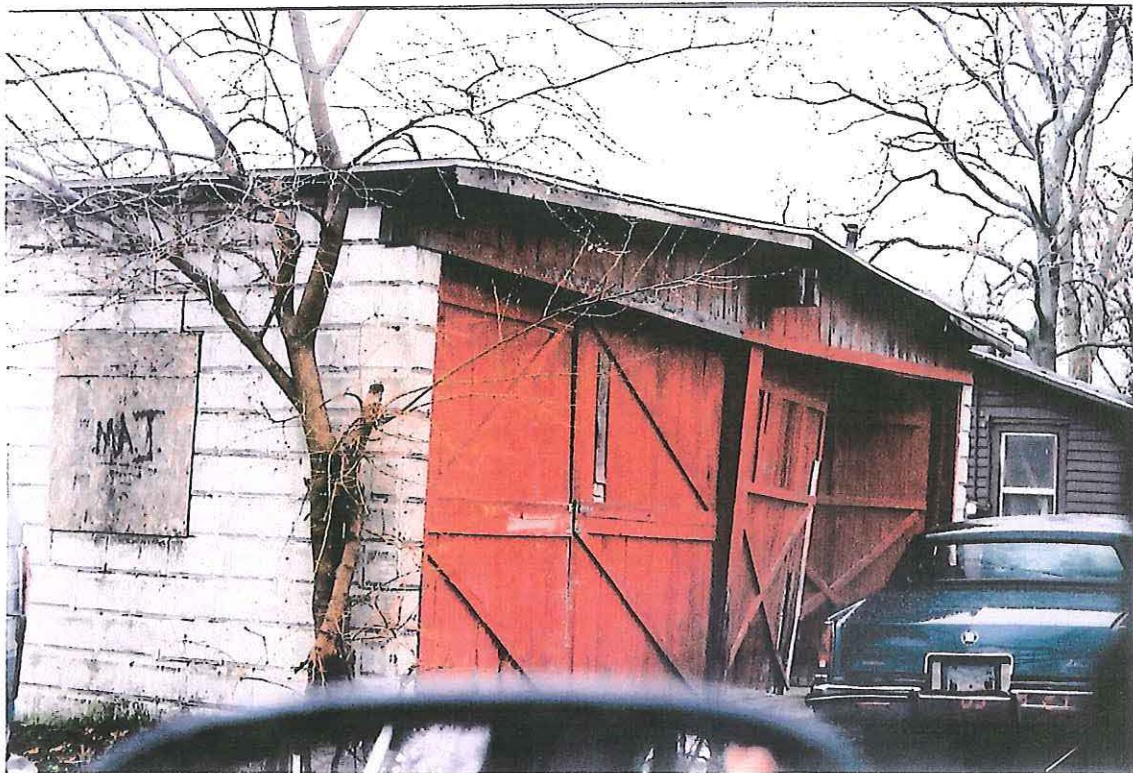
1444

1462

1476

ST

709



769 WASHINGTON

For The Inspection Department
City of Muskegon

File #: 428954

FROM CITY ASSESSOR'S RECORDS

OWNER: Victor J. Rockafellow
PROPERTY: 769 Washington
PARCEL NO: 24-205-412-0004-00
DESCRIPTION: Lot 4 Blk 412

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1466
PAGE: 174
DATE OF DEED: February 17, 1989
GRANTOR NAME & ADDRESS: Arthur Erickson and Dorothy Erickson, 769
Washington, Muskegon, MI 49443
GRANTEE NAME & ADDRESS: Paul G. Tyjewski and Phyllis K. Tyjewski,
2276 Blissfield Ct., Muskegon, MI
LIENS OR MORTGAGES: 1905/667; 3522/130; 3522/131
TODAY'S DATE: May 23, 2003
EFFECTIVE DATE: April 23, 2003 at 8:00 AM

Abstracted by:



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.

LIBER 1466 PAGE 174
AFFIX REAL ESTATE TRANSFER TAX STAMP AFTER RECORDING
Received for Record at o'clock M., and recorded in
61-11241 Register of Deeds, County, Michigan.

WARRANTY DEED

This Indenture, Made this 17th day of FEBRUARY 19 89

WITNESSETH, That Arthur Erickson and Dorothy Erickson, Husband and Wife
769 Washington
Muskegon, MI 49443

for the sum of One dollar (\$1.00) and other valuable consideration (see affidavit attached)
CONVEYS AND WARRANTS to Paul G. Tyjewski and Phyllis K. Tyjewski, Husband and
Wife

2276 Blissfield Ct.
Muskegon, MI

the following described lands and premises situated in the City of Muskegon
County of Muskegon and State of Michigan, viz:

Lot 4, Block 412, Revised Plat of the City of Muskegon, as recorded in
Liber 3 of Plats on Page 71.

P.P. #61-11-30-303-004 (06235)

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

TITLE OFFICE

RECORDED
159 FEB 22 P 4 34
REGISTER OF DEEDS

TITLE OFFICE

Signed in Presence of
Cathy K. Norkus
CATHY K. NORKUS
Signed on the Date first above written
Arthur Erickson
Arthur Erickson
Sarah V. Freeman
SARAH V. FREEMAN
Dorothy Erickson
Dorothy Erickson

STATE OF MICHIGAN, ss. On this 17th day of February 19 89
County of Muskegon before me, a Notary Public in and for said County personally appeared

Arthur Erickson and Dorothy Erickson, Husband and Wife
to me known to be the same persons described in and who executed the within instrument, who acknow-
ledged the same to be their free act and deed

My commission expires 12-14-19 92 Notary Public, CATHY K. NORKUS, MUSKEGON County, Michigan.

I Hereby Certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and
all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This certificate
does not apply on taxes, if any, now in process of collection

PREPARED BY:
THE TITLE OFFICE
427 W. Seminole Road
Muskegon, MI 49441

043393
Date February 22 19 89
County Treasurer, Muskegon County, Michigan

18/0006235

LIBER 1466 PAGE 174

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

769 Washington - Garage

(Address of Property)

TO: All owners and interested parties:

Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
Owner

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
(Other interested parties)

On August 7, 2003 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 Tuesday, September 23, 2003 to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: August 11, 2003

To: Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
Owners Name & Address

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 7, 2003 does hereby order that the following structure(s) located at 769 Washington (Garage), 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.

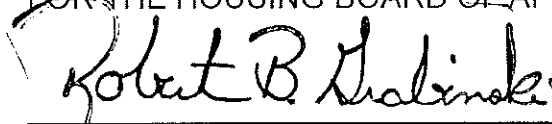
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized initial "R".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: July 25, 2003

Address of the Property: 769 Washington - Garage

TO: Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
[Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, August 7, 2003**, 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 issued 6/6/03.

At the hearing on Thursday, August 7, 2003, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 6, 2003

Address of the Property: 769 WASINGTON - GARAGE

TO: Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
(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 **769 Washington** 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, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

769 WASHINGTON (Garage)

5/19/03

Inspection noted:

1. Structural engineer to inspect. Significant lean noted. Engineer will design repair for all structural defects.
2. Windows boarded.
3. Doors to be repaired.
4. Doors and trim to be painted.
5. Roof inspection is required.
6. All work requires a building permit. No work may commence without obtaining said permit first.

Please contact Inspection Services at 231-724-6715 with any questions.

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 /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

5-19-03
DATE

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

#03-34 - 769 Washington – Garage only – Victor Rockafellow – 1450 Leahy

Mr. Rockafellow was present to represent this case. He stated he works nights and isn't available except at certain times of the day and people don't return his calls at the times he requests. He wants to repair the garage, but wants a variance on his property to split the lots. He also doesn't believe he needs an engineered design. He also spoke at length of rental inspections.

Mr. Grabinski explained the variance is not something the Inspection Department deals with, he needs to talk to the Planning Department. He also explained that Mr. Rockafellow needs to bring his plans into the Inspection Department for approval and begin work. He needs an engineered design plan because of the lean to the garage.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Nick Kroes made a motion, seconded by Clara Shepherd to accept staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

Date: September 23, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Summit Pyrotechnics

SUMMARY OF REQUEST: Steven Franklin is requesting approval of a fireworks display permit for October 11, 2003, from dark till 12:00 a.m. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance. Staff requests the time be changed from dark till 11:00 p.m. and that Mr. Franklin publishes an ad or article in the Muskegon Chronicle notifying the public of the event.

APPLICATION

FOR FIREWORKS DISPLAY PERMIT

Act 358, P.A. 1968

DATE OF APPLICATION

9-11-03

1. TYPE OF DISPLAY:

☐

Public Display

☐

Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

ADDRESS

AGE: Must be 21 or over

Summit Pyrotechnics

3500 S. Getty

IF A CORPORATION: Name of President

ADDRESS

Michigan Pyrotechnics Arts Guild or MPAG

3. PYROTECHNIC OPERATOR

NAME

ADDRESS

AGE: Must be 21 or over

Steven R. Franklin

3500 S. Getty

EXPERIENCE:

NUMBER OF YEARS

NUMBER OF DISPLAYS

WHERE

15

400 +

MI, IL, IND, OH, FL, N.D., N. M., N.H., D.C.

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

538 EAST WESTERN AVE.

DATE

TIME

10-11-03

Dark till 12pm

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

Club shoot - various sizes of 3" thru 12" shells



MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Product shipped to site day of show

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE
(to be set by municipality) \$

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

ADDRESS

cc: Fire

(See other side for instructions)

IM-32 (Rev. 1-85)
Michigan Department of State Police
FIRE MARSHAL DIVISION

Enclosure (32)
Appendix F
Order No. 9
June 1985

APPLICATION FOR FIREWORKS DISPLAY PERMIT

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Date of Application

SEPT 1, 85

Age (18 or over)

Name of Applicant

Address

Michigan Pyrotechnic Arts Guild

112 N FIRST ST Holly, MI

Corporation, Name of President

V.P.

Address

Frederick M. Hay

13925 Huron River Dr. Romulus, MI

Nonresident Applicant: Name of Mich. Attorney or Res. Agent

Address

Phone No.

734-941-895

Name of Pyrotechnic Operator

Address

FREDERICK HAY V.P. MPAG

13925 Huron River Dr. Romulus, MI

Age (18 or over)

52

Years Experience

12

No. Displays

+50

Where

CANTON, MI, Fargo N.D. Cheboygan, MI

Name of Assistant

Address

M.P.A.G. Membership

Age

Name of Other Assistant

Address

Age

Exact Location of Proposed Display

Fisherman's Landing 538 EAST WESTERN AV. MUSKOGEE, MI

Time of Proposed Display

Time of Proposed Display

NO. OF FIREWORKS

KIND OF FIREWORKS TO BE DISPLAYED

VARIOUS CLASS B & C DISPLAY
FIREWORKS Assorted fireworks & shells
3" - 12" diameter

Inner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities)

Portable AUM. TRAILER

Amount of Bond or Insurance (to be set by local gov't.)

1,000,000

Name of Bonding Corporation or Insurance Company

BOLIFF INSURANCE

Address of Bonding Corporation or Insurance Company

BROWN & HUMPHREY INSURANCE BROKERS / Lloyd's of London

Signature of Applicant

Frederick M. Hay

Other Side for Instructions

AUTHORITY:
COMPLETION:

Act 358, P.A. of 1981
Voluntary (but no
permit will be issued
without an affidavit)

33 (Rev. 7-86)
Michigan Department of State Police
FIRE MARSHAL DIVISION

Enclosure (33)
Appendix F
Order No. 9
June 1985

PERMIT FOR FIREWORKS DISPLAY

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Issued to	MICHIGAN PYROTECHNIC ARTS GUILD	Age (18 or over)
Address	112 N FIRST ST Holly, MI. 48442	
Name of Organization, Group, Firm or Corporation	M.P.A.G.	
Address	SAME	
Number and Types of Fireworks	VARIOUS CLASS B & C FIREWORKS	

Exact Location of Display		
Fisherman's Landing 538 EAST Western AV, Muskegon, MI.		
City, Village, Township	Date	Time
Muskegon, MI	OCT 11, 2003	DUSK -
Bond or Insurance Filed?	Amount	
☒ YES ☐ NO		

Issued by action of the

☒ city ☐ village ☐ township of CITY of Muskegon

(Name of City, village, township)

on the X day of X 19

X (Signature and Title of Council/Commission/Board Representative)

AUTHORITY: Act 359, P.A. of 1988
COMPLIANCE: Mandatory
PENALTY: Misdemeanor

SEP-19-2003(FRI) 10:18 CSI

(FAX) 651 855 0088

P.002/002

CERTIFICATE OF INSURANCE				ISSUE DATE September 19, 2003	
PRODUCER Combined Specialties International, Inc. Insurance Brokers 936-B Seventh Street PMB 334 Novato, CA 94945-3000			THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
INSURED Michigan Pyrotechnics Arts Guild 112 North First St. Holly, MI 48442			INSURERS AFFORDING COVERAGE		
			INSURER A: Underwriters, Lloyds of London		
			INSURER B:		
			INSURER C:		
			INSURER D:		
COVERAGES THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: LOCATIONS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDITIONAL CONDITIONS AND EXCLUSIONS: 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER THAN AN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, EXCLUSIONS AND EXCLUSIONS THE INSURANCE ONLY INDEMNIFIES AN INSURED AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SHOOTER(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUNTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR EXECUTED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE POST DISPLAY OR SPECIAL EFFECT SAFETY REQUIREMENTS OR RECOMMENDATIONS.					
CO LIN	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY CLAIMS MADE	DMGLWB20881	10/17/2002	10/17/2003	EACH ACCIDENT \$1,000,000 MEDICAL EXP (Any one person) \$ 5,000 FIRE LEGAL LIABILITY \$ 50,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS-COMMODITY AGG \$1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ANY OWNED AUTOS ☐ SCHEDULED AUTOS ☐ RENTED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (See schedule) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH ACCIDENT \$ AGGREGATE \$
	EXCESS LIABILITY FOLLOWING FORM				WC STATUTORY LIMITS OTHER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE-PA EMPLOYEE \$ E.L. DISEASE-POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				
	OTHER				
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS City of Muskegon/City Hall Muskegon, MI; Fisherman's Landing & Camp Grand Inc; The City of Muskegon; All elected and appointed employees and volunteers; all board and commissions or authorities and their board members, employees and volunteers are additional insured as respects an October 11, 2003 fireworks display at Fisherman's Landing (rain date of October 12, 2003 fireworks/display Muskegon, MI)					
CERTIFICATE HOLDER City of Muskegon City Hall Muskegon, MI			CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 15 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.		
			AUTHORIZED REPRESENTATIVE 		

933 Terrace Street
Muskegon, MI 49440

OFFICE 231-724-6705
FAX 231-724-4178

CITY OF MUSKEGON CLERK'S OFFICE

FAX COVER SHEET

To: Keith or Tim From: Linda

Fax: _____ Pages(including cover) 2

Phone: _____ Date: 9-26-03

Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Please check the insurance
coverage for a pyrotechnic display
at Fisherman's Landing (owned by
the City)

Thanks,

Linda

CERTIFICATE OF INSURANCE

ISSUE DATE September 19, 2003

PRODUCER

Combined Specialties International, Inc. Insurance
Brokers
936-B Seventh Street PMB 334
Novato, CA 94945-3000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: Underwriters, Lloyds of London

INSURED

Michigan Pyrotechnics Arts Guild
112 North First St.
Holly, MI 48442

INSURER B:

INSURER C:

INSURER D:

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDITIONAL CONDITIONS AND EXCLUSIONS: 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER THAN AN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, DEFINITIONS AND EXCLUSIONS THE INSURANCE ONLY INDENTIFIES AN INSURED AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SPOUSE(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUNTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR EXECUTED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE POST DISPLAY OR SPECIAL EFFECT SEARCH REQUIREMENTS OR RECOMMENDATIONS.

CO LIN	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	DMCLWB20081	10/17/2002	10/17/2003	EACH ACCIDENT	\$1,000,000
					MINIMAL EXP (Any one person)	\$ 5,000
					FIRE LEGAL LIABILITY	\$ 50,000
					GENERAL AGGREGATE	\$2,000,000
					PRODUCTS-COMMORS AGG	\$1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ANY OWNED AUTOS ☐ SCHEDULED AUTOS ☐ RENTED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (See note on file)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
					EACH ACCIDENT	\$
	EXCESS LIABILITY FOLLOWING FORM				AGGREGATE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- OTB- TORY LIMITS ER	\$
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE- EA EMPLOYEE	\$
					E.L. DISEASE- POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

City of Muskegon/City Hall Muskegon, MI; Fisherman's Landing & Camp Ground Inc; The City of Muskegon; All elected and appointed employees and volunteers; all board and commissions or authorities and their board members, employees and volunteers are additional insured as respects an October 11, 2003 fireworks display at Fisherman's Landing (raft date of October 12, 2003 fireworks/display Muskegon, MI)

CERTIFICATE HOLDER

City of Muskegon
City Hall
Muskegon, MI

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



2003-79(g)

PERMIT
FOR FIREWORKS DISPLAY

Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO:

NAME Steven R. Franklin, Summit Pyrotechnics

ADDRESS 3500 S. Getty, Muskegon, MI AGE

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Michigan Pyrotechnics Arts Guild

ADDRESS

NUMBER & TYPES OF FIREWORKS:

Club shoot - various sizes of 3" through 12" shells

DISPLAY: 538 E. Western Avenue (Fisherman's Landing)

EXACT LOCATION

Muskegon, MI

10-11-03 (rain date 10-12-03)

dark till 11:00 p.m.

CITY, VILLAGE, TOWNSHIP

DATE

TIME

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.00

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

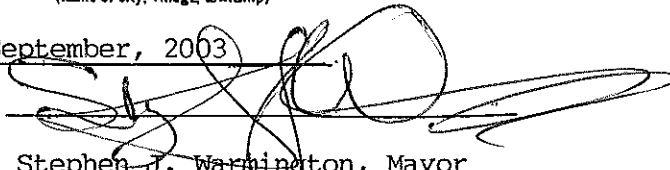
of the CITY

(city, village, township)

of MUSKEGON

(name of city, village, township)

on the 23rd day of September, 2003


Stephen J. Warrington, Mayor

(signature & position of council, commission or board representative)

DATE: September 15, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #03-33-
775 Washington.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **775 Washington – Garage only, Area 12**, 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: 03-33 – 775 Washington – Garage only.

Location and ownership: This structure is located on Washington between Henry & Beidler in area 12, Nims Neighborhood. It is owned by Annette Homoley.

Staff Correspondence: This garage was written as dangerous and substandard on 5/19/03. A notice and order to repair or remove was issued 6/6/03. On 8/7/03 the HBA declared the structure.

Owner Contact: The owner was present at the HBA meeting in August and stated she knows the garage needs to be removed and plans to do that herself. As of 9/12/03 she has not applied for a demo permit or started the demolition.

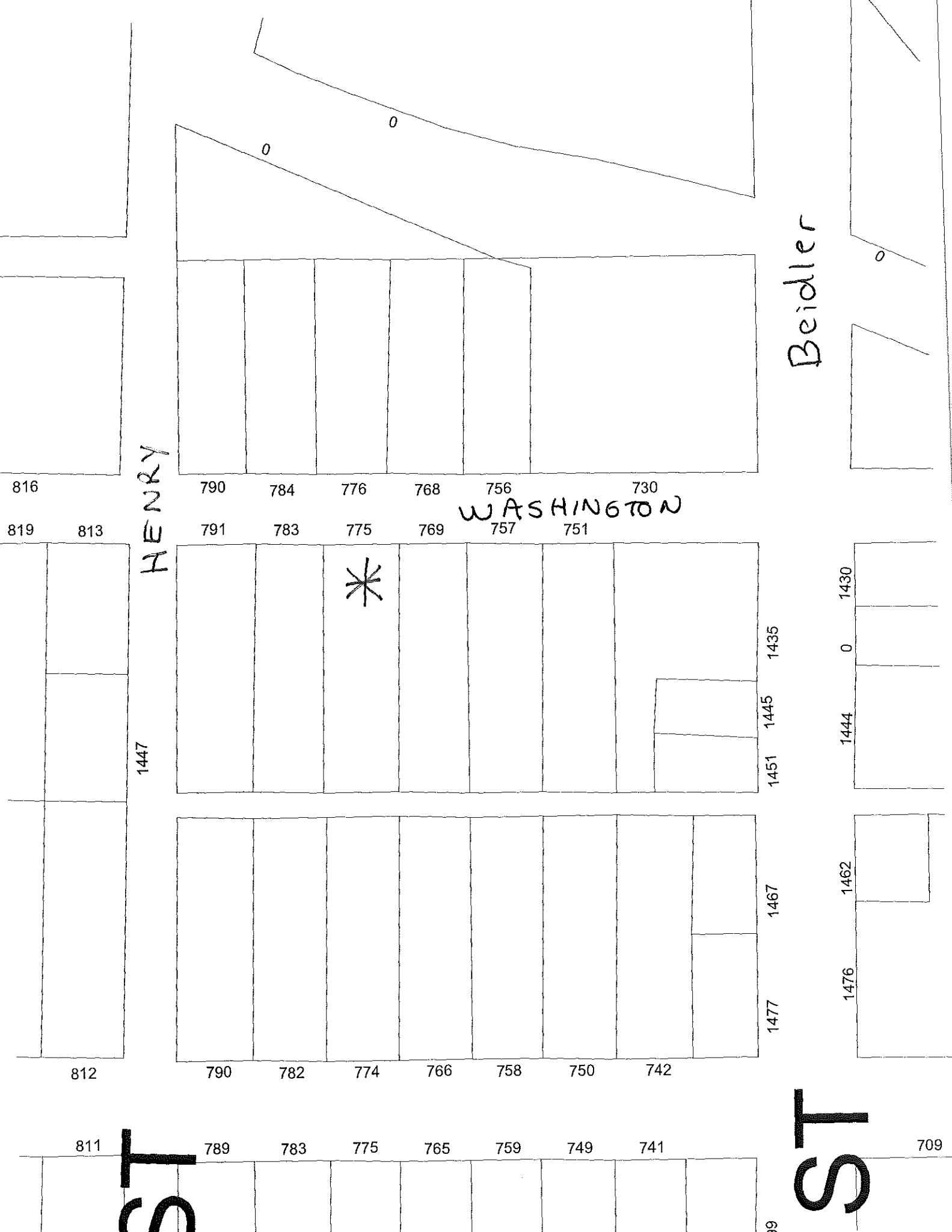
Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$22,300

Estimated Cost of Repairs: \$4,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at its meeting on Tuesday, September 23, 2003.



816

819

813

HENRY

1447

812

811

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WASHINGTON



Beidler

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ST

709



775 WASHINGTON

For The Inspection Department
City of Muskegon

File #: 428953

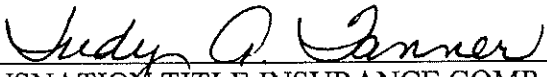
FROM CITY ASSESSOR'S RECORDS

OWNER: Annette Homoley
PROPERTY: 775 Washington
PARCEL NO: 24-205-412-0003-00
DESCRIPTION: Lot 3 Blk 412

FROM RECORDS OF TRANSNATION TITLE

LIBER: 3317
PAGE: 35
DATE OF DEED: November 26, 2001
GRANTOR NAME & ADDRESS: Bank One, National Association
GRANTEE NAME & ADDRESS: Annette Homoley, 6082 Evanston,
Muskegon, MI 49442
LIENS OR MORTGAGES: 3537/146
TODAY'S DATE: May 23, 2003
EFFECTIVE DATE: April 23, 2003 at 8:00 AM

Abstracted by:


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.

19 52

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

2001 DEC -6 AM 9:25

Mark Fairchild
REGISTER OF DEEDS

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That Bank One, National association, as Trustee (formerly known as The First National Bank of Chicago, as Trustee), a National Association organized and existing under the laws of the United States of America by its Attorney-in-Fact Residential Funding Corporation, a corporation organized and existing under the laws of the state of Delaware and whose address is 9275 Sky Park Ct., San Diego, CA 92123, covenants that it is seized of said land and has a right to convey it, conveys to:

Annette Homoley

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

Lot 3, Block 412, Revised Plat of the City of Muskegon, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Parcel #61-24-205-412-0003-00

More commonly known as: 775 Washington

for the full consideration of Nineteen Thousand Two Hundred Dollars and 00/100 (\$19,200.00) subject to covenants, restrictions, and easements of record and subject to such liens and encumbrances as may have attached or accrued through the acts or omissions of persons other than the Grantor(s) and subject to the lien of taxes not yet due and payable.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he or she is duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Dated this 26th day of November, 2001

Witnesses:

Bank One National Association, as Trustee (formerly known as The First National Bank of Chicago, as Trustee) by its Attorney-in-Fact Residential Funding Corporation

By:

SHARMEL DAWSON-TYAU

As its:

ASST VP

SHARMEL DAWSON-TYAU

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

The foregoing instrument was acknowledged before me this 26th day of November, 2001 by _____ the _____ of Residential Funding Corporation as the Attorney in Fact for Bank One National Association, as Trustee (formerly known as The First National Bank of Chicago, as Trustee)

My commission expires:

10/21/04

Michelle Rae McManus
Notary Public San Diego County, California

Drafted by:
Potestivo & Associates, P.C.
By: Brian A. Potestivo
36150 Dequindre, Ste. 620
Sterling Heights, MI 48310

Send subsequent tax bills to:
Annette Homoley
6082 Evanston
Muskegon, MI 49442

When recorded return to:
Annette Homoley
6082 Evanston
Muskegon, MI 49442

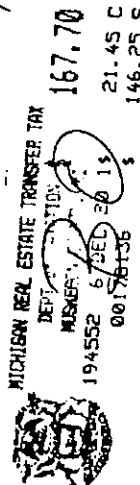
Tax Parcel: 24-205-412-0003-00

Recording Fee

Transfer Tax:

Muskegon, Mich: 12-5-2001
I hereby certify that there are no tax liens or taxes held by the State or any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office.

No. 116511 Jan A. Kenna Notary Public



NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

775 Washington - Garage

(Address of Property)

TO: All owners and interested parties:

Annette Homoley, 6082 Evanston, Muskegon, MI 49442
Owner

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On August 7, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: August 11, 2003

To: Annette Homoley, 6082 Evanston, Muskegon, MI 49442
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 7, 2003 does hereby order that the following structure(s) located at **775 Washington (Garage)**, 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.

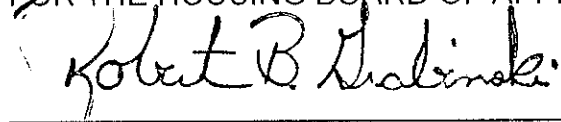
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: July 25, 2003

Address of the Property: 775 Washington - Garage

TO: Annette Homoley, 775 Washington, Muskegon, MI 49441
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, August 7, 2003, 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 issued 6/6/03.

At the hearing on Thursday, August 7, 2003, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 6, 2003

Address of the Property: 775 WASINGTON - GARAGE

TO: Annette Homoley, 775 Washington, Muskegon, MI 49441
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(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 775 Washington 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, reading "Robert B. Grabinski". The signature is written in a cursive style with a horizontal line underneath the name.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

775 WASHINGTON - Garage

5/19/03

Inspection noted:

1. Roof damage – severe – rafter investigation is required.
2. Rotted siding noted.
3. Structural lean noted.
4. Garage doors damaged.
5. Sill plate investigation is required.
6. No work may commence without obtaining said permit first.

Please contact Inspection Services at 231-724-6715 with any questions.

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 /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

6-3-03
DATE

#03-33 - 775 Washington – Garage only – Annette Homoley, same address

Ms. Homoley was present to represent this case. She stated she knows the garage needs to be removed and she intends to demolish it herself.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Nick Kroes made a motion, seconded by Clara Shepherd to accept staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

OLD BUSINESS: None

NEW BUSINESS: Nick Kroes inquired about 71 W. Southern. He stated it looks worse, maybe we need to re-light a fire under the owner. Bob Grabinski stated he will bring it before commission on 8/26/03. Also, the old Betten Chevrolet building on Third Street is open and needs to be boarded up.

ADJOURNMENT: 6:10 P.M.

CITY OF MUSKEGON

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR
SUBCOMMITTEES.**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

DATE: September 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-13 Address: 407 Catherine

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 **407 Catherine – Area 11** 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: #02-13 – 407 Catherine, Area 11

Location and ownership: This structure is located on the corner of Catherine and Wood in the Angell Neighborhood, area 11.

Staff Correspondence: This commercial building has been vacant and boarded for more than one year and a dangerous building inspection report was written 4/4/02. On 7/11/02 the HBA tabled the case for 30 days to verify the current owner, which was the State of Michigan. A notice and order to repair or remove was issued 6/25/03 and the HBA declared the structure on 7/3/03.

Owner Contact: The previous owner had been in contact with Inspections to verify she did not own it any longer.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$37,400

Estimated cost to repair: \$8,000 plus additional costs to be determined during interior inspection.

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, September 23, 2003.



407 CATHERINE

[Home](#) [Help ▾](#) [Tools ▾](#) [Departments ▾](#)

Property Information

[New Property Search](#)

Owners Name	STATE OF MICHIGAN
Property Address	407 CATHERINE AVE MUSKEGON MI 49442
Owners Address	430 WEST ALLEGAN FIRST FLOOR LANSING MI 48922
Property Number	24-205-079-0006-00
Map Number	24-31-29-210-001
Class	704
Neighborhood	C01.
Legal Desc	CITY OF MUSKEGON REVISED PLAT 1903 LOT 6 BLK 79

[View Mailing Label](#)

For The Inspection Dept.
City of Muskegon

419618

FROM CITY ASSESSOR'S RECORDS

OWNER Josephine Leutscher
PROPERTY 407 Catherine
PLATE # 24-205-079-0006-00
DESCRIPTION Lot 6 Block 79

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 923

PAGE: 342

DATE OF DEED: June 2, 1969

GRANTOR NAME & ADDRESS: Farr View Dairy, Inc. 3130 Farr Rd.
Muskegon MI 49445

GRANTEE NAME & ADDRESS: McDonald Cooperative Dairy Company 609
Lewis St. Flint

LIENS OR MORTGAGES: 1653/794, 1653/795, 1823/905, 2149/299,
3153/966, 3296/221, 3268/104

TODAY'S DATE: April 16, 2002

EFFECTIVE DATE: March 20, 2002 at 8:00 AM

ABSTRACTED BY: Debra K. Johnson
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of the 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.

ilet

LIBER 923 PAGE 342

70 JUL 25 PM 4 03

Rev 172.15 - WARRANTY DEED

John W. Weeks
June 1877.

KNOW ALL MEN BY THESE PRESENTS: That FARR VIEW DAIRY, INC., a Michigan corporation, whose address is 3130 Farr Road, Fruitport, Michigan, conveys and warrants to McDONALD COOPERATIVE DAIRY COMPANY, a Michigan corporation, whose street number and postoffice address is 609 Lewis Street, Flint, Michigan, the following described premises situated in the Township of Fruitport, County of Muskegon, and State of Michigan, to-wit:

---The Northwest quarter of the Northeast quarter of Section 26, and the East half of the Northeast quarter of Section 26, Town 9 North, Range 16 West; together with now abandoned right-of-way formerly known as the Muskegon Freight line of the Pere Marquette Railroad System except the following; commence at Northeast corner of Section 26, thence South 39 rods, then West to Pere Marquette Railroad right-of-way, thence Northwesterly along said right-of-way to North line of Section, thence East along said North line to place of beginning; also except that part of the North half of the Northeast quarter of Section 26, Town 9 North, Range 16 West, Fruitport Township, which lies between a line 200 feet Northeasterly of, measured at right angles, and parallel to the survey centerline of Highway US-16 and a line 100 feet Southwesterly of, measured at right angles, and parallel to the survey reference line of the Southbound Roadway of Highway US-16.

The survey reference line of Southbound Roadway of Highway US-16 is described as follows: Commencing on the East and West quarter line of Section 23, Town 9 North, Range 16 West, Fruitport Township, at a point which is South 89° 18' 02" East, 988.28 feet from the West quarter corner of said Section 23; thence North 50° 40' 02" West, 600 feet to the point of beginning of this survey reference line; thence South 50° 40' 02" East, 923.01 feet to the point of a curve of a 00° 15' curve to the right; thence along arc of said curve, 351.00 feet to the point of tangent; thence South 49° 47' 23" East, 4518.83 feet to the point of curve of a 00° 15' curve to the left; thence along arc of said curve 816.00 feet to the point of tangent; thence South 51° 49' 47" East, 1000 feet to a point of ending. The survey centerline of Highway US-16 is described as follows: Commencing in the East and West quarter line of Section 23,

923 PAGE 342

...which ... I have ... that there are no ...
... the
... are present to the ... out, as appears by the records of the
... Co. Trust

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

407 Catherine

(Address of Property)

TO: All owners and interested parties:

State of MI, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-4948

Owner

None

(Other interested parties)

On July 3, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: July 9, 2003

To: State of MI, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-4948
Owners Name & Address

None

Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, July 3, 2003 does hereby order that the following structure(s) located at 407 Catherine, 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.

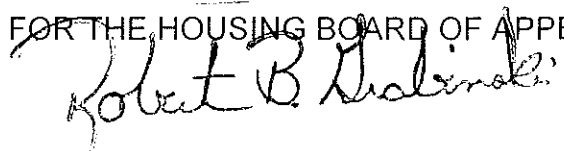
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

Memo

To: State of MI/DNR Real Estate Div.
From: Robert Grabinski Director of Inspection Services
Date: June 25, 2003
Re: 407 Catherine

On June 20, 2003 a notice of hearing was issued to you regarding the above property. It has come to the attention of this office that you were not sent previous notices because of a change of ownership.

Attached, you will find all previous notices. If you have any questions regarding this, please call 231-724-6715.

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 25, 2003

Address of the Property: 407 Catherine

TO: State of MI, DNR Real Estate Div, P.O. Box 30448, Lansing, MI 48909-7948
[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 407 Catherine, 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, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: June 20, 2003

Address of the Property: 407 Catherine

TO: State of Michigan, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-7948

[Name & Address of Owner]

None

[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, July 3, 2003, 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 Remove dated 7/18/02.

At the hearing on Thursday, July 3, 2003, 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, Director of 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

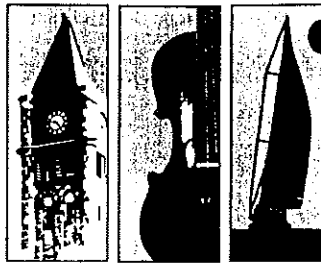
Public Works
231/724-4100
FAX/722-4188

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

July 18, 2002

State of Michigan
Dept. of Natural Resources, Real Estate Div.
P.O. Box 30448
Lansing, MI 48909-7948

Re: 407 Catherine

To Whom It May Concern:

The enclosed notices are regarding a property in Muskegon, Michigan that is owned by the state. The notices originally went to the previous owner by mistake.

This structure is on our dangerous building list and the case was brought before the Housing Board of Appeals on July 11, 2002. Usually, at this meeting it is determined by the board whether the structure can be repaired or needs to be demolished. It was at this meeting that this office was informed we had not notified the correct owner, so the case was tabled for 30 days.

I am enclosing the exterior inspection report, a picture of the building, and the portion of the title search that shows current ownership. Please notify this office either by telephone or in writing of your intentions on this structure.

If you have any questions, please call (231) 724-6715.

Sincerely, _____

Robert B. Grabinski

Robert B. Grabinski
Director of Inspections

RBG/lg

7000 0520 0013 9767 1109

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only. No Insurance Coverage Provided)	
407 Catherine	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Recipient's Name (Please Print Clearly) (To be completed by mailer)	
State DNR - Real Estate Div	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE 30 DAYS

Date of Order: July 16, 2002

Address of the property: 407 Catherine

To: Josephine Leutscher, 906 Kampenga, Muskegon, MI 49442
Owners Name & Address

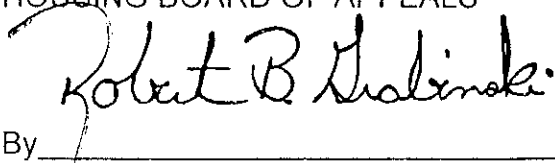
None
Names & Addresses of Other Interested Parties

CASE TABLED FOR 30 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled for 30 days to verify the current owner. We will drop your name from this case and notify the state and county with further notices.

If you have any questions, please call the Inspection Department at 231-724-6715.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: July 1, 2002

Address of the Property: 407 Catherine

TO: Josephine Leutscher, 906 Kampenga, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, July 11, 2002**, 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 to review your intentions for repairing this structure.

At the hearing on Thursday, July 11, 2002, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE FOR INTERIOR INSPECTION

DATE: April 15, 2002

Address of Property: 407 Catherine

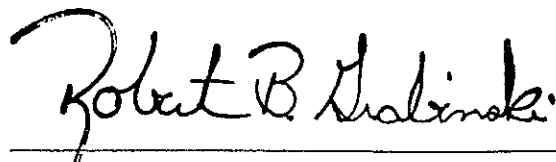
TO: Josephine Leutscher, 906 Kampenga Ave, Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

The Inspection Services Department of the City of Muskegon has preliminarily determined that the structures described above are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Thursday, May 16, 2002** at **2:00 P.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

407 CATHERINE

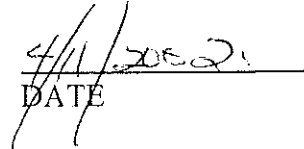
4/4/02

Inspection noted:

1. Structural cracks on buildings, exterior walls will need a designed professional repair. Missing bricks in walls. Parapet caps loose & missing.
2. Roof investigation needed: Missing and rotted fascia.
3. Unprotected wood doors – frames are rotting; deteriorated garage doors.
4. Graffiti constantly on building.
5. Open exhaust openings, deteriorating the exhaust frames.
6. Building is boarded – no uniform pain or siding on exterior.

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

AYES:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
Clara Shepherd

NAYES:

EXCUSED:

John Warner

ABSENT:

The motion carried.

DANGEROUS BUILDING NEW CASES:

#02-013 – 407 Catherine – Josephine Leutscher, 906 Kampenga, Muskegon

Lori O'Nealas was present to represent this case. Her mother is Josephine Leutscher. She was not aware that her mother had anything to do with this building anymore. Mr. Grabinski gave a history of this case. It is a commercial building and we have had some neighbor complaints. An exterior inspection was conducted, but as Ms. Leutscher sold it, she has no key to get in. Randy Mackie stated the property has now gone back to the state.

Staff Recommendation: Table the case for a minimum of 30 days and notify the correct owners. We will drop Josephine Leutscher's name off this case.

Motion made by Jerry Bever, supported by Nick Kroes to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
Clara Shepherd

NAYES:

EXCUSED:

John Warner

ABSENT:

The motion carried.

#02-012 – 215 W. Grand – Dwight Taylor/Renetta McClanahan – 1845 Kinsey, Muskegon

The owners were not present to represent this property. Mr. Grabinski gave a history of this case. There was a fire in April. An interior inspection was conducted with the apartment manager (4/15/02). There has been no contact with the owner since then.

DATE: September 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Director Inspections

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:03-07 Address: 2037 Kinsey.

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 2037 Kinsey – 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: 03-07, 2037 Kinsey

Location and ownership: This structure is located on Kinsey between Hudson & Crowley and is now owned by a David Medendorp.

Staff Correspondence: This structure was brought to the attention of the Inspection Department from the MPD on 2/6/03. The inspection report was written on that date and a notice and order to repair or remove was issued 3/5/03. The previous owners, Harry & Kathy Jourden, let the property go back to Dean Pranger of Texas, and he sold the structure to David Medendorp. An electrical permit was issued on 9/9/03.

Owner Contact: During the week of 9/8/03 the Director of Inspections noted painting being done and spoke with David Medendorp. He was told any other work to be completed must be done under a permit, including the electrical work which was already done.

Financial Impact: The cost of demolition will be paid with General Funds.

Budget action required: None

State Equalized value: \$16,400

Estimated cost to repair: \$5,000

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

WILSON AV

HUDSON ST

KINSEY ST

CROWLEY ST

YOUNG AV

2037
*



2037 KINSEY

For The Inspection Department
City of Muskegon

File #: 424919

FROM CITY ASSESSOR'S RECORDS

OWNER: Harry/Kathy Jourden
PROPERTY: 2037 Kinsey
PARCEL NO: 24-665-000-0246-00
DESCRIPTION: Orchard Grove Addition Lot 246

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1974
PAGE: 6
DATE OF DEED: March 31, 1997
GRANTOR NAME & ADDRESS: Dean Alan Pranger and Isabel G. Pranger,
husband and wife, 2037 Kinsey St., Muskegon, MI 49441
GRANTEE NAME & ADDRESS: Dean Alan Pranger and Isabel G. Pranger,
husband and wife, 2037 Kinsey St., Muskegon, MI 49441
LIENS OR MORTGAGES: 3021/406
TODAY'S DATE: February 20, 2003
EFFECTIVE DATE: January 22, 2003 at 8:00 AM

Abstracted by: _____
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.

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1997 APR 10 PM 12:43

Carrie Carter
REGISTER OF DEEDS

QUIT-CLAIM DEED

**This Indenture,**Dated this day of:
MARCH 31, 1997**KNOW ALL MEN BY THESE PRESENTS THAT:**DEAN ALAN PRANGER AND ISABEL G. PRANGER, HUSBAND AND WIFE
2037 KINSEY ST.
MUSKEGON, MI 49441**Convey(s) and Quit-Claim(s) To:**DEAN ALAN PRANGER AND ISABEL G. PRANGER, HUSBAND AND WIFE
2037 KINSEY ST.
MUSKEGON, MI 49441**for the sum of**THIS INSTRUMENT IS EXEMPT FROM COUNTY TRANSFER TAX PURSUANT TO MCL 207.505 (1). THIS
INSTRUMENT IS EXEMPT FROM STATE TRANSFER TAX PURSUANT TO MCL 207.526(1).**the following described premises situated in**

THE CITY OF MUSKEGON, COUNTY OF MUSKEGON AND STATE OF MICHIGAN TO WIT:

LOTS 246 AND 247 ORCHARD GROVE ADDITION TO THE CITY OF MUSKEGON, AS RECORDED IN
LIBER 6 OF PLATS ON PAGE 40, MUSKEGON COUNTY RECORDS.

P.P. #61-30-36-277-020 (17356-247) [LOT 247]

P.P. #61-30-36-277-019 (17356-246) [LOT 246]

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND LIMITATIONS OF RECORD, IF ANY.

Witnesses:**Signed and Sealed**
Dave Organeck

Doris Crandell
DEAN ALAN PRANGER

ISABEL G. PRANGER

STATE OF MICHIGAN COUNTY OF KENT

The foregoing instrument was acknowledged before me

ON MARCH 31, 1997 BY DEAN ALAN PRANGER AND
ISABEL G. PRANGER, HUSBAND AND WIFEILLEGIBILITY
DUE TO POOR ORIGINAL**PREPARED BY:**DEAN ALAN PRANGER
2037 KINSEY ST.
MUSKEGON, MI 49441**ASSISTED BY:**THE TITLE OFFICE, INC.
3655 LAKE EASTBROOK, SE
GRAND RAPIDS, MICHIGAN 49546
Dave Organeck
NOTARY PUBLIC _____ COUNTY,
MY COMMISSION EXPIRES:

WHEN RECORDED RETURN TO

3876 RNG 411

EQUIPMENT COMPANY, INC.
2851 CHARLEVOIX L.A. S.E., SUITE 304
GRAND RAPIDS, MI. 49546-7048

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

2037 Kinsey

(Address of Property)

TO: All owners and interested parties:

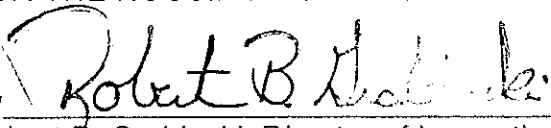
David Medendorp, 1718 Beach St., Muskegon, MI 49441
Owner

Dean Pranger, 19022 Armington Dr, El Paso, TX 79928
(Other interested parties)

On June 5, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Director of Inspections

ELECTRICAL PERMIT APPLICATION

City of Muskegon

933 Terrace St. P.O. Box 536

Muskegon, MI 49443-0536

(231)724-6758

Date 9-9-23

Permit #

I. JOB LOCATION

Job Address <u>2037 Kinsey</u>	Has a building permit been issued for this project? YES ☐ NO ☐ NOT REQUIRED ☐
Name of Owner/Agent <u>Dave Mendenhall</u>	Owner Address

II. CONTRACTOR / HOMEOWNER INFORMATION

☒ Contractor ☐ Homeowner	Name <u>J + J Electrical Cont</u>	License Number	Expiration Date
Address (Street & Name)		City	State
Telephone Number ()		Federal employer ID Number (or reason for exemption)	MESC Employer Number (or reason for exemption)
Workers Compensation Insurance Carrier (or reason for exemption)		Contractor information registered with the City of Muskegon YES ☐ NO ☐	

III. TYPE OF JOB

Class of work (check all that apply)			
NEW BUILDING ☐	ADDITION ☐	ALTERATION ☒	REPAIR ☐
RESIDENTIAL ☒	COMMERCIAL ☐	INDUSTRIAL ☐	OTHER ☐
Description of work <u>Repair in Dangerous Bldg list, including hard-wired smoke detectors, open flames</u>			

IV. FEE SCHEDULE - Enter the number of items being installed. Multiply by the unit price for the total fee.

	FEE	#ITEMS	TOTAL
Base Fee (Non-refundable)	\$35.00		35.00
Service, Subpanel, change of panel thru 200 amp	\$15.00		
Over 400 amp thru 600 amp	\$20.00		
Over 600 amp thru 800 amp	\$23.00		
Over 800 amp thru 1200 amp	\$30.00		
Over 1200 Amp GFI Only	\$50.00		
Circuits each	\$5.00		
Lighting Fixtures per 25	\$9.00	1	9.00
Dishwasher	\$8.00		
Electrical Heating (baseboards)	\$8.00		
Furnace (unit heaters)	\$8.00		
Power outlets (inc. range & dryers)	\$10.00		
Signs (units)	\$15.00		
Signs (letter)	\$15.00		
Signs (Neon - Each 25 ft)	\$2.00		
Feeders - Bus ducts per 50 ft	\$9.00		
Mobile home park site	\$9.00		
Recreational vehicle park site	\$8.00		

	FEE	#ITEMS	TOTAL
KVA & HP each up to 20	\$9.00		
KVA & HP each 21 to 50	\$15.00		
KVA & HP each 21 to 50	\$18.00		
Fire alarm up to 10 devices	\$75.00		
Fire alarm 11 to 20 devices	100.00		
Fire alarm over 20 devices ea.	\$8.00		
Energy/ Temperature Controls	\$45.00		
Conduit or grounding only	\$45.00		
Inspections Re-inspections or final	\$35.00		
Inspections Special Safety	\$50.00		
Inspections Hourly Rate	\$50.00		
Meter inspection to turn on power	\$25.00		
Plan Review Fee	25%		
Other			
TOTAL FEES			44.00

V. HOMEOWNER AFFIDAVIT

I hereby certify the electrical work described on this permit application shall be installed by myself in my own home which I am living or am about to occupy. All work shall be installed in accordance with the electrical code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Electrical Inspector. I will cooperate with the electrical inspector and assume responsibility to arrange all necessary inspections.

VI. APPLICANT SIGNATURE

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines."

Signature of Licensee or Homeowner (Homeowner signature indicates compliance with Section V) Dave Mendenhall Date 9-9-23

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: June 6, 2003

To: Harry & Kathy Jourden, 2037 Kinsey, Muskegon, MI 49441
Owners Name & Address

Dean Pranger, 19022 El Paso, TX 79928
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, June 5, 2003 does hereby order that the following structure(s) located at **2037 Kinsey**, 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.

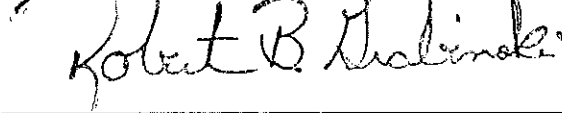
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: May 22, 2003

Address of the Property: 2037 Kinsey

TO: Harry & Kathy Jourden, 2037 Kinsey, Muskegon, MI 49441
[Name & Address of Owner]

Dean Pranger, 19022 El Paso, TX 79928
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, June 5, 2003, 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 issued 3/5/03.

At the hearing on Thursday, June 5, 2003, 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, Director of 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

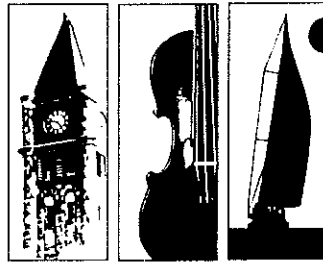
Public Works
231/724-4100
FAX/722-4188

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

March 10, 2003

Harry & Kathy Jourden
2037 Kinsey
Muskegon, MI 49441

Re: Unsafe Living Conditions

Dear Mr. And Mrs. Jourden:

Your residence was recently inspected and found to have several violations that pose a serious life safety issue. At the time of the inspection you were informed that no one would be able to stay in the structure. In an effort to assist with repairs, this office agreed to leave the utilities in place. It has come to our attention that some, if not all, of the occupants have been staying in the structure. Again, this places those persons in extreme danger.

With the above knowledge, this office is forced to take the following action. You must obtain a permit and complete the repairs for items 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12, of the attached list, within 48 hours of this notice. Failure to comply will result in this office taking the necessary steps to terminate all utilities.

Sincerely,

A handwritten signature in black ink that reads 'Robert B. Grabinski'.

Robert B. Grabinski
Director of Inspections

Cc: Sue Johnson, Protective Services

RBG/lg

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: March 5, 2003

Address of the Property: **2037 Kinsey**

TO: Harry & Kathy Jourden, 2037 Kinsey, Muskegon, MI 49441
[Name & Address of Owner]

Dean Pranger, 19022 El Paso, TX 79928
(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

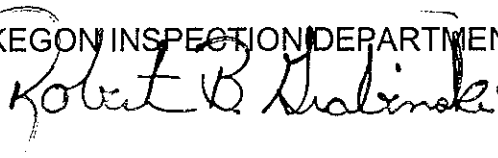
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. 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 2037 Kinsey, 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, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" and "G".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

2037 Kinsey

2/6/03

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. Water heater in unsafe condition.
3. Wall furnace installed in contact with combustibles.
4. Furnace exhaust duct rusting out.
5. Chimney needs to have a liner installed.
6. Bathroom plumbing in disrepair.
7. Bedroom on front porch has no egress window, no smoke detector and blocked exiting due to large amounts of debris.
- ~~8.~~ Use of numerous extension cords.
9. Open junction electrical box in attic.
- ~~10.~~ Open electrical switch and box in closet stuffed with homeowners contents.
11. Blocked access to service panel in closet.
- ~~12.~~ No working smoke detectors in home.
13. Repair/replace all damaged siding.
14. Floor repair in bathroom floor is severely sloped. Check joists, bearing.
- ~~15.~~ Garage structure needs to be inspected. Must remove large amounts of debris for investigation. No access available on this date.
- ~~16.~~ Remove all debris out of yard.

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 Llg
HENRY FALTINOWSKI, BUILDING INSPECTOR

2-6-03
DATE

Incident Report

MUSKEGON POLICE DEPARTMENT

2003-003598-I

Incident No 2003-003598-I	Date & Time Rept 02/20/2003 17:56	Offense: 89004 WARRANTS		
Occurred From: 02/20/2003 17:56	Occurred Until: 02/20/2003 18:54	Incident Location 2037 KINSEY ST		
Current Disp CLOSED	Disposed To CLOSED LORD	Municipality MUSKEGON	District 115	
Disposition Date 02/20/2003	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / 00:00	
Officer Assigned 10557 HEPWORTH, SCOTT JASON		Investigating Officer		

N
O
T
E
S
Copy to inspections for information. Lt. Lord

----- [02/20/2003] --- [17:56] -----
CMP MOTHER KATHERINE JOURDEN 47YO W/F THERE TEARING UP THE
HOUSE...ACTING ODD ANGRY ABOUT HUSB BEING IN JAIL...ANOTHER
FEM THERE ALSO...NO FIGHT...

----- [02/20/2003] --- [17:56] -----
THE CMP IS THE DAUGHTER BLVS THE MOTHER IS UPSET WITH
FATHER BEING IN JAIL STATES THAT MOTHER IS ON MEDICATIONS
THE OTHER FEM THAT IS WITH HER IS SUPPOSED TO BE HELPING
HER

----- [02/20/2003] --- [18:28] -----
FIRE 95 CAN DISREGARD, FOUND 10-99 ON SUBJECT

----- [02/20/2003] --- [18:37] -----
CONVEY OCCURED 02/20/03 @ 18:37:10 TO: COUNTY

----- [02/20/2003] --- [18:44] -----
ARRIVED ON CONVEY TO COUNTY

----- [02/20/2003] --- [18:44] -----
ARRIVED ON CONVEY TO COUNTY

----- [02/20/2003] --- [18:52] -----
STATUS CHECK BY SS

----- [02/20/2003] --- [18:52] -----
STILL ON IT

NAME: JEANETTE MARSHALL
ADDR: SPRING LK

OFFENSE: CWB Check Wellbeing

=CAD TIMES: 17:56;18:01;18:07;18:54;

Continued

MUSKEGON POLICE DEPARTMENT

2003-003598-I

Incident No 2003-003598-I		Date & Time Rept 02/20/2003 17:56		Offense: 89004 WARRANTS	
P E R S O N	Name/Address/Phone			Description	
	JOURDEN, KATHERINE SUE			Born 06/11/1955 FEMALE	
	2037 KINSEY			Hgt. 5' 8" WHITE	
	MUSKEGON MI 49441			Wgt. 253 NON-HISP	
	(231) 759-2371 (231) 215-1082			Hair BRO Eyes BLU	
ARREST		89004		WARRANTS	
02/20/2003					
Description/Name/Comments		Make/Model/Stat		Serial No./Qty/Value	
NO PROPERTY					
Status/Plate Type/VIN		Reg/Evid/Value		Description	
NO VEHICLES					
Category		Description			
NO M.O. INFORMATION					

Continued

MUSKEGON POLICE DEPARTMENT

2003-003598-I

Incident No 2003-003598-I	Date & Time Rept 02/20/2003 17:56	Offense: 89004 WARRANTS
------------------------------	--------------------------------------	----------------------------

N TAKEN FROM WORDPERFECT DOCUMENT 2003003598.001

A DISPATCH INFO:

R

R Officer VELIK and I were dispatched to 2037 Kinsey on a check well
A being. The mother of the complainant was in a house that was
T condemned tearing it up. The mother was upset because her husband
I was in jail.

V

E CONTACT WITH RESIDENT:

When I arrived, I made contact with KATHERINE JOURDEN (Arrest/TX:
759-2371). JOURDEN said that she was upset and threw a lamp.
JOURDEN said that she was not suicidal. JOURDEN advised me that
she was only supposed to be in the house during business hours.
JOURDEN let me in to look at the house. The house was messy, but
it did not appear to be damaged.

OFFICER'S ACTIONS:

There was a white and orange notice from the MFD and Muskegon
Inspections, respectively, stating that the structure was not to be
occupied.

I ran JOURDEN on LEIN. LEIN showed JOURDEN to have a confirmed and
valid warrant out of RPPD for FTA on a misdemeanor traffic
violation. JOURDEN told me that her daughter just paid \$200 on
that. JOURDEN said that her daughter put the receipt on her desk.
JOURDEN briefly looked for it, but she said she could not find it.

JOURDEN was allowed to lock up the house. I placed JOURDEN in hand
cuffs (double locked and checked for tightness). JOURDEN pockets
were searched in front of my cruiser's camera (nothing found).
JOURDEN was transported to MCJ and lodged on the valid warrant
without incident.

STATUS:

Please refer this report to MFD and inspections for informational
purposes.

Closed.

Officer S. HEPWORTH # 42

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

John Warner
Randy Mackie
Jon Rolewicz
Nick Kroes
Jerry Bever
Clara Shepherd

Greg Borgman

The motion carried.

Case #03-07 – 2037 Kinsey – Harry & Katherine Jourden

There was no one present to represent this case. Mr. Grabinski gave a history of the case, which began with a Police Department investigation.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Nick Kroes and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

John Warner
Randy Mackie
Jon Rolewicz
Nick Kroes
Jerry Bever
Clara Shepherd

Greg Borgman

The motion carried.

Case #03-02 – 424 Orchard – Scott Flaska

No one was present to represent this case.

Butt, Crooked only
 know how to practice on
 the ground
 11) NO Plumbing project!!!



CITY OF MUSKEGON

INSPECTION DEPARTMENT

(231) 724-6715

INSPECTION SHEET For

Kulsky 2037

☒ Building	☐ Electrical	☐ Mechanical	☐ Plumbing	☐ Zoning
# _____	# _____	# _____	# _____	_____
☐ Footing	☐ Service	☐ Underground	☐ Underground	_____
☐ Rough In	☐ Rough In	☐ Rough In	☐ Rough In	_____
☐ Final	☐ Final	☐ Final	☐ Final	_____
☐ _____	☐ _____	☐ _____	☐ _____	_____

Inspector H. J. F. Date 9/23/2003 Approved ☐ yes ☐ no

Reason 1) SEAL CRAWL SPACE OPENINGS.

2) ALL WINDOWS MUST BE OPERABLE

3) REPAIR ALL SIDING - CAULK HOLES.

4) NEEDS FLOOR COATING KITCHEN.

5) HANDRAIL ON SIDE BACK PORCH.

6) SCRAPE PAINT GARAGE

7) TOUCH UP PAINT BLACK GARAGE

8) FIX SCREENS.

9) STABILIZE HANDRAILS LAGS BOLES

10) VERIFY FLOORING

Correct prior to

and call for reinspection.

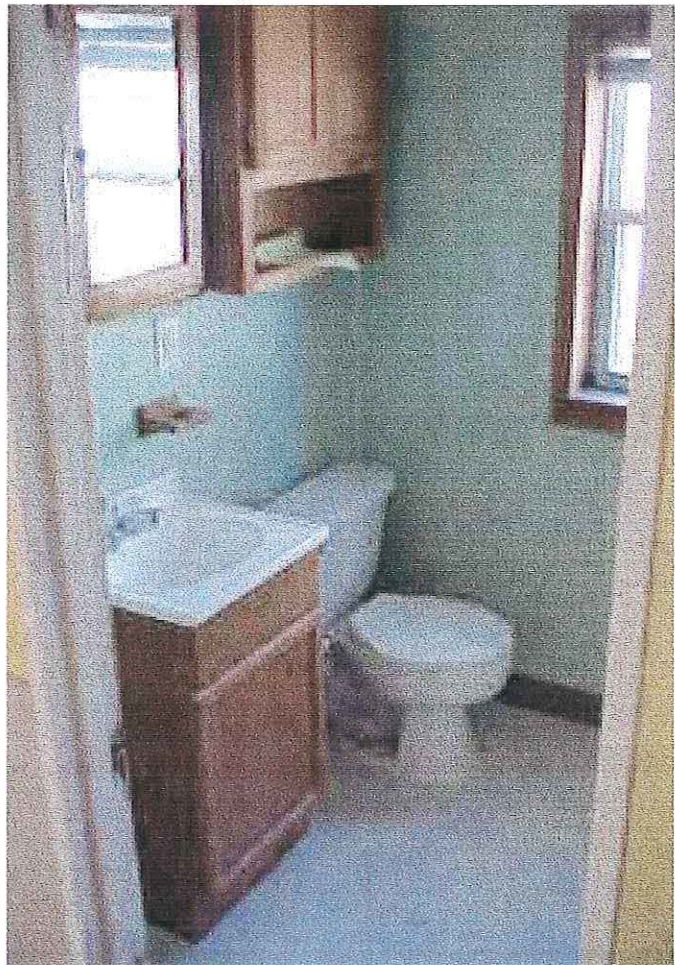
in both Rm Structural.



Front Porch



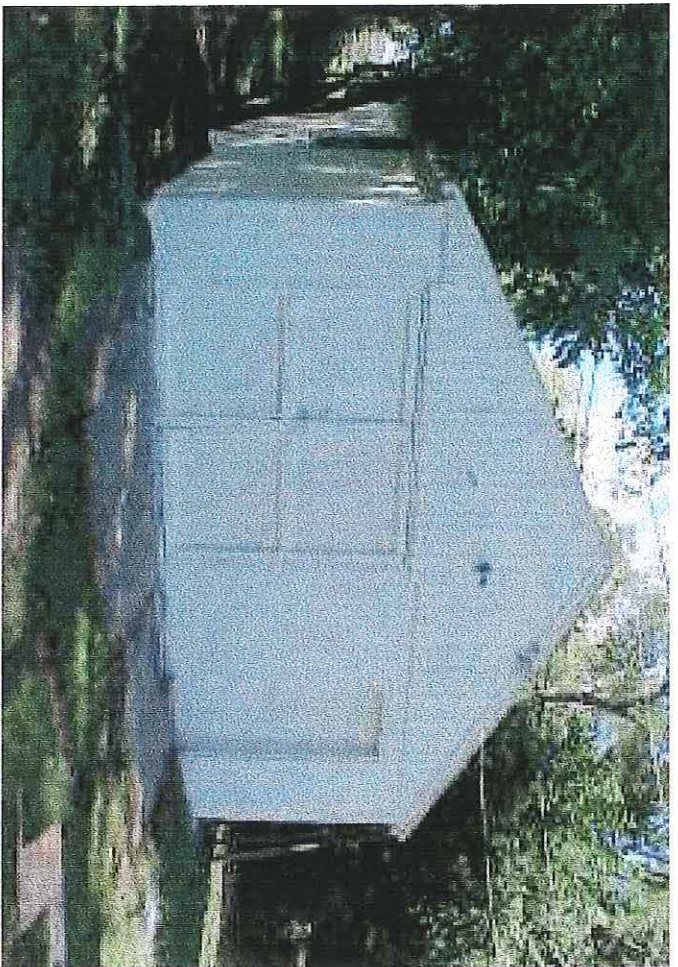
Living Room



Bathroom



Laundry Room



Garage



Kitchen cabinets

Back



front

Front



Living Room

DATE: September 15, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #03-29
435 Amity.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **435 Amity – Area 11**. 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: 03-29 – 435 Amity, Area 11.

Location and ownership: This structure is located on Amity between Wood and Williams and is owned by Deutsche Bank in Texas. It is in the Angell Neighborhood.

Staff Correspondence: This property was written as dangerous/substandard after being boarded since September 2001. A notice and order to repair or remove was issued 7/7/03 and on 8/7/03 the HBA declared the structure.

Owner Contact: Matrix Management has called and requested all reports and to be added as an interested party. Gerald Singer, who owns other rental properties in the city, was in the office 9/10/03 and stated he is purchasing the property.

SEV: \$18,100

Financial Impact: CDBG.

Budget Action Required: None

Estimated Cost of Repairs: \$4,000 plus additional amount for interior items once inspected.

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, September 23, 2003

391

861

865

871

0

850

0

868

886

861

867

862

868

0

880

WOOD

390

0

431

443

449

0

Amity

WILLIAMS

391

0

925

939

918

922

926

932

940

919

423

431

*

435

441

0

455

461

420

430

0

442

448

460

944

0

926

920

914



435 Amity

For The Inspection Department
City of Muskegon

File #: 428792

FROM CITY ASSESSOR'S RECORDS

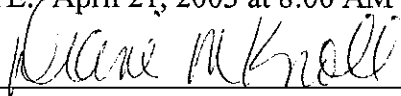
OWNER: James Noble
PROPERTY: 435 Amity
PARCEL NO: 24-205-055-0004-00
DESCRIPTION: Revised Plat of 1903 Lot 4 also E 1.5 ft Lot 5 Blk 55

FROM RECORDS OF TRANSNATION TITLE

LIBER: 2010
PAGE: 886
DATE OF DEED: July 31, 1997
GRANTOR NAME & ADDRESS: Dorothy Ann Jenkins fka Dorothy Noble,
912 Allen Ave., Muskegon, MI 49442
GRANTEE NAME & ADDRESS: James Noble, 435 Amity Ave., Muskegon
MI 49442
LIENS OR MORTGAGES: 3054/199
TODAY'S DATE: May 16, 2003

EFFECTIVE DATE: April 21, 2003 at 8:00 AM

Abstracted by:


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.

STATE OF MICHIGAN
COUNTY OF MUSKEGON

1997 JUL 12 PM 1:25

Rebecca Kelly

QUIT CLAIM DEED
STATUTORY FORM
FOR INDIVIDUALS

KNOW ALL MEN BY THESE PRESENTS: That DOROTHY ANN JENKINS f/k/a DOROTHY NOBLE, whose street number and postoffice address is 912 Allen Avenue, Muskegon, Michigan, 49442

QUIT CLAIMS to JAMES NOBLE, a single man, whose address is 435 Amity Avenue, Muskegon, Michigan, 49442,

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

Lot Four (4) and the East 1.5 feet of Lot Five (5), Block Fifty Five (55), Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

This deed is exempt from real estate transfer tax pursuant to MCL 207.505(a), MSA 7.456(5)(a), and MCL 207.526(a); MSA 7.456(26)(a).

for the sum of less than One Hundred (\$100.00) Dollars.

Dated this 31st day of July, 1997.

Signed and Sealed in presence of:

Signed and Sealed:

Rebecca Kelly
Rebecca Kelly
Lisa Hilliard
Lisa Hilliard

Dorothy Ann Jenkins (L.S.)
Dorothy Ann Jenkins f/k/a Dorothy Noble
____ (L.S.)

STATE OF MICHIGAN)
) ss
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me this 31st day of July, 1997, by Dorothy Ann Jenkins f/k/a Dorothy Jenkins

Lisa Hilliard

Lisa Hilliard, Notary Public
Muskegon County, Michigan
My Commission Expires 5-8-00

Drafted By Richard Catalino
Attorney at Law
Business Address Nolan & Nolan, P.C.
40 Concord Avenue
Muskegon, Michigan 49442

After recording return to Richard Catalino

Send subsequent tax bills to

James Noble
435 Amity Avenue
Muskegon, MI 49442

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

435 Amity

(Address of Property)

TO: All owners and interested parties:

Deutsche Bank, 4708 Mercantile Dr. N, Fort Worth, TX 76137

Owner

Matrix Management, 700 17th St. Suite 100 LL, Denver, CO 80202

(Other interested parties)

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

On August 7, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: August 11, 2003

To: Matrix Management, 700 17th Street Suite 100 LL, Denver, CO 80202
Owners Name & Address

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012
Names & Addresses of Other Interested Parties

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 7, 2003 does hereby order that the following structure(s) located at **435 Amity**, 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.

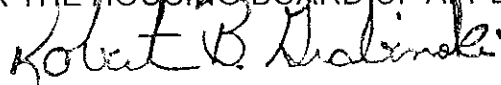
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski". The signature is written in a cursive, flowing style.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: July 25, 2003

Address of the Property: 435 Amity

TO: Matrix Management, 700 17th Street, Suite 100 LL, Denver, CO 80202
[Name & Address of Owner]

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012
[Names & Addresses of Other Interested Parties]

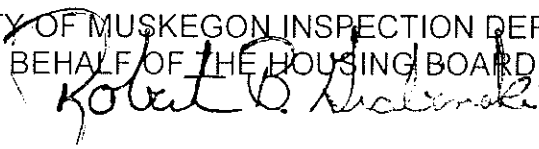
Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

Please take notice that on Thursday, August 7, 2003, 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 remove issued 7/7/03.

At the hearing on Thursday, August 7, 2003, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 7, 2003

Address of the Property: 435 Amity

TO: James Noble, 447 Marshall St. Muskegon, MI 49442-1230
[Name & Address of Owner]

Hamilton Mortgage, 3200 North Central Ave. Suite 1260, Phoenix, AZ 85012
(Interested Parties)

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

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

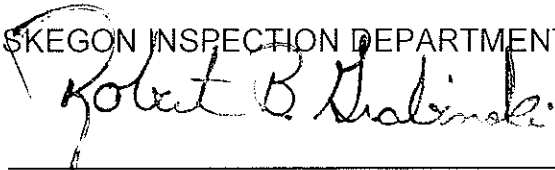
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. 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 **435 Amity**, 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, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE OF INTERIOR INSPECTION

DATE: May 28, 2003

Address of Property: **435 AMITY**

TO: James Noble, 447 Marshall St. Muskegon, MI 49442
[Name & Address of Owner]

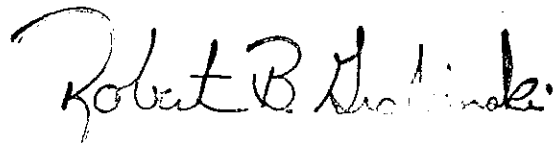
Hamilton Mortgage, 3200 North Central Ave, Suite 1260, Phoenix, AZ 85012
(Interested Parties)

Chase Bank, 1111 Fannin-12th Floor, Houston, TX 77002

The Inspection Services Department of the City of Muskegon has preliminarily determined that the structures described above are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Tuesday, June 10, 2003** at **1:30 P.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

435 AMITY

5/15/03

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. Front porch column are structurally damaged – replace.
3. Front porch steps are insecure – wrong rise and run.
4. Porch ceiling is rotting.
5. Open electrical box on front porch.
6. Missing siding.
7. Broken out windows – repair or replace.
8. Tuck point blocks.
9. No work may commence without obtaining said permit first.

Please contact Inspection Services at 231-724-6715 with any questions.

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 /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

5-19-03
DATE

**#03-29 - 435 Amity – Matrix Management, 700 17th Street, Suite 100 LL,
Denver, CO 80202**

No one was present to represent this case. Bob Grabinski gave a history of the case and stated Barb Delello has listed the house to sell as is.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Jon Rolewicz made a motion, which was seconded by Randy Mackie to accept staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

#02-90 - 1345 Fifth – Garage only – Fannie Jones, Chicago IL

There was no one present to represent this case. Bob Grabinski gave a history of the case and stated it is in the process of being sold.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Clara Shepherd made a motion, seconded by Jerry Bever to accept staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

DATE: September 15, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #03-34-
769 Washington.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **769 Washington – Garage only, Area 12**, 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: 03-34 – 769 Washington – Garage only.

Location and ownership: This structure is located on Washington between Henry & Beidler in area 12, Nims Neighborhood. It is owned by Victor Rockafellow.

Staff Correspondence: This garage was written as dangerous and substandard on 5/19/03. A notice and order to repair or remove was issued 6/6/03. On 8/7/03 the HBA declared the structure.

Owner Contact: The owner was present at the HBA meeting in August and stated he wants to repair the garage, but doesn't agree with the building inspector's requirement for a structural engineer to design the repairs. There has been no contact since the HBA meeting.

Financial Impact: The cost of demolition will be paid with general funds.

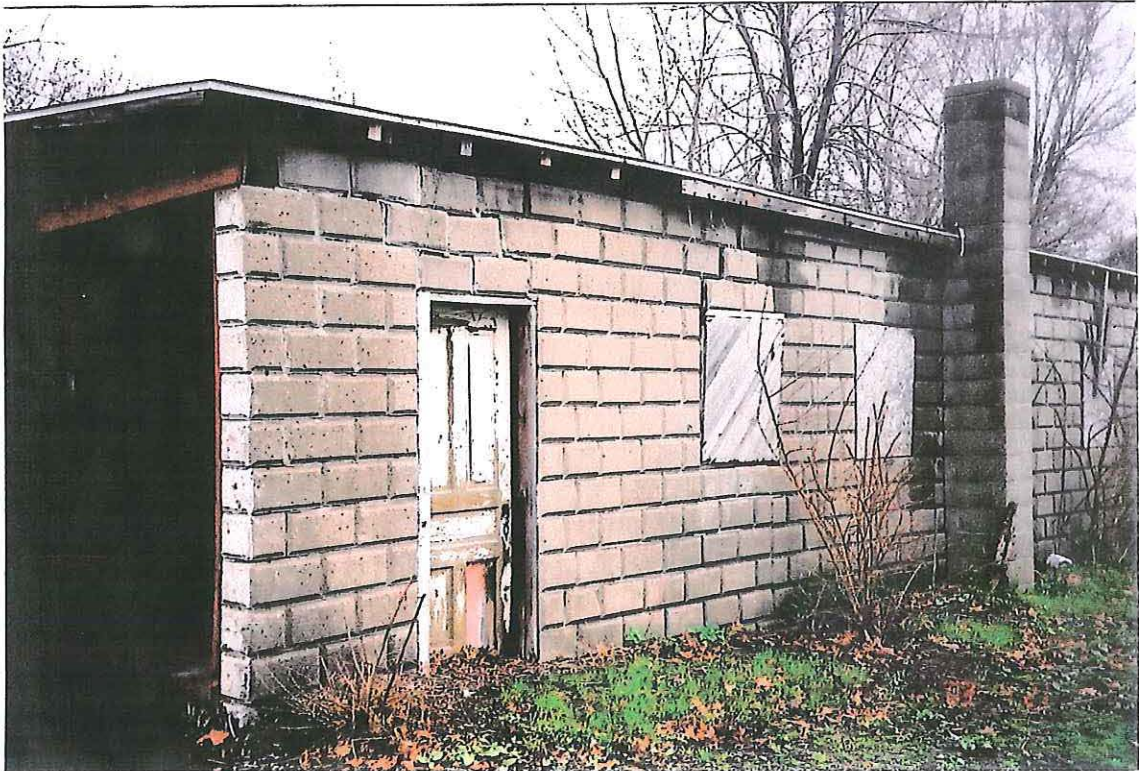
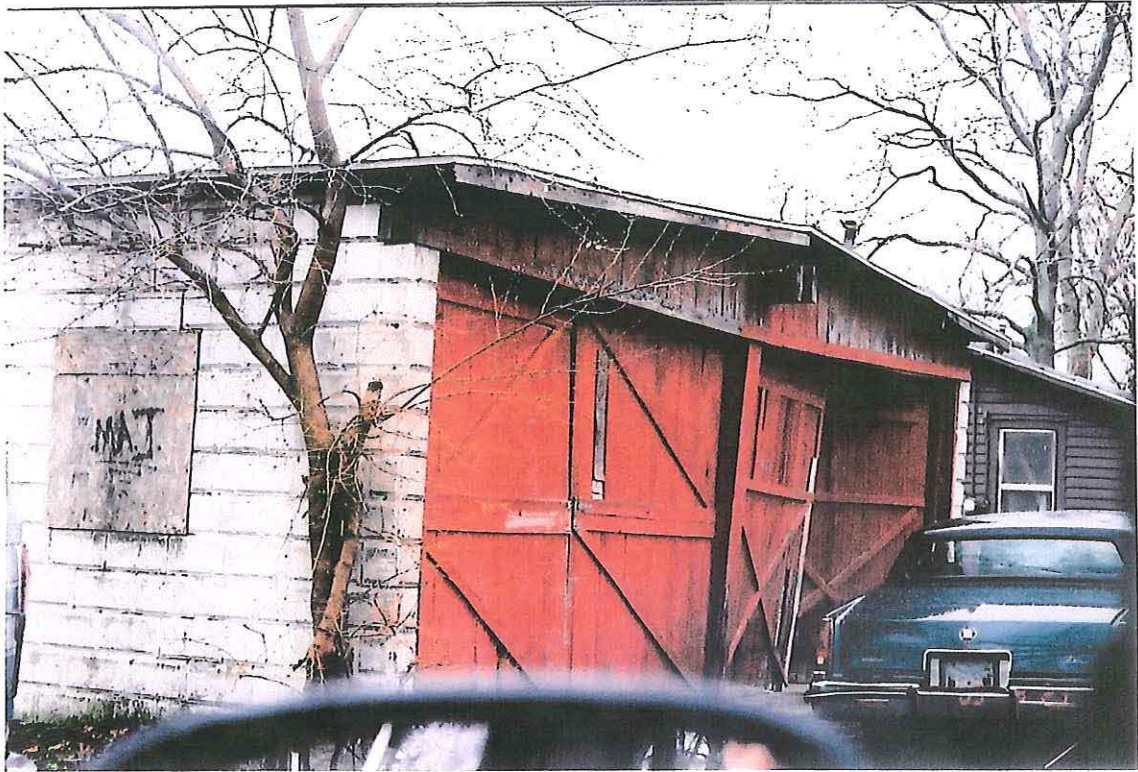
Budget Action Required: None

SEV: \$32,800 (house & garage)

Estimated Cost of Repairs: \$5,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, September 23, 2003.





769 WASHINGTON

For The Inspection Department
City of Muskegon

File #: 428954

FROM CITY ASSESSOR'S RECORDS

OWNER: Victor J. Rockafellow
PROPERTY: 769 Washington
PARCEL NO: 24-205-412-0004-00
DESCRIPTION: Lot 4 Blk 412

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1466
PAGE: 174
DATE OF DEED: February 17, 1989
GRANTOR NAME & ADDRESS: Arthur Erickson and Dorothy Erickson, 769
Washington, Muskegon, MI 49443
GRANTEE NAME & ADDRESS: Paul G. Tyjewski and Phyllis K. Tyjewski,
2276 Blissfield Ct., Muskegon, MI
LIENS OR MORTGAGES: 1905/667; 3522/130; 3522/131
TODAY'S DATE: May 23, 2003
EFFECTIVE DATE: April 23, 2003 at 8:00 AM
Abstracted by: *Judy A. Tanner*
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.

RECEIVED FOR RECORD TAX STAMP AFTER RECORDING
at o'clock M., and recorded in

LIBER 1466 PAGE 174

61-11241

Register of Deeds,

County, Michigan.

WARRANTY DEED

This Indenture, Made this 17th day of FEBRUARY 19 89

WITNESSETH, That Arthur Erickson and Dorothy Erickson, Husband and Wife

769 Washington
Muskegon, MI 49443

for the sum of One dollar (\$1.00) and other valuable consideration (see affidavit attached)
CONVEYS AND WARRANTS to Paul G. Tyjewski and Phyllis K. Tyjewski, Husband and
Wife

2276 Blissfield Ct.
Muskegon, MI

the following described lands and premises situated in the City of Muskegon
County of Muskegon and State of Michigan, viz:

Lot 4, Block 412, Revised Plat of the City of Muskegon, as recorded in
Libor 3 of Plats on Page 71.

P.P. #61-11-30-303-004 (06239)

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

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RECORDED
FEB 22 P 4 34
REGISTER OF DEEDS

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Signed in Presence of

Signed on the Date just above written

Cathy K. Norkus
CATHY K. NORKUS

Arthur Erickson
Arthur Erickson

Sarah V. Freeman
SARAH V. FREEMAN

Dorothy Erickson
Dorothy Erickson

STATE OF MICHIGAN, ss.

COUNTY OF Muskegon

On this 17th day of February

19 89

before me, a Notary Public in and for said County personally appeared

Arthur Erickson and Dorothy Erickson, Husband and Wife

to me known to be the same persons described in and who executed the within instrument, who acknow-
ledged the same to be their free act and deed

My commission expires
12-14-

19 92

Cathy K. Norkus
CATHY K. NORKUS
Notary Public, MUSKEGON

County, Michigan.

I Herby Certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and
all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This certificate
does not apply on taxes, if any, now in process of collection

PREPARED BY:
THE TITLE OFFICE
427 W. Seminole Road
Muskegon, MI 49441

043393
Date February 22 19 89 Jan A. Kenna
County Treasurer, Muskegon County, Michigan

LIBER 1466 PAGE 174

18/0006235

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: September 11, 2003

769 Washington - Garage

(Address of Property)

TO: All owners and interested parties:

Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
Owner

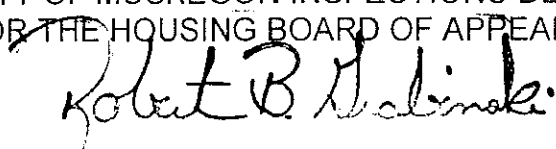
Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
(Other interested parties)

On August 7, 2003 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 **Tuesday, September 23, 2003** to review the progress on the repairs at the said structure since the last meeting when this case was addressed. You may appear at this hearing at 5:30 p.m. on Tuesday, September 23, 2003, 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 DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: August 11, 2003

To: Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
Owners Name & Address

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 7, 2003 does hereby order that the following structure(s) located at **769 Washington (Garage)**, 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.

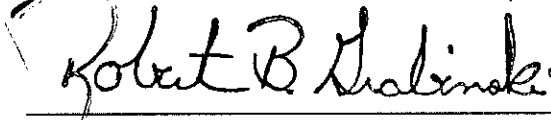
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: July 25, 2003

Address of the Property: 769 Washington - Garage

TO: Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, August 7, 2003, 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 issued 6/6/03.

At the hearing on Thursday, August 7, 2003, 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, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: June 6, 2003

Address of the Property: 769 WASINGTON - GARAGE

TO: Victor Rockafellow, 1450 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

Phyllis K. Tyjewski Trust, 351 E. Sternberg, Muskegon, MI 49441
(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 769 Washington 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, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

769 WASHINGTON (Garage)

5/19/03

Inspection noted:

1. Structural engineer to inspect. Significant lean noted. Engineer will design repair for all structural defects.
2. Windows boarded.
3. Doors to be repaired.
4. Doors and trim to be painted.
5. Roof inspection is required.
6. All work requires a building permit. No work may commence without obtaining said permit first.

Please contact Inspection Services at 231-724-6715 with any questions.

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 /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

5-19-03
DATE

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

#03-34 - 769 Washington – Garage only – Victor Rockafellow – 1450 Leahy

Mr. Rockafellow was present to represent this case. He stated he works nights and isn't available except at certain times of the day and people don't return his calls at the times he requests. He wants to repair the garage, but wants a variance on his property to split the lots. He also doesn't believe he needs an engineered design. He also spoke at length of rental inspections.

Mr. Grabinski explained the variance is not something the Inspection Department deals with, he needs to talk to the Planning Department. He also explained that Mr. Rockafellow needs to bring his plans into the Inspection Department for approval and begin work. He needs an engineered design plan because of the lean to the garage.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Nick Kroes made a motion, seconded by Clara Shepherd to accept staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd
Randy Mackie
Jon Rolewicz
Nick Kroes
Greg Borgman
Jerry Bever

John Warner

The motion carried.

Date: September 23, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Summit Pyrotechnics

SUMMARY OF REQUEST: Steven Franklin is requesting approval of a fireworks display permit for October 11, 2003, from dark till 12:00 a.m. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance. Staff requests the time be changed from dark till 11:00 p.m. and that Mr. Franklin publishes an ad or article in the Muskegon Chronicle notifying the public of the event.

APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968

DATE OF APPLICATION

9-11-03

1. TYPE OF DISPLAY:

☐ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

ADDRESS

AGE: Must be 21 or over

Summit Pyrotechnics

3500 S. Getty

IF A CORPORATION: Name of President

ADDRESS

Michigan Pyrotechnics Arts Guild or MPAG

3. PYROTECHNIC OPERATOR

NAME

ADDRESS

AGE: Must be 21 or over

Steven R. Franklin

3500 S. Getty

EXPERIENCE:

NUMBER OF YEARS

NUMBER OF DISPLAYS

WHERE

15

400 +

MI, IL, IND, OH, FL, MD, N. Y., N. H., D.C.

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

538 EAST WESTERN AVE.

DATE

TIME

10-11-03

Darks till 12pm

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

Club shoot - various sizes of 3" thru 12" shells



MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Product shipped to site day of show

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

\$

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

ADDRESS

Form 32 (Rev. 1-85)
Michigan Department of State Police
FIRE MARSHAL DIVISION

Enclosure (32)
Appendix F
Order No. 9
June 1985

APPLICATION FOR FIREWORKS DISPLAY PERMIT

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Date of Application

SEPT 1, 1985

Age (18 or over)

Name of Applicant

Address

Michigan Pyrotechnic Arts
Corporation, Name of President V.P. Guild

112 N FIRST ST Holly, MI

Frederick M. Hay
Nonresident Applicant: Name of Mich. Attorney or Res. Agent

Address

13925 Huron River Dr. Romulus, MI

Phone No.

734-941-8945

Name of Pyrotechnic Operator

Address

FREDERICK HAY V.P. MPAG

13925 Huron River Dr. Romulus, MI

Age (18 or over)

52

Years Experience

No. Displays

Where

12

+50

CANTON, MI, Fargo N.D. Cheboygan, MI

Name of Assistant

Address

M.P.A.G. Membership

Age

Name of Other Assistant

Address

Age

Exact Location of Proposed Display

Fisherman's Landing 538 EAST Western AV. Muskegon, MI

Time of Proposed Display

NO. OF FIREWORKS

KIND OF FIREWORKS TO BE DISPLAYED

VARIOUS CLASS B & C DISPLAY
FIREWORKY Assorted fireworks shells
3" - 12" diameter

Inner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities)

Portable A.V.M. TRAILER

Amount of Bond or Insurance (to be set by local gov't.)

Name of Bonding Corporation or Insurance Company

1,000,000

DOLFF INSURANCE

Address of Bonding Corporation or Insurance Company

BROWN & HUMPHREY INSURANCE BROKERS / Lloyd's of London

Signature of Applicant

Frederick M. Hay

Other Side for Instructions

AUTHORITY: Act 368, P.A. of 1981
COMPLETION: Voluntary (but no permit will be issued without an affidavit)

31 (Rev. 7.86)
Michigan Department of State Police
FIRE MARSHAL DIVISION

Enclosure (33)
Appendix P
Order No. 9
June 1985

PERMIT FOR FIREWORKS DISPLAY

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Issued to	MICHIGAN PYROTECHNIC ARTS GUILD	Age (18 or over)
Address	112 N FIRST ST Holly, MI. 48442	
Name of Organization, Group, Firm or Corporation	M.P.A.G.	
Address	SAME	
Number and Types of Fireworks	VARIOUS CLASS B & C FIREWORKS	

Exact Location of Display		
Fisherman's Landing 538 East Western Av, Muskegon, Mi.		
City, Village, Township	Date	Time
Muskegon, MI	OCT 11, 2003	DUSK -
Bond or Insurance Filed?	Amount	
☒ YES ☐ NO		

Issued by action of the ☐ council ☐ commission ☐ board of the

☒ city ☐ village ☐ township of CITY of Muskegon

(Name of City, village, township)

on the X day of X 19__

X
(Signature and Title of Council/Commission/Board Representative)

AUTHORITY: Act 355, P.A. of 1966
COMPLIANCE: Mandatory
PENALTY: Misdemeanor

SEP-19-2003(FRI) 10:18 CSI

(FAX) 651 855 0088

P. 002/002

CERTIFICATE OF INSURANCE					ISSUE DATE September 19, 2003	
PRODUCER Combined Specialists International, Inc. Insurance Brokers 936-B Seventh Street PMB 334 Novato, CA 94945-3000			THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.			
			INSURERS AFFORDING COVERAGE			
			INSURER A: Underwriters, Lloyds of London			
INSURED Michigan Pyrotechnics Arts Guild 112 North First St. Holly, MI 48442			INSURER B:			
			INSURER C:			
			INSURER D:			
COVERAGES THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: UPDATES SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDITIONAL CONDITIONS AND EXCLUSIONS: 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER THAN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, EXCLUSIONS AND EXCEPTS WHICH INSURANCE ONLY THE INSURED'S LIABILITY AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SHOOTER(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUNTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR ENCLINED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE POST DISPLAY OR SPECIAL EFFECT SEARCH REQUIREMENTS OR RECOMMENDATIONS.						
CO LER	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	DMCLW820881	10/17/2002	10/17/2003	EACH ACCIDENT	\$1,000,000
					MINIMUM (ANY ONE PERSON)	\$ 5,000
					FIRE LEGAL LIABILITY	\$ 50,000
					GENERAL AGGREGATE	\$2,000,000
					PRODUCTS-COMPOS AGG	\$1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ANY OWNED AUTOS ☐ SCHEDULED AUTOS ☐ RENTED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (See schedule)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
					EACH ACCIDENT	\$
	EXCESS LIABILITY FOLLOWING FORM				ACCIDENT	\$
					AGGREGATE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- TORY LIMITS	OTB- ER
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE PER EMPLOYEE	\$
					E.L. DISEASE POLICY LIMIT	\$
	OTHER					
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS City of Muskegon/City Hall Muskegon, MI; Fisherman's Landing & Camp Grand Inc; The City of Muskegon; All elected and appointed employees and volunteers; all board and commissions or committees and their board members, employees and volunteers are additional insured as respects an October 11, 2003 fireworks display at Fisherman's Landing (rain date of October 12, 2003 fireworks/display Muskegon, MI)						
CERTIFICATE HOLDER City of Muskegon City Hall Muskegon, MI			CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.			
			AUTHORIZED REPRESENTATIVE 			

933 Terrace Street
Muskegon, MI 49440

OFFICE 231-724-6705
FAX 231-724-4178

CITY OF MUSKEGON CLERK'S OFFICE

FAX COVER SHEET

To: Keith or Tim From: Linda

Fax: _____ Pages(including cover) 2

Phone: _____ Date: 9-26-03

Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Please check the insurance
coverage for a pyrotechnic display
at Fisherman's Landing (owned by
the City)

Thanks,

Linda

CERTIFICATE OF INSURANCE

ISSUE DATE September 19, 2003

PRODUCER

Combined Specialties International, Inc. Insurance
Brokers
936-B Seventh Street PMB 334
Novato, CA 94945-3000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: Underwriters, Lloyds of London

INSURER B:

INSURER C:

INSURER D:

INSURED

Michigan Pyrotechnics Arts Guild
112 North First St.
Holly, MI 48442

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDITIONAL CONDITIONS AND EXCLUSIONS: 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER THAN AN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, DEPRECIATIONS AND EXCLUSIONS THE INSURANCE ONLY INDENTIFIES AN INSURED AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SHOOTER(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUNTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR EXECUTED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE POST DISPLAY OR SPECIAL EFFECT SAFETY REQUIREMENTS OR RECOMMENDATIONS.

CO LIN	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	DMCLWB20881	10/17/2002	10/17/2003	EACH ACCIDENT	\$1,000,000
					MINIMUM RMP (Any one person)	\$ 5,000
					FIRE LEGAL LIABILITY	\$ 50,000
					GENERAL AGGREGATE	\$2,000,000
					PRODUCTS-COMPOS ACC	\$1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ANY OWNED AUTOS ☐ SCHEDULED AUTOS ☐ RENTED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (See schedule)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
					EACH ACCIDENT	\$
	EXCESS LIABILITY FOLLOWING FORM				AGGREGATE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- TORY LIMITS	OTH- ER
					EACH ACCIDENT	\$
					E.L. DISEASE-EMPLOYEE	\$
					E.L. DISEASE-POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

City of Muskegon/City Hall Muskegon, MI; Fisherman's Landing & Camp Ground Inc; The City of Muskegon; All elected and appointed employees and volunteers; all board and commissions or authorities and their board members, employees and volunteers are additional insured as respects an October 11, 2003 fireworks display at Fisherman's Landing (raft date of October 12, 2003 fireworks/display Muskegon, MI)

CERTIFICATE HOLDER

City of Muskegon
City Hall
Muskegon, MI

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 15 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Andrew Carter DM

2003-79(g)

PERMIT
FOR FIREWORKS DISPLAY
Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO:

NAME Steven R. Franklin, Summit Pyrotechnics

ADDRESS 3500 S. Getty, Muskegon, MI AGE

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Michigan Pyrotechnics Arts Guild

ADDRESS

NUMBER & TYPES OF FIREWORKS:

Club shoot - various sizes of 3" through 12" shells

DISPLAY: 538 E. Western Avenue (Fisherman's Landing)

EXACT LOCATION

Muskegon, MI

10-11-03 (rain date 10-12-03)

dark till 11:00 p.m.

CITY, VILLAGE, TOWNSHIP

DATE

TIME

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.00

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY

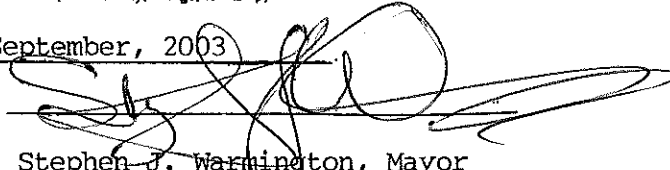
(city, village, township)

of

MUSKEGON

(name of city, village, township)

on the 23rd day of September, 2003


Stephen J. Warrington, Mayor

(signature & position of council, commission or board representative)