

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 11, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ PRESENTATIONS: Proclamation for National League of Cities.
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Request, 1149 Wood St. CITY CLERK
 - c. FIRST READING Groundwater Ordinance Amendment. PLANNING & ECONOMIC DEVELOPMENT
 - d. MEDC Planning Project. PLANNING & ECONOMIC DEVELOPMENT
 - e. Engineering Agreement for Hartshorn Marina. LEISURE SERVICES
- ❑ PUBLIC HEARINGS:
 - a. Windsor Avenue Henry to Barclay, Spreading of the Special Assessment Roll. ENGINEERING
 - b. CITY 2000-2001 CAPER Report and Commission Approval of Submission of CAPER. COMMUNITY & NEIGHBORHOOD SERVICES
 - c. 2002 Budget Adoption. FINANCE
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
 - a. SECOND READING, Rezoning request for property located at 1848 E. Sherman Blvd. PLANNING & ECONOMIC DEVELOPMENT
- ❑ NEW BUSINESS:
 - a. Liquor License Request, 1813 Getty (New SDM). CITY CLERK
 - b. Community Relations Committee Appointments & Ordinance

Amendment Recommendation. CITY CLERK

- c. **Shoreline Drive East Consulln Agreement Amendment.** ENGINEERING
- d. **Concurrence with the Housing Board of Appeals Notice and Order . to Demolish for 271 Merrill.** INSPECTIONSERVICES
- e. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish for 471 W. Muskegon Ave.** INSPECTION SERVICES
- f. **Beachwood Park Development Agreement.** LEISURE SERVICES
- g. **Beachwood Park Professional Services.** LEISURESERVICES
- l. **Development Agreement between the City of Muskegon and Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC (Amazon).** PLANNING & ECONOMIC DEVELOPMENT

0 **ANY OTHER BUSINESS:**

0 **PUBLIC PARTICIPATION:**

0 **CLOSED SESSION:**

- ▶ *Reminder: Individuals who would like to address the City Commission shall do the following:*
- ▶ Be recognized by the Chair.
- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commisston.
- ▶ {Speaker representing a group may be allowed 10 minutes if previously regislered wllh Cily Clerk.)

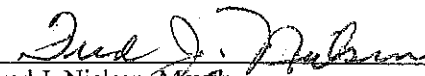
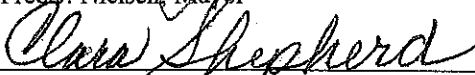
0 **ADJOURNMENT:**

ADA POLICY: THE CJTY 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.

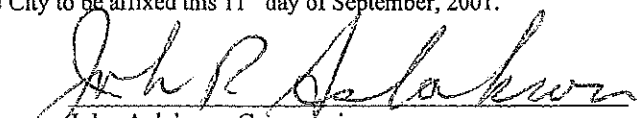
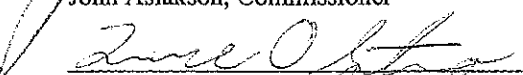
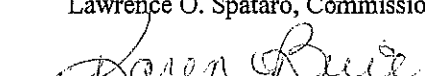
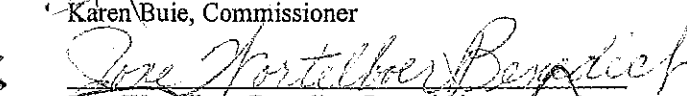
City of Muskegon State of Michigan

- WHEREAS,** the National League of Cities is committed to promoting racial equality and justice as a fundamental aspect of a healthy community; and
- WHEREAS,** the National League of Cities has urged local officials across the country to join together in a national campaign to promote racial equality and justice; and
- WHEREAS,** by resolution of the National League of Cities, we declare racism unjust and advocate equal rights for all; and
- WHEREAS,** by Act of Congress of the United States dated July 2, 1964, the Civil Rights Act of 1964 was adopted banning discrimination because of a person's color, race, national origin, religion, or sex; and
- WHEREAS,** by Act of Congress of the United States dated December 6, 1865, the 13th Amendment of the Constitution of the United States was adopted abolishing slavery; and
- WHEREAS,** by Act of Congress of the United States dated July 9, 1868, the 14th Amendment of the Constitution of the United States giving all persons born or naturalized in the United States the right to due process and equal protection under the law; and
- WHEREAS,** National League of Cities President Dennis W. Archer, Mayor of Detroit, Michigan, has invited local officials across the country to renew their commitment to ensuring racial equality and justice for all beginning on September 19, 2001, by reporting on successful programs and announcing specific action plans for the coming year.
- NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and City Commission of the City of Muskegon hereby declare September 19, 2001, as Race Equality Day in the City of Muskegon and urge all citizens of the City of Muskegon to join together to support this effort;
- BE IT FURTHER RESOLVED,** that the Mayor and City Commission of the City of Muskegon reaffirm our commitment to ensuring racial equality and justice in our city and to working with the National League of Cities to sustain this commitment throughout the country; and
- BE IT FURTHER RESOLVED,** that the Mayor and City Commission of the City of Muskegon pledge to support activities and events during the coming year.

IN WITNESS WHEREOF, we hereunto set our hands and cause the seal of the City to be affixed this 11th day of September, 2001.


 Fred J. Nielsen, Mayor

 Clara Shepherd, Vice Mayor




 John Aslakson, Commissioner

 Lawrence O. Spataro, Commissioner

 Karen Buie, Commissioner

 Jone Wortelboer-Benedict, Commissioner

 Robert Schweifler, Commissioner

Date: September 11, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 28, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 11, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, September 11, 2001.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2001-100 PROCLAMATION: Commissioner Karen Buie read a proclamation promoting racial equality and justice as a fundamental aspect of a healthy community, after which the City Commission signed the resolution.

2001-101 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the regular commission meeting that was held on Tuesday, August 28, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of Minutes.

c. FIRST READING, Groundwater Ordinance Amendment. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve amendment.

d. MEDC Planning Project. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Notice of Intent for funding the Michigan Economic Development Corporation to conduct a Muskegon Lakefront property market analysis. The purpose of the proposed study will be to identify viable potential uses of the lakefront property. The study will also serve as an independent analysis of the market for property development by providing information citing the reasons why the lakefront is attractive for development. If the Notice of Intent is accepted, the City will be asked to present a full application to the MEDC.

FINANCIAL IMPACT: The local grant match of \$15,000 will be provided by the City, the County and private sources. Each contributing \$5,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Notice of Intent.

Motion by Commissioner Benedict, second by Vice-Mayor Shepherd to approve the consent agenda with exception of item b and e.

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

Nays: None

MOTION PASSED

2001-102 ITEMS REMOVED FROM THE CONSENT AGENDA

b. Liquor License Request, 1149 Wood St. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to appoint Steven Cornell as personal representative for deceased licensee Janice M. Cornell in the 2001 SDM licensed business located at 1149 Wood Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All Departments are recommending approval.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve appointment of Steven Cornell as representative for Janice Cornell.

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

Nays: None

MOTION PASSED

e. Engineering Agreement for Hartshorn Marina. LEISURE SERVICES

SUMMARY OF REQUEST: To approve the agreement with the Abonmarche Group to provide engineering services to the Hartshorn Marina Improvement Project based on the standard MDNR contract and fee schedule for Waterway's Commission participation.

FINANCIAL IMPACT: The City will be required to provide a 50% match, with total cost

of the agreement approximately \$98,000. This total is included in the \$2 million renovations project that the City approved staff to apply for this last March.

BUDGET ACTION REQUIRED: Match will need to be provided by either a bond or loan to be paid off by the marina.

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the agreement subject to approval from the Manager and City Attorney.

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

Nays: None

MOTION PASSED

2001-103 PUBLIC HEARINGS:

a. Windsor Avenue, Henry to Barclay, Spreading of the Special Assessment Roll. ENGINEERING

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

FINANCIAL IMPACT: A total of \$76,573.35 would be spread against the forty-five (45) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The public hearing opened at 5:53 p.m., to hear and consider any comments from the public. Al Hekkema, 620 Center, opposed spreading the assessment roll.

Motion by Commissioner Spataro, second by Commissioner Aslakson to close the public hearing at 5:47 p.m. and spread the assessment roll.

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

Nays: None

MOTION PASSED

b. City 2000-2001 CAPER Report and Commission Approval of Submission of CAPER. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: For the Commission to conduct a public hearing on September 11, 2001 to discuss the City of Muskegon's CAPER report as required by CF 24.91.520 by the U.S. Department of Housing and Urban Development. The Commission is also requested to approve the document for submission to HUD for the City of Muskegon to continue in compliance status as it relates to the Community Development Block Grant and HOME programs.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Document was approved by Citizen's District Council.

The public hearing opened at 5:58 p.m., to hear and consider any comments from the public. Jane Clingman-Scott, 3584 Lake Dunes Drive, made comments in regards to this matter.

Motion by Commissioner Spataro, second by Commissioner Schweifler to close the public hearing at 6:07 p.m. and approve submitting the CAPER report to HUD.

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

Nays: None

MOTION PASSED

c. 2002 Budget Adoption. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2002. The proposed budget has been available for public inspection at City Hall, Hackley Public Library and the City's website (www.shorelinecity.com) since September 1st. At this time the City Commission may take action to adopt the 2002 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the 2002 budget be adopted no later than September 25, 2001.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2002. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the attached budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2002.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2002 City of Muskegon Budget resolution. Also approval of the 3rd quarter 2001 Budget Reforecast is recommended at this time.

The public hearing opened at 6:08 p.m., to hear and consider any comments from the public. There were no comments.

Motion by Vice-Mayor Shepherd, second by Commissioner Spataro to close the public hearing at 6:17 p.m. and adopt the 2002 Budget and 3rd Quarter 2001 Budget Reforecast.

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

Nays: None

MOTION PASSED

CITY MANAGER'S REPORT: City Manager Bryon Mazade stated that the Muskegon Red Cross is accepting donations of blood and/or money. They can be contacted at (231) 726-3555.

2001-104 UNFINISHED BUSINESS:

a. SECOND READING, Rezoning request for property located at 1848 E. Sherman Blvd. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property at 1848 E. Sherman Blvd. From I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the rezoning, due to compliance with the future land compliance.

Motion by Commissioner Spataro, second by Commissioner Aslakson to approve the rezoning request.

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

Nays: None

Abstained: Schweifler

MOTION PASSED

2001-105 NEW BUSINESS:

a. Liquor License Request, 1813 Getty (New SDM). CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Antoo of Muskegon, Inc. for a new SDM license for 1813 Getty.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Vice-Mayor Shepherd to approve the new SDM.

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

Nays: None

MOTION PASSED

b. Community Relations Committee Appointments & Ordinance Amendment recommendation. CITY CLERK

SUMMARY OF REQUEST: To concur with the recommendations of the Community Relations Committee for appointments to the following:

James A. Dalum CDBG Citizens District Council

Romella EaLem Equal Opportunity Committee

Dolores Olivarez Local Officer's Compensation Commission

Betty Madison Local Officer's Compensation Commission

And: FIRST READING – Amending the Ordinance on Construction Code Board Of Appeals to change appointment process to read that City Manager will recommend appointment with City Commission confirmation.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of request.

Motion by Commissioner Spataro, second by Commissioner Buie to concur with the Community Relations Committee's recommendations and to adopt the ordinance

amendment.

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

Nays: None

MOTION PASSED

c. Shoreline Drive East Consulting Agreement amendment.
ENGINEERING

SUMMARY OF REQUEST: To authorize staff to negotiate an amendment to the engineering agreement with Earth Tech for the Shoreline Drive East to include additional compensation for the items listed in the copy of Earth Tech's request.

FINANCIAL IMPACT: The amendment will add amount that will be determined at the outcome of the negotiations with Earth Tech.

BUDGET ACTION REQUIRED: None at this time. The additional cost will most likely be eligible under the grant from MDOT.

STAFF RECOMMENDATION: To amend the agreement.

Motion by Commissioner Schweifler, second by Commissioner Spataro to authorize staff to negotiate the contract.

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

Nays: None

MOTION PASSED

d. Concurrence with the Housing Board of Appeals Notice and Order to Demolish for 271 Merrill. INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request the City Commission concur with the findings of the Housing Board of Appeals that the structure located at **271 Merrill** 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.

FINANCIAL IMPACT: CDBG.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice-Mayor Shepherd to concur with the Housing Board of Appeals to demolish 271 Merrill.

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

Nays: None

MOTION PASSED

e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish for 471 W. Muskegon Avenue. INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request the City Commission concur with the find-

ings of the Housing Board of Appeals that the structure located at **471 W. Muskegon Ave.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG.

BUDGET ACTION REQUIRED: None

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

Motion by Vice-Mayor Shepherd, second by Commissioner Spataro to concur with the Housing Board of Appeals to demolish 471 W. Muskegon.

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

Nays: None

MOTION PASSED

f. Beachwood Park Development Agreement. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the Development Agreement with the DNR for Beachwood Park.

FINANCIAL IMPACT: \$400,000 including a \$105,000 local match.

BUDGET ACTION REQUIRED: None, is included in the 2002 budget.

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Benedict to table the agreement. Motion failed due to lack of support.

Motion by Commissioner Spataro, second by Commissioner Buie to approve the development agreement.

ROLL VOTE: Ayes: Shepherd, Buie, Spataro, Aslakson.

Nays: Benedict, Nielsen, Schweifler

MOTION PASSED

g. Beachwood Park Professional Services. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to M. C. Smith Associates for professional services for design and construction management for the Beachwood Park project.

FINANCIAL IMPACT: \$28,900.

BUDGET ACTION REQUIRED: None, is included in the 2002 budget.

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Spataro, second by Commissioner Aslakson to approve MC Smith to handle the design and construction management.

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

Nays: Benedict

MOTION PASSED

h. Development Agreement between the City of Muskegon and Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership, LLC (Amazon) PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City is participating with the public improvements on the Amazon property through the Clean Michigan Initiative (CMI) grant. The public improvements include those to streets, sidewalks, parking, street lighting, landscaping and seating. In order to move forward on the construction of public improvements (and to meet the requirements of the CMI grant), a development agreement between the City of Muskegon and Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC has been prepared. Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC has signed the document and the City Commission is asked to approve the document, as well. An easement agreement is also attached, which grants public access to streets, sidewalks, parking and seating within the Amazon development.

FINANCIAL IMPACT: The cost of the public improvements will be paid for with the CMI grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Development Agreement" and "Easement Agreement" between Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC and the City of Muskegon, and to authorize the Mayor and Clerk to sign the Agreements.

Motion by Vice-Mayor Shepherd, second by Commissioner Spataro to approve the development agreement.

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

Nays: Benedict

MOTION PASSED

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 8:18 p.m.

Respectfully submitted,



Gail A. Kunderinger, CMC/AAE
City Clerk

Commission Meeting Date: August 28, 2001

Date: August 15, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Groundwater Ordinance Amendment

SUMMARY OF REQUEST:

To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. (Please see attached memorandum for additional information.) (Map will be provided at meeting.)

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve amendment

COMMITTEE RECOMMENDATION:

None

MEMORANDUM

To: Honorable Mayor and City Commission

From: Planning & Economic Development

Date: August 15, 2001

RE: List of Affected Premises – Groundwater Ordinance

In December of 2000 the City Commission amended the City Groundwater Ordinance thereby changing the definition of "affected premises". According to the ordinance an affected premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel.

During the past several months staff has been compiling necessary information on properties that meet this new definition. Attached is a list of known properties that meet the new definition. The information on these properties has been provided by the private property owners and/or their consultants. The City doesn't actively seek groundwater contamination plumes but in order for property owners to use the ordinance for their protection they must provide the required information.

In order to be identified as "affected premises" these parcels must be added to the ordinance through an amendment and made part of the appendix map.

CITY OF MUSKEGON*Groundwater Ordinance - Affected Properties List*

July 2001

Address	Property ID Number	Property Owner (Consultant)
2587 Glenside Blvd.	24-382-028-0017-00	Speedway SuperAmerica, LLC
2588 Glenside Blvd.	24-382-029-0030-00	Speedway SuperAmerica, LLC
1930 Lakeshore Dr.	24-205-596-0004-00	Lakeview Mart (Superior Environmental)
1920 Lakeshore Dr.	24-205-596-0008-00	Lakeview Mart (Superior Environmental)
1321 Division	24-205-467-0001-00	MelloWood Development Corp. (Lague, Newman, Irish)
1330 W. Western Ave.	24-205-466-0001-00	MelloWood Development Corp. (Lague, Newman, Irish)
664 W. Clay Street	24-205-318-0001-00	Port City Paints, Inc. (Superior Environmental)
1250 Ninth Street	24-205-318-0003-00	Port City Paints, Inc. (Superior Environmental)
280 W. Muskegon Ave.	24-205-334-0007-00	Lemmen Oil Company (Artemis Environmental)
275 W. Muskegon Ave.	24-205-351-0005-00	Lemmen Oil Company (Artemis Environmental)
205 E. Western Ave.	24-117-300-0004-00	Verplank Dock Company (Warner, Norcross, Judd)
1045 E. Laketon Ave.	24-133-100-0001-00	Speedway SuperAmerica, LLC
1752 S. Getty Street	24-595-000-0001-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1734 S. Getty Street	24-128-300-0022-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1720 S. Getty Street	24-128-300-0021-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1708 S. Getty Street	24-128-300-0020-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1735 S. Getty Street	24-185-112-0012-10	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
780 E. Larch Street	24-185-112-0012-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1745 S. Getty Street	24-185-113-0013-10	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
781 E. Larch Street	24-185-113-0013-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1761 S. Getty Street	24-185-113-0012-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1719 S. Getty Street	24-185-112-0014-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1730 Ray Street	24-185-112-0010-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1736 Ray Street	24-185-112-0011-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1748 Ray Street	24-185-113-0001-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1756 Ray Street	24-185-113-0002-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1762 Ray Street	24-185-113-0003-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1768 Ray Street	24-185-113-0004-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)
1774 Ray Street	24-185-113-0005-00	The Nordco Drum Participating Parties Group (Pepper, Hamilton LLP)

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2054

An ordinance amending the City code by adding to Ordinance No. 2039 (Muskegon City Code sections 24-46 through 24-52.5), certain identifying "Appendix Maps" and descriptions of properties determined to be "affected premises" on which groundwater wells for the delivery of water for human consumption and irrigation, and the use of such wells which may influence the movement of contaminated groundwater, are prohibited by the said Ordinance No. 2039. The said Ordinance No. 2039 is amended by this Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. The properties identified in this amending ordinance are determined to be affected premises within the meaning of, and regulated in accordance with, Ordinance 2039 or any successor ordinance prohibiting wells on such premises. The said affected premises are:

<u>Property Address</u>	<u>Property ID Number</u>
2587 Glenside Blvd.	24-382-028-0017-00
2588 Glenside Blvd.	24-382-029-0030-00
1930 Lakeshore Dr.	24-205-596-0004-00
1920 Lakeshore Dr.	24-205-596-0008-00
664 W. Clay Street	24-205-318-0001-00
1250 Ninth Street	24-205-318-0003-00
280 W. Muskegon Ave.	24-205-334-0007-00
275 W. Muskegon Ave.	24-205-351-0005-00
205 E. Western Ave.	24-117-300-0004-00
1045 E. Laketon Ave.	24-133-100-0001-00
1752 S. Getty Street	24-595-000-0001-00
1734 S. Getty Street	24-128-300-0022-00
1720 S. Getty Street	24-128-300-0021-00
1708 S. Getty Street	24-128-300-0020-00
1735 S. Getty Street	24-185-112-0012-10
780 E. Larch Street	24-185-112-0012-00
1745 S. Getty Street	24-185-113-0013-10
781 E. Larch Street	24-185-113-0013-00
1761 S. Getty Street	24-185-113-0012-00
1719 S. Getty Street	24-185-112-0014-00
1730 Ray Street	24-185-112-0010-00
1736 Ray Street	24-185-112-0011-00
1748 Ray Street	24-185-113-0001-00
1756 Ray Street	24-185-113-0002-00
1762 Ray Street	24-185-113-0003-00
1768 Ray Street	24-185-113-0004-00
1774 Ray Street	24-185-113-0005-00

2. Attached to this ordinance, and incorporated herein, are Appendix Maps locating the affected premises.

3. This ordinance shall be effective 10 days after publication. In the event any part of this ordinance is finally determined to be invalid or unenforceable by a court having jurisdiction, then said determination shall not affect the validity of the remaining provisions.

This ordinance adopted:

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

Nays: None

Adoption Date: September 11, 2001

Effective Date: October 4, 2001

First Reading: September 11, 2001

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

This ordinance was adopted at a meeting of the City Commission, held on September 11, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

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

APPENDIX NO. 1

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Nordco Facility

Parcel Numbers (Quick Reference):

1752 S. Getty Street	24-595-000-0001-00
1734 S. Getty Street	24-128-300-0022-00
1720 S. Getty Street	24-128-300-0021-00
1708 S. Getty Street	24-128-300-0020-00
1735 S. Getty Street	24-185-112-0012-10
780 E. Larch Street	24-185-112-0012-00
1745 S. Getty Street	24-185-113-0013-10
781 E. Larch Street	24-185-113-0013-00
1761 S. Getty Street	24-185-113-0012-00
1719 S. Getty Street	24-185-112-0014-00
1730 Ray Street	24-185-112-0010-00
1736 Ray Street	24-185-112-0011-00
1748 Ray Street	24-185-113-0001-00
1756 Ray Street	24-185-113-0002-00
1762 Ray Street	24-185-113-0003-00
1768 Ray Street	24-185-113-0004-00
1774 Ray Street	24-185-113-0005-00

61-24-595-000-0001-00 MAP #:24-31-28-358-007
1752 S GETTY ST 08/28/2001
VANMAASTRICHT JAMES/CAROL L
1989 OAK PARK DR
MUSKEGON, MI 49442

CLASS: 201 SCHOOL: 61010

MELLEMA SUB DIVISION LOTS 1 2 & 3 & PART OF N 1/2
OF S 1/2 OF SW 1/4 OF SW 1/4 SEC 28 T10N R16W COM
@ NW COR MELLEMA SUB DIV TH ELY 136.5 FT TH N 9.06
FT TH W 136.5 FT TO E LN GETTY ST TH S 9.7 FT TO
BEG

61-24-128-300-0022-00 MAP #:24-31-28-358-006
1734 S GETTY ST 08/28/2001
L & W GETTY ST LLC
PO BOX 487
SPRING LAKE, MI 49456

CLASS: 201 SCHOOL: 61010

CITY OF MUSKEGON
PART OF N 1/2 OF S 1/2 OF SW 1/4 OF SW 1/4 SEC 28
10 16 COM ON E LINE GETTY ST 9.7 FT N OF NW COR
MELLEMA SUB DIV TH ELY 136.5 FT TH S 9.06 FT TH E
TO W LINE RR R OF W TH NWLY ALONG SAID R OF W TO
PT 150 FT N OF MELLEMA SUB TH W TO E LINE GETTY ST
TH S 140.3 FT TO BEG

61-24-128-300-0021-00 MAP #:24-31-28-358-005
1720 S GETTY ST 08/28/2001
BARNES JOHN R
7173 EVANSTON AVE
MUSKEGON, MI 49442

CLASS: 301 SCHOOL: 61010

N 60 FT OF S 210 FT OF E 200 FT OF W 233 FT OF N
3/4 OF SW 1/4 OF SW 1/4 SEC 28 T10N R16W

61-24-128-300-0020-00 MAP #:24-31-28-358-004
1708 S GETTY ST 08/28/2001
STATE OF MICHIGAN
LAND/MINERAL SERVICES DIV
PO BOX 30028
LANSING, MI 48909-7528
CLASS: 704 SCHOOL: 61010

N 188 FT OF S 338 FT OF N 3/4 OF SW 1/4 OF SW 1/4
LYING W OF C & O RR R/W SEC 28 T10N R16W EX W 33
FT OF N 128 FT & EX W 233 FT OF S 60 FT THEREOF

61-24-185-112-0012-10 MAP #:24-31-29-482-017
1735 S GETTY ST 08/28/2001
KITTEL RAYMOND A
1640 MCLAUGHLIN AVE
MUSKEGON, MI 49442

CLASS: 201 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL E 79 1/2 FT LOT 12 & E 79 1/2 OF S 35 FT LOT
13BLK 112

61-24-185-112-0012-00 MAP #:24-31-29-482-012
780 E LARCH AVE 08/28/2001
KITTEL RAYMOND A
1640 MCLAUGHLIN AVE
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL W 45 FT LOTS 12 & 13 BLK 112

61-24-185-113-0013-10 MAP #:24-31-29-486-003
1745 S GETTY ST 08/28/2001
JUSTICE ROGER
1745 GETTY
MUSKEGON, MI 49442

CLASS: 201 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOTS 13 & 14 EX W 50 FT THEREOF BLK 113

61-24-185-113-0013-00 MAP #:24-31-29-486-002
781 E LARCH AVE 08/28/2001
CRUZ EDILBERTO F
781 E LARCH AVE
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CITY OF MUSKEGON
CASTENHOLZ SUB DIV
OF BLKS 100-101 & 103 TO 120 INCL
BLK 113
W 50 FT LOTS 13 & 14

61-24-185-113-0012-00 MAP #:24-31-29-486-010
1761 S GETTY ST 08/28/2001
ROSSELOTT JOHN
1965 DAME RD
WHITEHALL, MI 49461

CLASS: 401 SCHOOL: 61010

CITY OF MUSKEGON
CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL
LOT 12 BLK 113

61-24-185-112-0014-00 MAP #:24-31-29-482-016
1719 S GETTY ST 08/28/2001
KITTEL RAYMOND A
1640 MCLAUGHLIN AVE
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100-101 & 103 TO 120
INCL & N 5 FT OF E 79 1/2 FT LOT 13, & ALL OF LOTS
14, 15 AND 16 BLK 112

61-24-185-112-0010-00 MAP #:24-31-29-482-010
1730 RAY ST 08/28/2001
SCOTT KENNETH T
1730 RAY ST
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOT 10 BLK 112

61-24-185-112-0011-00 MAP #:24-31-29-482-011
1736 RAY ST 08/28/2001
MALOTKE DEBRA/ROBERT
1736 RAY ST
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOT 11 BLK 112

61-24-185-113-0001-00 MAP #:24-31-29-486-001
1748 RAY ST 08/28/2001
MCCLOUR SAMUEL/DEBRA
1756 RAY ST
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CITY OF MUSKEGON
CASTENHOLZ SUB DIV
OF BLKS 100 101 & 103 TO 120 INCL
LOT 1 BLK 113

61-24-185-113-0002-00 MAP #:24-31-29-486-004
1756 RAY ST 08/28/2001
KITTEL RAYMOND A
1640 MCLAUGHLIN AVE
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOT 2 BLK 113

61-24-185-113-0003-00 MAP #:24-31-29-486-005
1762 RAY ST 08/28/2001
CAVINESS DARRELL S/CARETHEA E
3301 BAKER
MUSKEGON , MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOT 3 BLK 113

61-24-185-113-0004-00 MAP #:24-31-29-486-006
1768 RAY ST 08/28/2001
ASEVEDO ENEDINA
1768 RAY ST
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOT 4 BLK 113

61-24-185-113-0005-00 MAP #:24-31-29-486-007
1774 RAY ST 08/28/2001
CHANEY DAN D
1774 RAY ST
MUSKEGON, MI 49442

CLASS: 401 SCHOOL: 61010

CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120
INCL LOT 5 BLK 113



LEGEND:

PERMANENT MONITORING WELL
SAMPLED FOR MONITORING NETWORK B
ALL MEASURED IN (ug/L)
TETRACHLOROETHENE
1,1,2,2-TETRACHLOROETHANE
1,1,2,2-TETRACHLOROETHANE
CARBON TETRACHLORIDE



1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

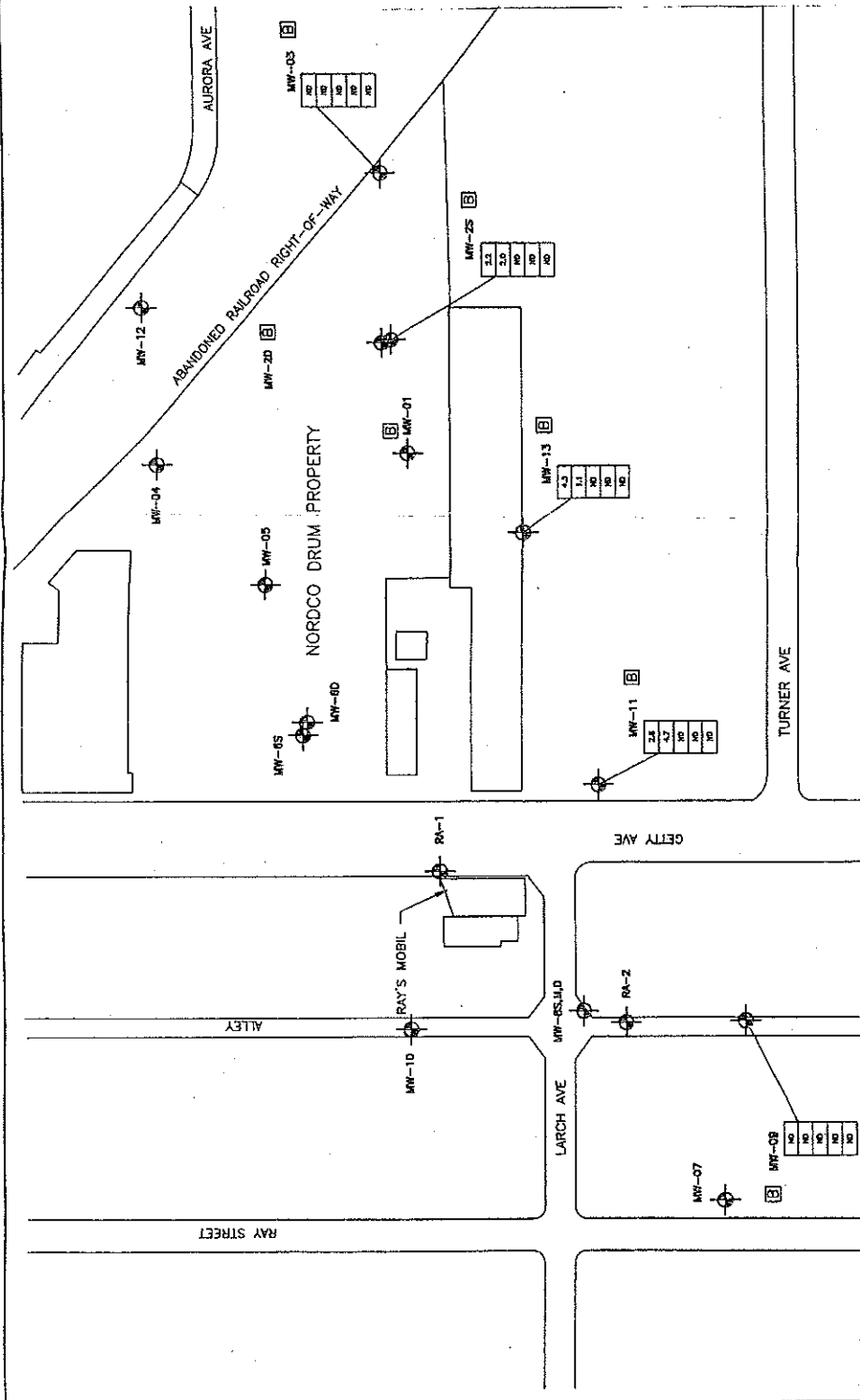


FIGURE 2.2

NORDCO DRUM GETTY STREET SITE
MUSKEGON, MICHIGAN
MONITORING NETWORK B
WELL SAMPLING RESULTS
JUNE 1998

PARRONS ENGINEERING SCIENCE INC.
DESIGN • RESEARCH • PLANNING
100 N. 10000 STATE ROAD
OFFICE • MUSKEGON, MI 49765-1000



DATE: 07/13/98 (JAS)
Xref. or View(03) VIEWS= 2 AS NOTED
PLOT: HP-SM(1117) P/SNCE: 1:1 PCP= 25266008.PCP

APPENDIX NO. 2

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Lemmen Shell Facility – 275 W. Muskegon Avenue

Parcel Numbers (Quick Reference):

280 W. Muskegon Ave. 24-205-334-0007-00
275 W. Muskegon Ave. 24-205-351-0005-00

61-24-205-334-0007-00 MAP #:24-31-30-208-002
280 W MUSKEGON AVE 08/28/2001
CHRISTIAN SCIENTIST CH
280 W MUSKEGON AVE
MUSKEGON, MI 49440

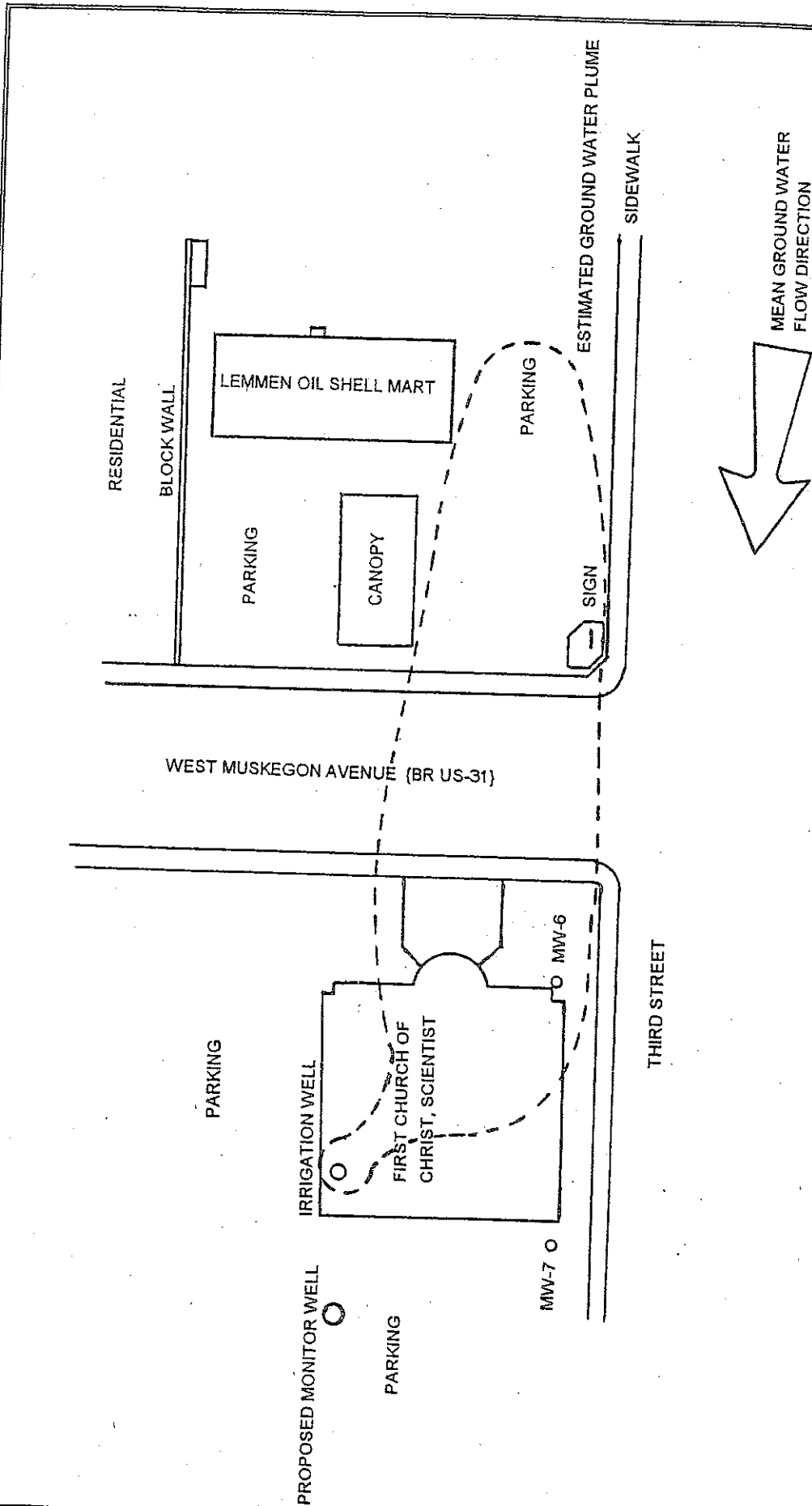
CLASS: 713 SCHOOL: 61010

LOT 7 & W 26 FT LOT 8 BLK 334

61-24-205-351-0005-00 MAP #:24-31-30-212-001
275 W MUSKEGON AVE 08/28/2001
LEMMEN PONTIAC & FM EQ
13 RANDALL
COOPERSVILLE, MI 49404

CLASS: 201 SCHOOL: 61010

LOTS 5 & 6 BLK 351



LEGEND	
○	Monitor Well
○	Irrigation Well

Off-Site Well Location Lemmen Oil Shell Mart Muskegon, Michigan			
PROJECT: 100003	DATE: 02/21/00	SCALE: 1" = 40'	
DRAWN BY: DS	CHECK BY: DS	FILE: DGV00303	
Artemis Environmental, Incorporated			

APPENDIX NO. 3

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Wesco Facility – 1385 W. Sherman Blvd.

Parcel Numbers (Quick Reference):

2587 Glenside Blvd.	24-382-028-0017-00
2588 Glenside Blvd.	24-382-029-0030-00

61-24-382-028-0017-00 MAP #:24-30-36-360-022
2587 GLENSIDE BLVD 08/28/2001
HALL CAROL/OGREN WANDA
2587 GLENSIDE
MUSKEGON, MI 49441

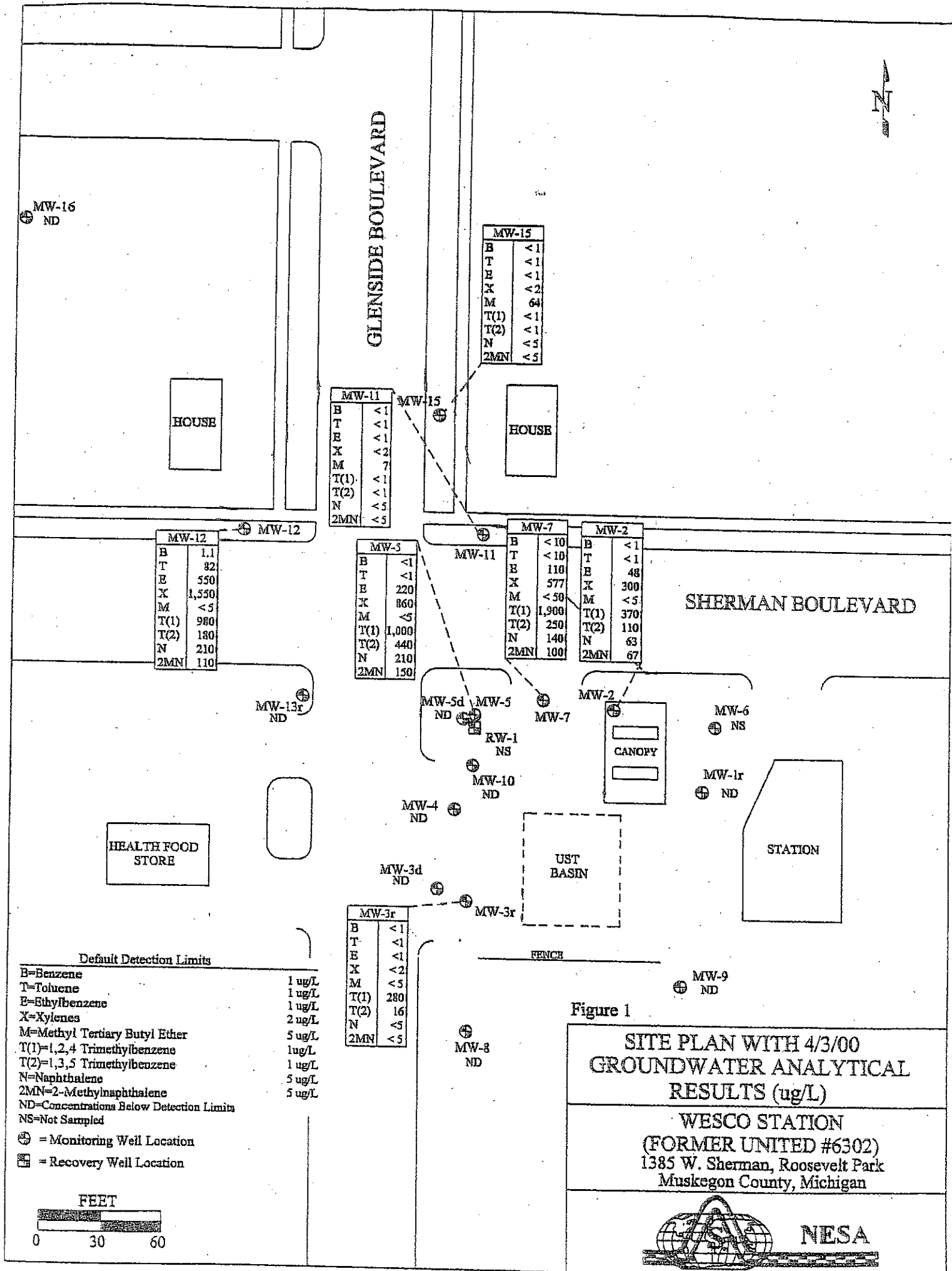
CLASS: 401 SCHOOL: 61010

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
LOT 17 & E 1/2 LOT 18 BLK 28

61-24-382-029-0030-00 MAP #:24-30-36-382-009
2588 GLENSIDE BLVD 08/28/2001
BARAN DIANNA L
2134 LINCOLN PARK DR
MUSKEGON, MI 49441

CLASS: 401 SCHOOL: 61010

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
LOTS 30 & 31 BLK 29



APPENDIX NO. 4

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Lakeview Mart Facility – 1930 Lakeshore Drive

Parcel Numbers (Quick Reference):

1930 Lakeshore Dr.	24-205-596-0004-00
1920 Lakeshore Dr.	24-205-596-0008-00

61-24-205-596-0004-00 MAP #:24-30-35-251-005
1930 LAKESHORE DR 08/28/2001
FELINSKI BILL W TRUST
3084 LAKESHORE DR
MUSKEGON, MI 49441

CLASS: 201 SCHOOL: 61010

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 596
WLY 16 FT LOT 3
& ELY 173 1/2 FT LOT 4

61-24-205-596-0008-00 MAP #:24-30-35-200-002
1920 LAKESHORE DR 08/28/2001
GREAT LAKES MARINA/STORAGE
1920 LAKESHORE DR
MUSKEGON, MI 49441

CLASS: 201 SCHOOL: 61010

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 596 DESC AS
LOTS 8, 9, 10 AND 11 BLK 596
ALSO WLY 66.83 FT OF ELY 106.93 FT OF LOT 2
ALSO ELY 40 FT OF WLY 56 FT OF LOT 3
ALSO WLY 57.5 FT OF LOT 4 OF SD BLK 596
EXC THAT PART TAKEN BY CITY OF MUSKEGON
FOR LAKESHORE TRAIL PROPERTY DESC AS
BEG AT SE COR LOT 11 BLK 596
TH ALG S LINE SD LOT 11 ON A CURVE TO RT
HAVING A RAD OF 2850.00 FT
ARC DIST OF 49.77 FT
AND LONG CHORD BEARING S 63D 36M 10S W 49.77 FT
TH S 64D 06M 10S W 895.43 FT
TH ALG A CURVE TO RT
HAVING A RAD OF 25756.58 FT
ARC DIST OF 731.49 FT
AND LONG CHORD BEARING S 64D 54M 59S W 731.47 FT
TH ALG CURVE TO RT
HAVING A RAD OF 3054 FT
ARC DIST OF 5.11 FT
AND LONG CHORD BEARING S 65D 15M 45S W 5.11 FT
TH N 24D 00M 10S W 16.00 FT
TH ALG A CURVE TO LEFT
HAVING A RAD OF 3038.53 FT
AND ARC DIST OF 5.04 FT
AND LONG CHORD BEARING N 65D 16M 00S E 5.04 FT
TH ALG A CURVE TO LEFT
HAVING A RAD OF 25740.58 FT
ARC DIST OF 335.59 FT
AND LONG CHORD BEARING N 65D 21M 23S E 335.59 FT
TH N 23D 46M 31S E 335.59 FT
TH N 23D 46M 31S W 4.00 FT
TH ALG A CURVE TO LEFT
HAVING A RAD OF 25736.58 FT
ARC DIST OF 395.30 FT
AND LONG CHORD BEARING N 64D 32M 34S E 395.30 FT
TH N 64D 06M 10S E 895.53 FT
TH ALG A CURVE TO LEFT
HAVING A RAD OF 2830.00 FT
ARC DIST OF 59.62 FT
AND LONG CHORD BEARING N 63D 29M 58S E 59.62 FT
TO E LINE SD BLK 596
TH S 00D 06M 10S W 22.47 FT TO POB OF SD EXCEPTION

APPENDIX NO. 5

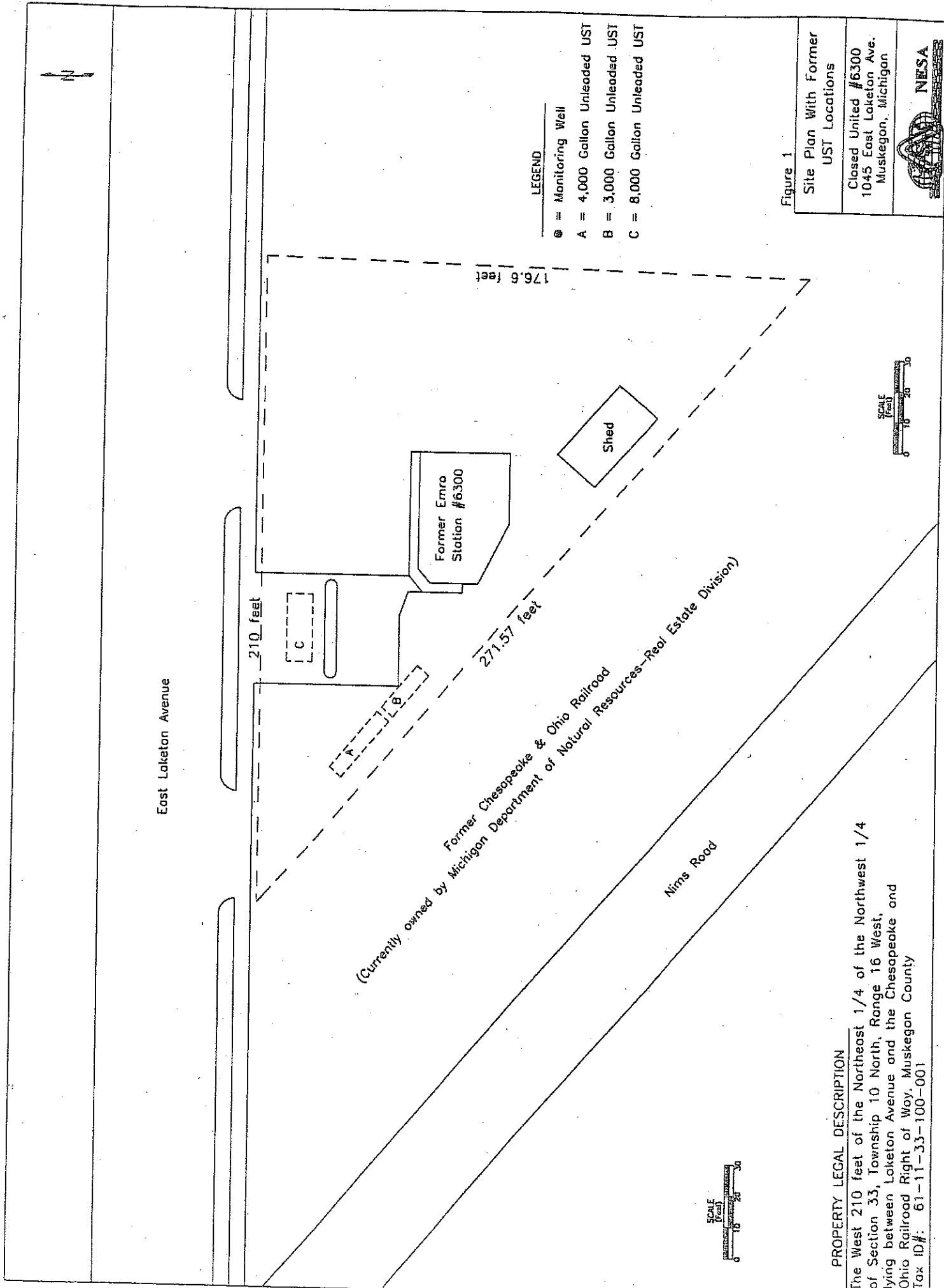
Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Speedway SuperAmerica Facility – 1045 E. Laketon Ave.

Parcel Numbers (Quick Reference):

1045 E. Laketon Ave. 24-133-100-0001-00

61-24-133-100-0001-00 MAP #:24-31-33-100-001
1045 E LAKETON AVE 08/28/2001
MARATHON OIL CO
PROPERTY TAX SECTION
539 S MAIN ST
FINDLAY, OH 45840
CLASS: 201 SCHOOL: 61010

W 210 FT OF NE 1/4 OF NW 1/4
SEC 33 T10N R16W LYING
BETWEEN LAKETON AVE & C & O R R R/W



APPENDIX NO. 6

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Port City Paints Facility – 1250 Ninth Street

Parcel Numbers (Quick Reference):

664 W. Clay Street	24-205-318-0001-00
1250 Ninth Street	24-205-318-0003-00

61-24-205-318-0001-00 MAP #:24-31-30-152-004
664 W CLAY AVE 08/28/2001
MUSKEGON CAST PRODUCTS
2076 NORTHWOODS AVE
MUSKEGON, MI 49442-6849

CLASS: 301 SCHOOL: 61010

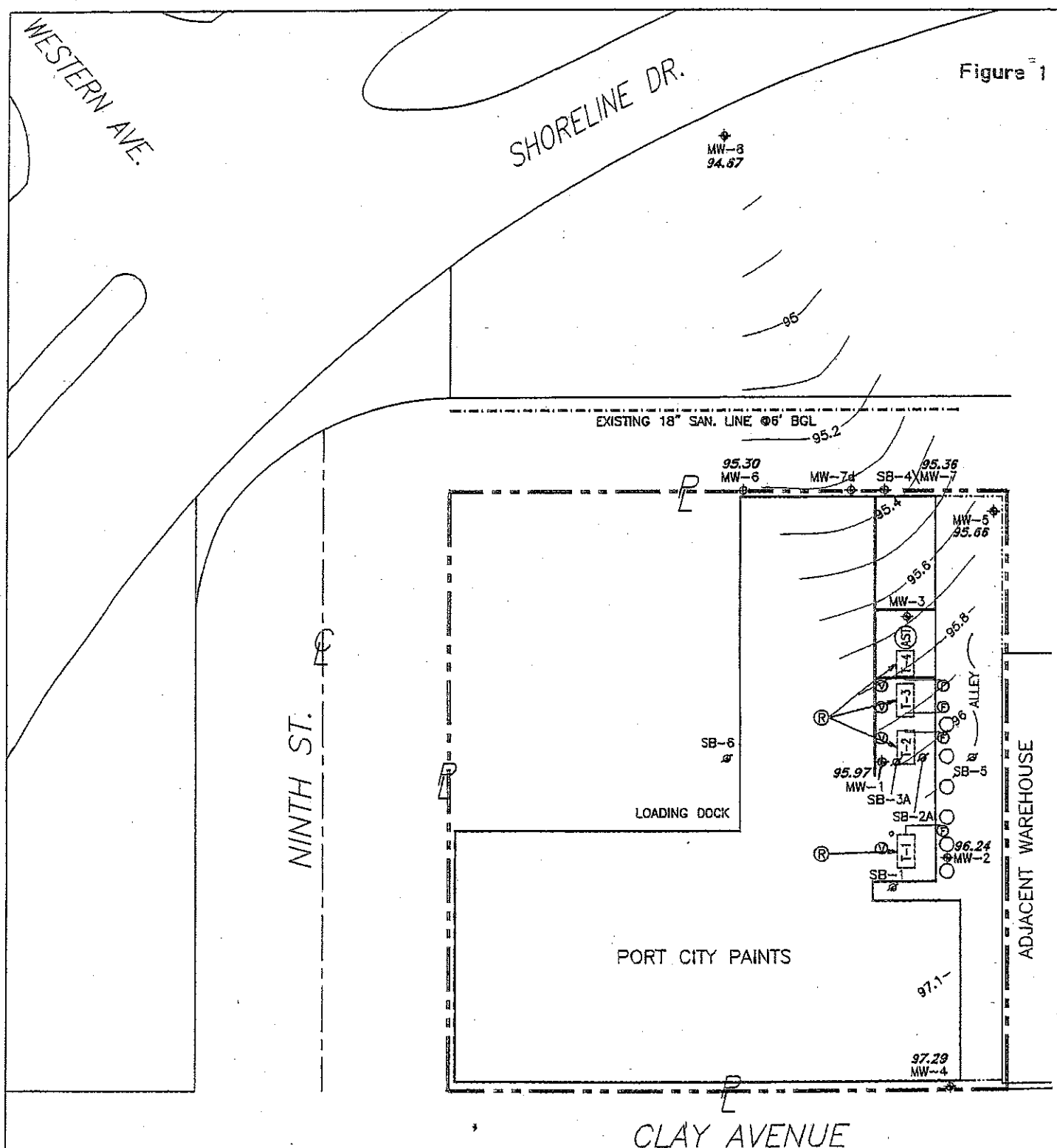
ALL OF LOTS 1, 5, 6, 7 & 8 EXC NE 30 FT, BLK 318.
ALSO EXC THAT PT OF LOT 1 BLK 318 DESC AS FOL: COM
AT N MOST COR OF SD BLK, TH S 49 DEG 17 MIN 00 SEC
W ALG NWLY LINE OF SD BLK 80 FT FOR POB, TH S 34
DEG 43 MIN 00 SEC W 246.74 FT, TH S 15 DEG 49 MIN
40 SEC W 94.13 FT TO A PT ON SWLY LINE OF SD BLK
WHICH IS N 40 DEG 29 MIN 40 SEC W 25 FT FROM S
MOST COR OF SD LOT 1, TH N 40 DEG 29 MIN 40 SEC W
ALG SD SWLY LINE OF SD BLK 32.75 FT TO W MOST COR
OF SD LOT 1, TH N 22 DEG 16 MIN 45 SEC E ALG WLY
LINE OF SD LOT 195.9 FT TO NWLY LINE OF SD BLK TH
N 49 DEG 17 MIN 00 SEC E ALG SD NWLY LINE 142.7 FT
TO POB
EX NELY 49.00 FT OF NWLY 46.00 FT LOT 1 BLK 318
CITY OF MUSKEGON (REVISED PLAT 1903)

61-24-205-318-0003-00 MAP #:24-31-30-152-003
1250 9TH ST 08/28/2001
STRONG LEIGH JR/LINDA
2084 MARYLAND
MUSKEGON, MI 49441

CLASS: 301 SCHOOL: 61010

LOTS 3 & 4 BLK 318

Figure 1



0 feet 33

- FENCE
- ⊕ MONITOR WELL
- ⊗ SOIL BORING
- Ⓢ FILL
- Ⓢ VENT PIPES
- Ⓢ RELEASE LOCATION (TANKS)

Groundwater Elevation Contours 10/28/99

PORT CITY PAINTS

Section 30, T.10N., R.16W.,
City of Muskegon,
Muskegon County, Michigan

scale	as shown	date drawn	12/22/97
project manager	RV	revised	skp 11/11/99

Superior
ENVIRONMENTAL CORP.

drawn by jjm
11/11/99

APPENDIX NO. 7

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Verplank Dock Facility – 205 E. Western Ave.

Parcel Numbers (Quick Reference):

205 E. Western Avenue 24-117-300-0004-00

61-24-117-300-0004-00 MAP #:24-31-17-300-003
205 E WESTERN AVE 08/28/2001
VERPLANK DOCK CO
PO BOX 8
FERRYSBURG, MI 49409

CLASS: 202 SCHOOL: 61010

A PARCEL OF LAND IN SW 1/4 OF SEC 17, SE 1/4 SEC 18, NE 1/4 SEC 19 AND NW 1/4 SEC 20, T10N R16W, INCL ALL OF BLK 547, ALL BLK 548, AND A PART OF BLKS 549 & 551, MORE PARTICULARLY DESC AS: COM AT PT WHERE C/L OF GIDDINGS AVE INT E LINE OF OTTAWA ST TH WLY ALG SD C/L OF GIDDINGS AVE EXT TO WLY LINE OF WESTERN AVE, TH N 22 DEG 50 MIN E ALG SD WLY LINE 50 FT TH N 67 DEG 10 MIN W 200 FT TO POB TH N 10 DEG E 600 FT TO PT A TH CONT N 10 DEG E 2335.33 FT TO BANK OF MUSKEGON RIVER, TH CONT N 10 DEG E TO THREAD OF RIVER TH WLY AND SWLY ALG SD THREAD TO ELY SHORE OF MUSKEGON LAKE EXT TH SLY ALG SD SHORE TO A PT N 80 DEG W OF PT A TH S 80 DEG E 1289.21 FT TH S 10 DEG W 600 FT TH S 80 DEG E 50 FT TO POB.
EXC THAT PART TAKEN FOR LAKESHORE TRAIL BIKE PATH
DESC AS:
THAT PT OF SEC 17 & 20, T10N R16W CITY OF MUSKEGON
AND PT OF BLKS 549 AND 551, REV PLAT (OF 1903) OF THE
CITY OF MUSKEGON DESC AS BEG AT A POINT ON THE WLY LN OF THE CSX RR ROW WHICH IS S 09 DEG 36 MIN
47 SEC W ALG THE WLY LN OF THE CSX RR 1229.71 FT

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL INTERESTED PARTIES

Please take notice that on September 11, 2001, the City Commission of the City of Muskegon adopted an ordinance to amend the Muskegon City Code limiting and regulating groundwater wells for the delivery of water for human consumption and irrigation.

The amending ordinance identifies the following affected properties, upon which groundwater wells for the delivery of water for human consumption and irrigation is prohibited. The properties are listed by their street address and property tax identification numbers. The full ordinance, available at the City Hall contains the legal descriptions of the properties affected:

<u>Property Address</u>	<u>Property ID Number</u>
2587 Glenside Blvd.	24-382-028-0017-00
2588 Glenside Blvd.	24-382-029-0030-00
1930 Lakeshore Dr.	24-205-596-0004-00
1920 Lakeshore Dr.	24-205-596-0008-00
664 W. Clay St.	24-205-318-0001-00
1250 Ninth St.	24-205-318-0003-00
280 W. Muskegon Ave.	24-205-334-0007-00
275 W. Muskegon Ave.	24-205-351-0005-00
205 E. Western Ave.	24-117-300-0004-00
1045 E. Laketon Ave.	24-133-100-0001-00
1752 S. Getty St.	24-595-000-0001-00
1734 S. Getty St.	24-128-300-0022-00
1720 S. Getty St.	24-128-300-0021-00
1708 S. Getty St.	24-128-300-0020-00
1735 S. Getty St.	24-185-112-0012-10
780 E. Larch St.	24-185-112-0012-00
1745 S. Getty St.	24-185-113-0013-10
781 E. Larch St.	24-185-113-0013-00
1761 S. Getty St.	24-185-113-0012-00
1719 S. Getty St.	24-185-112-0014-00
1730 Ray St.	24-185-112-0010-00
1736 Ray St.	24-185-112-0011-00
1748 Ray St.	24-185-113-0001-00
1756 Ray St.	24-185-113-0002-00
1762 Ray St.	24-185-113-0003-00
1768 Ray St.	24-185-113-0004-00
1774 Ray St.	24-185-113-0005-00

Legal descriptions of the above properties and maps showing the location of contaminated properties and sources of contamination are attached to the full ordinance and may be inspected and copied in connection with any inspection of the ordinance.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: September 24, 2001

By _____
Gail A. Kunding, Its Clerk

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

September 18, 2001

Ms. Linda Potter
City Clerk's Office
City Hall
Muskegon, MI 49443-0536

Dear Linda:

Enclosed for publication is the Notice of Adoption for the well ordinance amendment of September 11. The ordinance itself must be kept on file as an original ordinance, but I suggest that copies be sent out as follows:

1. To the City's Planning Department for posting and reference.
2. To MDEQ at the following address:

David Bartley
Department of Environmental Quality
Environmental Response Division
P. O. Box 30426
Lansing, MI 48909

3. To Bob Grabinski at the City's Inspections Department.

I suggest you attach a copy of the Notice of Adoption as well as the full ordinance for convenience.

Very truly yours,

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

GTJ:mmf

Enclosure

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

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

Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

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

Retired
Robert L. Forsythe
Arthur M. Rude

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

Commission Meeting Date: September 11, 2001

Date: September 5, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: MEDC Planning Project – Notice of Intent

SUMMARY OF REQUEST:

To approve the attached Notice of Intent for funding from the Michigan Economic Development Corporation to conduct a Muskegon Lakefront property market analysis. The purpose of the proposed study will be to identify viable potential uses of the lakefront property. The study will also serve as an independent analysis of the market for property development by providing information citing the reasons why the lakefront is attractive for development. If the Notice of Intent is accepted, the City will be asked to present a full application to the MEDC.

FINANCIAL IMPACT:

The local grant match of \$15,000 will be provided by the City, the County, and private sources. Each contributing \$5,000.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the Notice of Intent

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-101(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING NOTICE OF INTENT TO MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION FOR WATERFRONT MARKET ANALYSIS IN THE
AMOUNT OF \$30,000

WHEREAS, the City of Muskegon has been identified by the State of Michigan as being eligible for funding consideration under the Community Assistance Team Planning program; and

WHEREAS, the Muskegon City Commission agrees to contribute \$5,000 toward the project local match; and

WHEREAS, the County of Muskegon and the West Michigan Dock & Market have each agreed to contribute \$5,000 toward the project local match of \$15,000; and

WHEREAS, the Muskegon City Commission has determined that it is in the best interest of the community and, for the purpose of successful redevelopment, to conduct an analysis of the property located along the Muskegon Lakefront.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize the Waterfront Property Market Analysis Notice of Intent to the Michigan Economic Development Corporation for the amount of \$30,000.

Adopted this 11th day of September 2001.

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

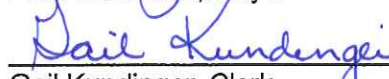
NAYS: None

ABSENT: None

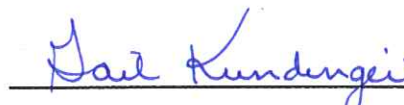
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on September 11, 2001.


Gail Kunding, Clerk

CITY OF MUSKEGON
DOWNTOWN WATERFRONT PROPERTY
REDEVELOPMENT

MARKET ANALYSIS AND IMPLEMENTATION STRATEGY
PROPOSAL

To:
MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

September 2001

I. Description of Three Major Objectives of the Planning Project

The three objective of the planning project are very straightforward. The first objective is two-fold. The first component is to establish what are the most financially viable uses (supportable by the local market) of the lakefront property while the second is to determine what uses the community would support on the subject properties.

The second objective is to identify potential developers/investors who are known to have interest or may be interested in the redevelopment of brownfield properties located along the downtown waterfront.

The third objective is also two-fold. The first component is to develop a marketing strategy that utilizes information gathered by the first two objectives. The second component is to develop an implementation strategy that will focus on the resources necessary to achieve the stated goal. It will also provide a process outline directing local public-private efforts. Both components will include the use of private and public resources to achieve a common goal of redevelopment of downtown lakefront brownfield properties.

II. Explanation as to how the project will lead to an economic development implementation project

The project will lead to an implementation project through organizing the redevelopment process and uniting the public (city, county) and private (property owners, developers, businesses) sectors toward the goal of property redevelopment. It is critical to identify the market for redevelopment as well as those businesses/developers who have already invested in similar situations. So, the first step is information gathering. The second step is to market the information to parties that may have an interest in business/development opportunities along the downtown waterfront. Once private investors are identified, both public and private resources can be utilized to bring development projects to fruition. A more specific implementation plan will be the final component to the planning project. Examples of potential economic development projects include:

- 1) Mixed-use developments (residential/commercial)
- 2) Tourism/Convention-based development
- 3) Certified business park
- 4) Infrastructure installation/upgrade
- 5) Community amenities (farmers market, pedestrian facilities, streetscape improvements, marinas, parking improvements, etc.)

III. What development value and impact will the results of the planning grant have upon the community

In 6 months: Within six months the community will be armed with the appropriate information to begin marketing downtown waterfront properties nationally. The planning project will also be in the implementation plan formulation stage. This stage will further develop as the community begins to understand the actual private development interest. That is, if the primary interest in the waterfront is tourism-based then the implementation plan will focus heavily on the sector.

In two years: It is the full expectation of the community, that within two years, actual private development will be committed on the downtown waterfront. The implementation phase of the project will be well underway. The marketing portion of the plan will most likely need to be updated to reflect new development occurring within the project area.

In five years: In five years the implementation plan will be coming to a close and the properties subject to the plan will either be fully redeveloped, under development commitment or well enough established that the remaining development effort can be facilitated more independently. The planning project will still serve as a reference point for development discussions but the marketing portion of the project may need to be updated once more.

IV. Projected timeline for implementation of planning grant process

The proposed project consists of two macro-stages. The first is the planning stage followed by the implementation stage. The planning stage will begin immediately upon approval of the planning grant by the MEDC. This stage will include interviewing and selecting a planning or marketing consultant, data gathering, and market analysis. It will also include the identification of potential developers/investors and development of a marketing strategy for approaching these developers/investors. This stage of the process will be completed within 6 months to one year of the project origination date.

The second stage will be the actual implementation of the strategy. Activities included in the second stage may include the following:

1. Implementing overall marketing approach (dissemination of information formulated in planning stage)
2. Direct contact with developers/investors
3. Identification of local efforts to enhance marketability of subject properties
4. Assemblage of public resources to facilitate redevelopment (i.e. renaissance zone, brownfield, pedestrian facilities, etc.)
5. Development and maintenance of public/private collaboration to present a united community atmosphere

The planning stage will better “flesh out” the necessary activities for project success. The implementation stage of the process will occur over several years, however the initial marketing phase will be intensive for the first 1-2 years following the completion of the planning stage.

V. Describe the regional support of the planning grant and the impact that the planning grant results may have on the entire region

The proposed project has regional support as evidenced by the County of Muskegon as one of the primary stakeholders. Further, the redevelopment of the downtown Muskegon waterfront is a priority for the entire region. A strong core downtown is vital to the success of the entire region.

The results of the planning project include a vibrant core downtown area through the utilization of one of Michigan's greatest assets, waterfront property. The downtown waterfront has always been a primary component of economic growth in the entire Muskegon area and the redevelopment of these brownfield sites will not only generate additional economic growth for the City but rather for the County as well. A revitalized downtown will help to continue reversing a negative perception of the regional community and assist in curbing some urban sprawl by providing highly desirable development opportunities on brownfield sites.

VI. Describe the stakeholders supporting this planning grant and the process in which they will be participating.

There are both public and private parties involved in the process. The project will be funded jointly by the MEDC, the City and County of Muskegon and waterfront property owners. The process will be governed by a committee that will include members from the County, the City, waterfront property owners, and possibly the MEDC (if necessary). The process is as follows:

1. Development of RFP to select planning consultant
2. Interview and select planning consultant
3. Conduct initial informational stage of planning process
4. Identify potential developers
5. Develop marketing strategy
6. Develop implementation plan
7. Implementation

PLANNING PROJECT - NOTICE OF INTENT

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION FUNDS PROGRAM

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION - COMMUNITY SERVICES

IDENTIFICATION OF LOCAL GOVERNMENT	REQUEST FOR FUNDING
Applicant(s) City of Muskegon	MEDC \$15,000
Street/P.O. Box 933 Terrace St.	Other State \$0
City Muskegon	Federal \$0
County Muskegon	Local Unit \$10,000
State/Zip Michigan 49443	Private \$5,000
Contact Person: Cathy Brubaker-Clarke	Other \$0
Name/Title Director of Community & Economic Development	
Address Same as above	
Telephone Number (231) 724-6702	Total \$30,000

PLEASE SEE ATTACHED FOR ADDITIONAL INFORMATION TO BE SUBMITTED WITH NOI.

SENATE DISTRICT _____ HOUSE DISTRICT _____
CONGRESSIONAL DISTRICT _____

AUTHORIZED LOCAL GOVERNMENT OFFICIAL
Fred J. Nielsen, Mayor

(231) 724-6724 9-11-01

NAME AND TITLE	SIGNATURE	TELEPHONE	DATE
----------------	-----------	-----------	------

NOTE: THREE COPIES OF THE COMPLETED NOI MUST BE MAILED TO:

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION
COMMUNITY ASSISTANCE TEAM
201 NORTH WASHINGTON SQUARE
VICTOR OFFICE CENTER - 3RD FLOOR
LANSING, MICHIGAN 48913
(517) 373-6213

15-Jun-01

Date: September 11, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
1149 Wood Street – Wood Street Market

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to appoint Steven Cornell as personal representative for deceased licensee Janice M. Cornell in the 2001 SDM licensed business located at 1149 Wood Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

125760 NLL

RESOLUTION

2001-102(b)

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

called to order by Mayor Nielsen on September 11, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Aslakson and Supported by Commissioner Schweifler

That the request from Steven Cornell to be appointed personal representative for deceased licensee Janice M. Cornell for the 2001 SDM License, 1149 Wood Street, Muskegon, MI 49442, Muskegon County

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 7

Nays: 0

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be Recommended
(Recommended or
not Recommended) for issuance.

State of Michigan)
County of Muskegon) SS

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

City Commission at a Regular
(Regular or Special)

meeting held on the 11th of September, 2001.
(Date)

(Signed)

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

Gail A. Kunderger, City Clerk
933 Terrace, P.O. Box 536

(Address of Township, City or Village Board)

Muskegon, MI 49440

SEAL

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716



Clerk
724-6705

August 8, 2001

Engineering
724-6707

To: The City Commission through the City Manager

Finance
724-6713

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

Fire Dept.
724-6792

Re: Liquor License Transfer at 1149 Wood Street

C. N. Services
724-6717

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Steven Cornell of Wood Street Market, 1149 Wood Street, Muskegon Michigan, 49441.

Inspections
724-6715

Steven Cornell is requesting to be appointed as personal representative for deceased licensee, Janice M. Cornell, in the 2001 SDM licensed business located at 1149 Wood Street, Wood Street Market.

Leisure Service
724-6704

This office has received a MC228, Order on Application To Set Aside Conviction form dated June 26, 2001. This is an order signed by Judge Andrew Wierengo showing that the applicant has had one criminal conviction, which has been expunged. A check of MPD records and Criminal History showed no convictions or reason to deny this request.

Manager's Office
724-6724

Mayor's Office
724-6701

TK/cmw

Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

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

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Michigan Department of Consumer & Industry Services

LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

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

125760 NLL

BUSINESS NAME AND ADDRESS: (include zip code)

1149 WOOD, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO APPOINT STEVEN CORNELL PERSONAL REPRESENTATIVE FOR DECEASED LICENSEE
JANICE M. CORNELL IN 2001 SDM LICENSE

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

STEVEN CORNELL

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1606 RUDDIMAN DR
NORTH MUSKEGON, MI 49445 231 744 3373

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-8-01

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?

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

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

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should this request be granted by the Commission?

☒ Yes ☐ No

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

Signature (Sheriff or Chief of Police)

Date

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

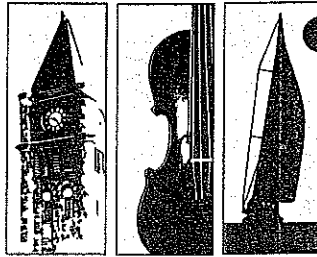
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

September 4, 2001

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

Dear Mr. Cornell:

This letter is to inform you that your request to be appointed personal representative for Janice M. Cornell in the 2001 SDM license at 1149 Wood, will be presented to the City Commission on September 11, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

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

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

Sincerely,

Linda Potter
Deputy Clerk

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290



September 4, 2001

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

Dear Ms. Pastoor:

A request from Steven Cornell has been received from the Liquor Control Commission to appoint Steven Cornell as personal representative for deceased licensee Janice M. Cornell in the 2001 SDM licensed business located at 1149 Wood Street. A SDM license permits the sale of beer and wine for consumption off the premises only. On Tuesday, September 11, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on September 11, 2001, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 7-16-01

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Steven Cornell of Wood Street Market, 1149 Wood Street, City of Muskegon MI, 49441.

Steven Cornell is requesting to be appointed as personal representative for deceased licensee, Janice M. Cornell, in the 2001 SDM licensed business located at 1149 Wood Street, Wood Street Market.

This office has received a MC228, Order on Application To Set Aside Conviction form dated June 26, 2001. This is an order signed by Judge Andrew Wierengo showing that the applicant has had one criminal conviction, which has been expunged. A check of MPD records and Criminal History showed no convictions or reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/Cornell

LADAS, HOOPES & ASSOCIATES
ATTORNEYS AT LAW

June 26, 2001

435 WHITEHALL ROAD
NORTH MUSKEGON, MICHIGAN 49445
TELEPHONE (231) 744-6218
FAX (231) 744-5532

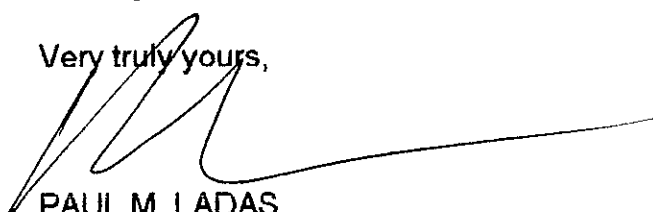
MUSKEGON POLICE DEPT
993 TERRACE STREET
MUSKEGON MI 49442

Re: Steven Charles Cornell
ID#: 125760

Dear Sir or Madam

As to the above, please find enclosed an Order On Application to Set Aside Conviction. The above party is presently being investigated for a liquor transfer. He had one criminal conviction, which has been expunged, and we would like that to be reflected in any investigation of him.

Very truly yours,



PAUL M. LADAS

PML:jd / enclosure

pc Michigan State Police w/enclosure, Lansing
Prosecuting Attorney w/enclosure

STATE OF MICHIGAN 60TH JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER ON APPLICATION TO SET ASIDE CONVICTION	CASE NO. 94-29096-SM												
ORI 6100256 MI- Police Report No.	Court address 1st floor, Muskegon County Bldg. Muskegon MI 49442	Court telephone no. 724-6329												
THE PEOPLE OF ☒ The State of Michigan ☐ _____ _____	v	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="3">Defendant's name, address, and telephone no.</td> </tr> <tr> <td colspan="3">STEVEN CHARLES CORNELL 1606 Ruddiman Drive Muskegon MI 49441</td> </tr> <tr> <td>CTN 619403139501</td> <td>SID</td> <td>DOB 4-22-51</td> </tr> <tr> <td>Date of Offense 10/9/93</td> <td colspan="2">Charge Assault & Battery</td> </tr> </table>	Defendant's name, address, and telephone no.			STEVEN CHARLES CORNELL 1606 Ruddiman Drive Muskegon MI 49441			CTN 619403139501	SID	DOB 4-22-51	Date of Offense 10/9/93	Charge Assault & Battery	
Defendant's name, address, and telephone no.														
STEVEN CHARLES CORNELL 1606 Ruddiman Drive Muskegon MI 49441														
CTN 619403139501	SID	DOB 4-22-51												
Date of Offense 10/9/93	Charge Assault & Battery													

Instructions: An order may not be entered until receipt of the report of the Michigan State Police. Copies of the order must be sent to the Michigan State Police and the prosecuting official.

THE COURT FINDS:

1. The Michigan State Police has reported to the court required information from the department's records.
2. The applicant ☐ has ☒ has not been convicted of more than one criminal offense.
3. The conviction ☐ is ☒ is not a traffic offense, a non-traffic offense reportable to the Secretary of State, or a felony for which the maximum punishment is life imprisonment.
4. It ☒ has ☐ has not been at least five years since the sentence was imposed or since the defendant was discharged from imprisonment for the conviction.
5. An opportunity ☒ has ☐ has not been given to the Attorney General and prosecuting official to contest the application.
6. Circumstances and behavior of the applicant ☒ do ☐ do not justify setting aside the conviction, and it is consistent with the public welfare.

IT IS ORDERED:

- ☐ 7. The application is denied.
- ☒ 8. The conviction in this case is set aside. Under MCL 780.623 the court clerk, the arresting agency, and the Michigan State Police shall maintain a **nonpublic record** of the order setting aside conviction and of the arrest, fingerprints, conviction, and sentence in this case.

June 26, 2001
Date


 Judge ANDREW WIERANGO P22812 Bar no.

Under MCL 769.16a the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

MCL 780.621; MSA 28.1274(101), MCL 780.623; MSA 28.1274(103)

LIQUOR LICENSE REVIEW FORMBusiness Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1149 Wood St.**Reason for Review:**New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☒ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 9-3-01Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature _____

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1149 Wood St.

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☒ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 9-3-01Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☒ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

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

8-21-01

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1149 Wood St.

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☒ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 9-3-01Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☒ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____Department Signature Tennet D. J. 8/22/01Gail A. Kunder, City Clerk
Liquor License Coordinator

8-21-01

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1149 Wood St.

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☒ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 9-3-01

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature [Signature] 8/23/01 CITY TREASURER

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1149 Wood St.

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☒ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 9-3-01Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☒ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

_____Department Signature Mise CanerGail A. Kunder, City Clerk
Liquor License Coordinator

8-21-01

LIQUOR LICENSE REVIEW FORM

Business Name: Wood Street Market

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1149 Wood St.

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☒ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 9-3-01Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☒ Remaining Defects _____Department Signature Robert B. Halvick 8/22/01Gail A. Kundinger, City Clerk
Liquor License Coordinator

INCIDENT LIST:

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

INCIDENT LIST:

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

INCIDENT LIST:

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

INCIDENT LIST:

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

INCIDENT LIST:

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

INCIDENT LIST:

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

WOOD STREET MARKET

1149 WOOD ST
MUSKEGON, MI 49442

11-99

30783

DATE 6-8-2001

74-8317/2724
00

PAY
TO THE
ORDER OF

CITY OF MUSKEGON

\$ 250.00

two hundred fifty dollars + no cents

DOLLARS

Security features
are included.
Details on back.



MUSKEGON CO-OP
FEDERAL CREDIT UNION
1051 PECK ST. - P.O. BOX 509 - MUSKEGON, MICHIGAN 49443

FOR

Steve Corneil

⑈030783⑈ ⑆272483⑆70⑆00⑆90503000⑆⑈

WOOD STREET MARKET

1149 WOOD ST
MUSKEGON, MI 49442

11-99

30820

DATE 6-17-2001

74-8317/2724
00

PAY
TO THE
ORDER OF

STATE OF MICHIGAN

\$ 15.00

fifteen dollars + no cents

DOLLARS

Security features
are included.
Details on back.



MUSKEGON CO-OP
FEDERAL CREDIT UNION
1051 PECK ST. - P.O. BOX 509 - MUSKEGON, MICHIGAN 49443

FOR

Steve Corneil

⑈030820⑈ ⑆272483⑆70⑆00⑆90503000⑆⑈

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Liquor Control Commission
7150 Harris
PO Box 30005

Lansing, MI 48909-7505

2. Article Number (Copy from service label)

7000 0520 0014 3707 8561

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

☐ No

If YES, enter delivery address below:

GARY SCHUELLER
MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery (Extra Fee)

☐ Yes

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

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

REF: #125760 NLL
1149 Wood
Muskegon, MI 49442

To Whom It May Concern:

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

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

Date: September 4, 2001
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen
RE: The Abonmarche Group agreement

SUMMARY OF REQUEST:

To approve the agreement with The Abonmarche Group to provide engineering services for the Hartshorn Marina Improvement Project based on the standard MDNR contract and fee schedule for Waterway's Commission participation.

FINANCIAL IMPACT: The City will be required to provide a 50% match, with the total cost of the agreement approximately \$98,000. This total is included in the \$2 million renovation project that the City approved staff to apply for this last March.

BUDGET ACTION REQUIRED:

Match will need to be provided by either a bond or loan to be paid off by the marina.

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board recommends approval

Date: September 4, 2001
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen
Re: The Abonmarche Group Agreement

I am requesting your approval of the agreement with The Abonmarche Group to provide engineering services for the Hartshorn Marina Improvement Project.

The cost of the services is based on the standard MDNR contract and fee schedule for the Waterways Commission Participation. This service is part of the \$2 million renovation project the commission approved staff to apply for last March. In order for staff to receive approval of the grant from the DNR, permitting must be completed at the time of application. In order for staff to reapply for funding for the 2004/2005 fiscal year we must have all permits completed and in place by April 1, 2002. The Abonmarche Group will obtain the permits and oversee the construction of the Improvement Project. We are doing this as an extension to the original agreement with them to conduct the engineering study and electrical improvements.

Thank you for your consideration.

PROFESSIONAL SERVICES AGREEMENT
Hartshorn Municipal Marina Improvement Project

2001-102(e)

THIS AGREEMENT, entered into the 20th day of August, A.D., 2001, by and between the City of Muskegon, hereinafter referred to as the "CITY", and Abonmarche Consultants, Inc., hereinafter referred to as the "ENGINEER".

WHEREAS, the CITY is desirous of making several improvements to the Hartshorn Municipal Marina, hereinafter referred to as the MARINA, on properties within the CITY located on Western Avenue, in accordance with a Master Plan prepared by the ENGINEER; and

WHEREAS, ENGINEER engages in the business of furnishing professional Engineering/architectural services within the State of Michigan; and

WHEREAS, the CITY desires to engage the ENGINEER to accomplish the work of preparing final construction drawings, specifications, and final estimates; advertising for bids and awarding of contracts; and supervise construction of several of the improvements described in the Master Plan, beginning with the first phase of electrical improvements to the MARINA.

WHEREAS, the CITY, at its meeting held the 14th day of August, 2001, authorized the execution of this Professional Services Agreement.

NOW THEREFORE, the parties hereto do mutually agree as follows:

~~1. The ENGINEER agrees to conduct a preliminary study which shall confirm with professional standards and shall be conducted with the view towards determining the economic and physical feasibility of accomplishing the development of a recreational boating facility at _____.~~ All plans, reports and other documents shall be prepared under the direct supervision of and signed and sealed by a registered professional ENGINEER duly registered as such in the State of Michigan. The said study shall contain, in addition to the usual content of such study, such additional data as is set forth hereinafter.

~~_____ 2. The ENGINEER agrees to perform the following services:~~

~~_____ a. To make such topographic and hydrographic surveys as shall be necessary to:~~

~~_____ (1) Locate all structures, pipelines, electrical lines, telephone lines, and sewers; physical features, ground elevations and like information.~~

~~_____ (2) Determine underwater navigational hazards and limits of areas to be dredged.~~

~~_____ (3) Make reasonably accurate estimates of the volume of material to be dredged, excavated, and/or required for fill.~~

~~_____ (4) Ascertain whether a property survey is necessary and advise the CITY in writing of the necessity of making the same and the estimated cost thereof. The cost of said property survey shall be considered an additional item above and beyond the compensation hereinafter provided. A property survey shall consist of locating and staking corners of the property and providing the CITY with a legal description and sketch signed and sealed by a registered land surveyor.~~

~~_____ b. To make such studies of soil conditions as are necessary to design building foundations, foundation piles, spring piles, pavements, ramps, embankments, bulkheads, and to determine possible difficulties which may be encountered in dredging, excavating, and/or filling. Such studies shall include but shall not be limited to the following:~~

~~_____ (1) Obtaining all the available data regarding soil conditions including, but not limited to, reports prepared by the U.S. Army, Corps of Engineers, reports prepared by or for the CITY or others in the area, reports prepared by or for the Department of Transportation, discussions with persons who may be familiar with soil conditions in the area, and the gathering of all other like information, which may be reasonably available.~~

~~_____ (2) Making such probings and shallow auger borings as are usually included within the scope of preliminary studies, but excluding the taking of test borings.~~

~~_____ (3) Determining the necessity for making test borings and/or like investigations. If the ENGINEER determines such investigations and explorations are necessary, he shall set forth in writing the reasons why he deems such test or tests are necessary and advise the CITY of the estimated cost of making the same. The ENGINEER shall not make or cause to be made such investigations or explorations without the express written consent of the CITY. In the event the CITY authorizes the making of such investigations and explorations, the actual cost of making the same shall be an additional cost above and beyond the hereinafter provided compensation.~~

~~_____ c. To prepare preliminary designs, complete preliminary cost estimates and apply for joint Army Corps of Engineers (ACOE) and Michigan Department of Environmental Quality (MDEQ) permits, necessary to determine the feasibility and cost to develop a marina at the _____.~~

~~_____ d. To prepare and provide to the CITY and to the Parks and Recreation Bureau, Department of Natural Resources, each three (3) copies of the following items and materials:~~

~~_____ (1) A written report describing the procedures and methods used in accomplishing the preliminary study required by this Agreement.~~

~~_____ (2) A plan of the site of the work showing base lines, bench marks, proposed or actual boring and/or probing locations, logs of all subsurface investigations and all pertinent topography including soundings referred to International Great Lakes Datum.~~

~~_____ (3) A preliminary plan of the recommended work plus informative sections and elevations.~~

~~_____ (4) A preliminary cost estimate for the recommended project subdivided into quantities and unit prices, and additional preliminary cost estimates and descriptions of other methods of providing the recreational boating facilities considered in arriving at the recommended project. Such cost estimate shall include an item for contingencies and an item for Engineering.~~

~~_____ e. To make such other studies and investigations and to prepare such other plans, reports and documents as are generally included within the scope of a preliminary study.~~

~~_____ 3. The CITY agrees to pay and the ENGINEER agrees to accept:~~

~~_____ a. Two and one-half (2.50) times the direct payroll costs incurred, not to exceed as compensation for making whatever topographic and hydrographic surveys as are necessary. Direct payroll costs are defined as the actual amount paid the employee for work on the project exclusive of fringe benefits, vacations, sick leave, other indirect costs and profit. It is to be understood that the above compensation does not include payment for property surveys. If a property survey is authorized by the CITY, payment for such a survey will be made.~~

~~_____ b. A fee not to exceed _____, (\$ _____), as compensation for the preliminary study. All charges incurred by the ENGINEER in carrying out this contract including, but not limited to travel expense, phone calls, telegrams, employee payroll for both office and field work, ENGINEER time and materials furnished, subsurface explorations not otherwise excepted, and all other work and services necessary for the completion of the said preliminary study shall be regarded as being compensated for in full at the time of payment to the ENGINEER of the fee set forth in this Agreement.~~

~~_____ The ENGINEER shall complete the said preliminary study no later than 180 calendar days following execution of this contract and subsequent written notice to proceed with the preliminary study by the CITY.~~

4. In the event that the ENGINEER shall be retained to accomplish the work of preparing final construction drawings, specifications, and final estimates; advertising for bids and awarding of contracts; supervision construction, including, but not limited to, consultation and periodic inspection, preparing estimates for progress payments to the contractors, assisting in interpretation of drawings and specifications, checking of shop drawings, reviewing changes required, preparing change orders, checking estimates of any additional

work, and assisting in the final inspection and approval of performance, said ENGINEER shall be paid pursuant to the schedule hereinafter set forth. In addition to the above and as a part of the services described herein, the ENGINEER shall:

a. Furnish the CITY, upon completion of all construction work, one complete set of reproducible "As Built" drawings, which shall incorporate all changes, which occurred after the construction contracts were awarded.

For preparation of final construction drawings, specifications and estimates, applications for permits, and advertising, opening and tabulating bids, 75% of the total applicable fee as hereinafter set forth shall be paid to the ENGINEER. For awarding of contracts, supervising construction and related work, and preparing "As Built" drawings, 25% of said total applicable fee shall be paid to the ENGINEER. In addition to the above, the ENGINEER shall furnish, at the site, a minimum number of hours of competent field supervision equal to 16 plus the total amount of the fee in dollars divided by 400. The ENGINEER shall also lay out a baseline and establish a bench mark for the Contractor's use. If, in the ENGINEER'S judgment, the nature of the work demands inspection or construction survey work beyond that required in this agreement, the ENGINEER shall submit an estimate of the number of hours and the extent of inspection and/or survey work to the CITY. This shall be submitted to the CITY prior to award of the contracts. If the CITY authorizes inspection and/or construction survey services beyond that required by this Agreement, the ENGINEER shall be compensated for said services by a fee equal to two and one-half (2.50) times the direct payroll costs incurred in performing said services. Direct payroll costs are defined as the actual amount paid the employee for work on the project exclusive of fringe benefits, vacations, sick leave, other indirect costs and profit. The following fee schedule shall apply to work performed under this Agreement by the ENGINEER and does not include the fee paid for the preliminary study:

CONSTRUCTION COST

Up to \$25,000

FEE

Fee to be negotiated

\$25,000 to \$50,000	\$4,000 plus 8.5% of the costs over \$25,000
\$50,000 to \$100,000	\$6,225 plus 7% of the costs over \$50,000
\$100,000 to \$1,000,000	\$9,725 plus 6.3% of the costs over \$100,000
\$1,000,000 to \$3,000,000	\$66,425 plus 5.2% of the costs over \$1,000,000
\$3,000,000 to \$5,000,000	\$170,425 plus 4.9% of the costs over \$3,000,000
\$5,000,000 to \$7,000,000	\$268,425 plus 4.7% of the costs over \$5,000,000

The above fees shall apply to the construction costs based on the award of one construction contract. In the event that multiple construction contracts are awarded, the fee shall be equal to the fee based on the sum total cost of all the construction contracts taken together plus one-third (1/3) of the difference between that fee and the sum of the fees for each construction contract computed individually. Payment to the ENGINEER shall be made on the basis of the contract price, or sum of the prices, providing a contract or contracts are awarded. In the event contracts are not awarded, payment shall be made to the ENGINEER'S upon the basis of the ENGINEER'S estimates of the cost of construction. Any payments made to the ENGINEER which have been determined on the basis of the ENGINEER'S estimates shall be adjusted as necessary at such time as bids have been received and contracts awarded.

5. Nothing herein contained shall be construed as an agreement or promise of any kind or nature that the ENGINEER shall be engaged for any work relating to the project other than that specified in paragraphs 1 and 2 hereof. Nothing herein contained shall be construed as an agreement or promise of any kind that the ENGINEER shall receive any compensation other than is specifically set forth in the agreement. The CITY specifically reserves the right to engage any other ENGINEER at any time in relation to the project.

6. The ENGINEER agrees that in the event the CITY desires to proceed with the project using the ENGINEER'S services for the design and supervision of construction, the ENGINEER will perform such services and accept as compensation an amount determined pursuant to the schedule contained in paragraph 4 hereof. The ENGINEER shall not be

obligated to perform said design services and construction supervision unless he shall be notified by the CITY in writing within three years after the date of final payment for the preliminary study. Assuming the ENGINEER is retained to proceed with the project, the ENGINEER shall meet with the CITY and develop a progress schedule mutually agreeable to both parties. At that time, this schedule shall be marked Exhibit "A" and be included as part of this Agreement.

7. The ENGINEER shall purchase and maintain such insurance as will protect him from claims set forth below which may arise out of or result from the ENGINEER'S service under the Contract, whether such service be by himself or by any subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

a. Worker's Compensation Insurance for claims under Michigan's Worker's Compensation Act or other similar employee benefit act of any other state applicable to an employee.

b. Employer's Liability Insurance, in conjunction with Worker's Compensation Insurance, for claims for damages because of bodily injury, occupational sickness or disease or death of an employee when worker's compensation may not be an exclusive remedy, subject to a limit of liability of not less than \$100,000 each accident.

c. Automobile Insurance required by law for claims arising from ownership, maintenance or use of a motor vehicle.

d. General Liability Insurance for claims for damages because of bodily injury or death of any person, other than the ENGINEER'S employees, or damage to tangible property of others, including loss of use resulting by other specific liability insurance and are ordinarily insurable under general liability insurance, subject to bodily injury limits of not less than \$500,000 each occurrence, or combined bodily injury/property damage limits of not less than \$750,000 each occurrence and \$1,000,000 annual aggregate.

Insurance required shall be in force until acceptance by the CITY of the entire completed work, and shall be written for not less than any limits of liability specified above. The ENGINEER has the responsibility of having any subcontractor comply with these insurance requirements. Certificates of Insurance, acceptable to the CITY, shall be filed with the CITY prior to commencement of the professional service. These certificates shall contain a provision that coverages afforded under the policies will not be modified or canceled without prior written notice to the CITY.

8. The ENGINEER agrees to be responsible for any loss or damage to property or injury, damage or death to persons due to the negligent performance of the services of this contract, and further agrees to protect and defend the CITY against all claims or demands of every kind involving allegations of such negligent performance and to hold the CITY harmless from any loss of damage resulting from any errors, omissions or negligent acts in the performance of the services of the contract. Such responsibility shall not be construed as a liability for damage caused by or resulting from the sole negligence of the CITY, its agent other than the ENGINEER, or its employees.

9. The CITY shall have the right to assign all or any part of this Agreement.

10. This Agreement is to engage the ENGINEER specified herein and no other. This Agreement may not be assigned or subcontracted by ENGINEER and the inability of the ENGINEER to complete this agreement for any reason whatsoever shall be considered a material breach of the Agreement and entitle the CITY to damages.

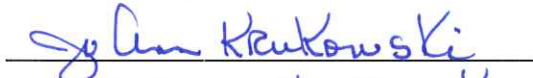
11. The parties hereto agree that damages in the event of breach shall be the actual costs resulting from the breach including, but not limited to, damages resulting from delay of the project, the additional costs incurred by the CITY as a result of the breach of this Agreement, and like damages which flow from said breach.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and date first above written.


CITY of MUSKEGON

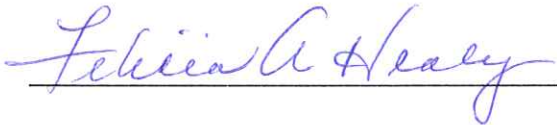
In the presence of:


Linda Potter


JoAnn Kruskowski

Title: Mayor


ABONMARCHE CONSULTANTS, INC.



Title: President

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 11, 2001

RE: Public Hearing
Spreading of the Special Assessment Roll
Windsor from Henry to Barclay

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$76,573.35 would be spread against the forty-five (45) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-103(a)

Resolution Confirming Special Assessment Roll

For WINDSOR, HENRY TO BARCLAY

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 13, 2001**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR WINDSOR, HENRY TO BARCLAY

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **SEPTEMBER 11, 2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **SEPTEMBER 11, 2001**.

City of Muskegon

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

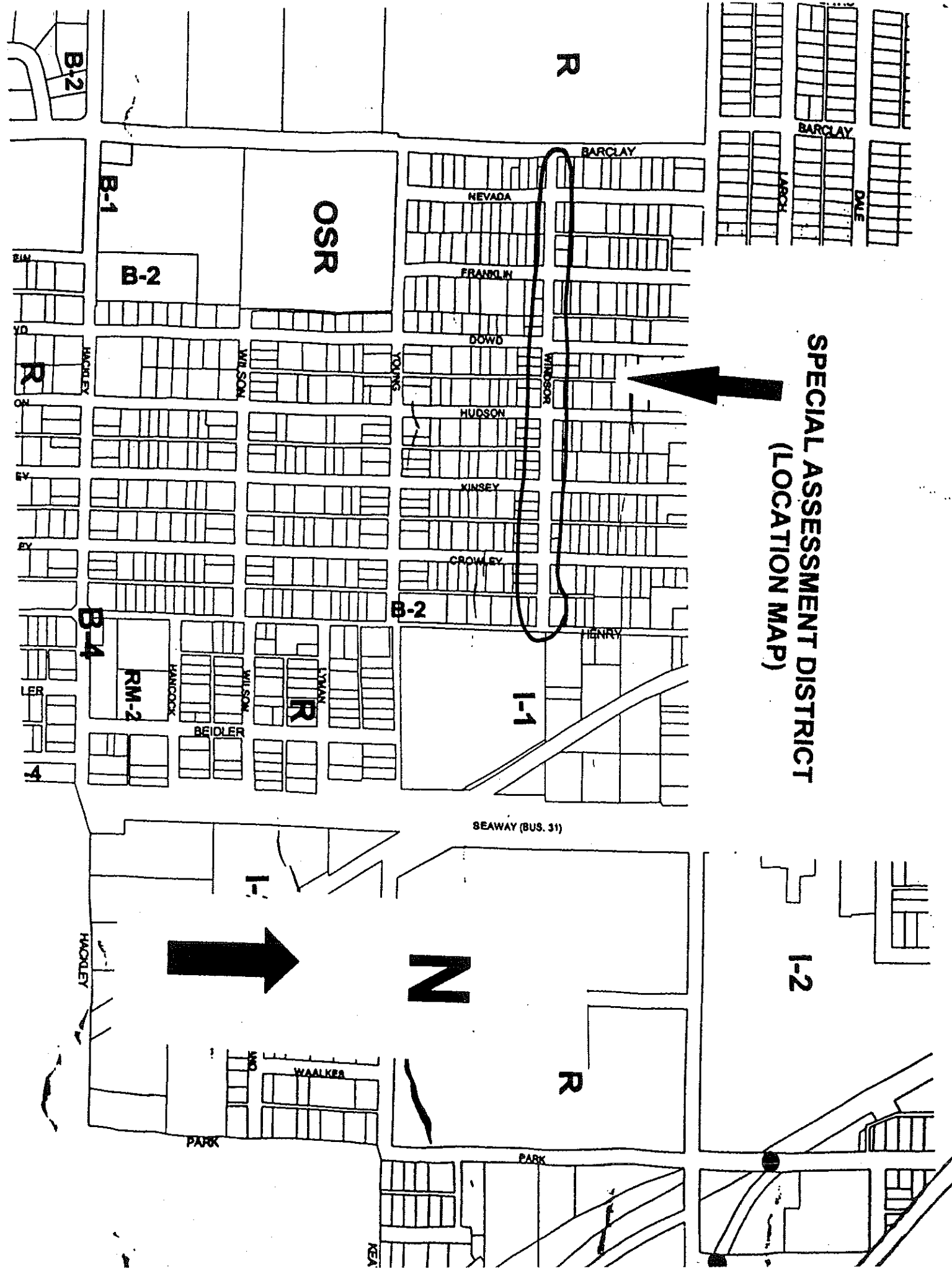
EXHIBIT A

Windsor from Henry to Barclay

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Windsor from Henry to Barclay**

**SPECIAL ASSESSMENT DISTRICT
(LOCATION MAP)**

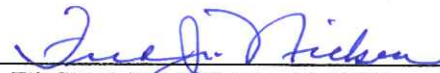


**WINDSOR, HENRY TO BARCLAY
MAYOR'S ENDORSEMENT AND WARRANT**

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

CITY OF MUSKEGON

BY


FRED J. NIELSEN, MAYOR

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 11 TH DAY OF SEPTEMBER, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

H-1519 Windsor Avenue, from Barclay Street to Henry Street.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON SEPTEMBER 1, 2001.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 30TH DAY OF AUGUST, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18th DAY OF September, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Linda S. Potter
MY COMMISSION EXPIRES 9-25-02

August 30, 2001

Property Parcel Number: 24-500-000-0014-00 at 966 WINDSOR AVE

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

Windsor Avenue, from Barclay Street to Henry Street.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, September 11, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED SEPTEMBER 11, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$150,000 of which \$76,573.35 (51.05%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$1,817.50 based on 50 feet assessable front footage at \$36.35 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1,817.50. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$181.75
Due Date: October 14, 2001

No

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

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
COMMUNITY DEVELOPMENT BLOCK GRANT -
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon, for roadway improvements, is specially assessing property owners in your area. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners, who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment to the extent that funds is available.

Application Requirements:

- ✓ Applicants must submit proof that their total household income does not exceed 65% of Area Median Income (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2000, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2001

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$22,800
2	26,040
3	29,340
4	32,580
5	35,160
6	37,800
7	40,380
8	43,020
For each extra, add	3,240

- ✓ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ Applicants must submit proof of current property insurance.

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

SPECIAL ASSESSMENT DISTRICT:

Windsor from Henry to Barclay

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

All properties abutting Windsor between Henry & Barclay

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district will be held at the City of Muskegon Commission Chambers on **SEPTEMBER 11, 2001 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment roll that has been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll is on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

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

You are further notified that at the first hearing the City Commission determined that the special assessment district should be created, the improvement made, and the assessment levied. The purpose of this hearing is to hear objections to the assessment roll and to approve, reject, or correct the said roll.

Gail A. Kundering, City Clerk

Publish: **SEPTEMBER 1, 2001**

ADA POLICY

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

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

CITY OF MUSKEGON

RECEIVED
CITY OF MUSKEGON

Resolution No. 2001-15(c)

FEB 14 2001

Resolution At First Hearing Creating Special Assessment District

For Windsor from Henry to Barclay

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 13, 2001** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 13, 2001**, there were 24.11 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **28.09%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays Benedict

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 13, 2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Windsor from Henry to Barclay

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Windsor from Henry to Barclay

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

All parcels abutting Windsor Avenue from the east ROW line of Barclay Street to the west ROW line of Henry Street.

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

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

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

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

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

Windsor Avenue, from Barclay Street to Henry Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-175-000-0134-00	0	WINDSOR A	RUHSTORFER ANGEL	993 WINDSOR AVE	MUSKEGON	MI 49441	1,381.30	\$0.00	\$1,381.30
24-175-000-0108-00	0	WINDSOR A	ZELLER WILLIAM/JANE	971 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65
24-175-000-0016-00	829	WINDSOR A	DONEY ROBERT G	829 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0017-00	835	WINDSOR A	HOLT JAMES E/ROSEL	835 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$820.12	\$1,528.12
24-175-000-0018-00	841	WINDSOR A	MATZ MARY A TRUST	841 WINDSOR	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0043-00	855	WINDSOR A	HAWRYLIW NEIL A	1366 SEMINOLE RD	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0044-00	859	WINDSOR A	KAMMERS DALE	859 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0045-00	865	WINDSOR A	LAPAJCZYK OLGA	865 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-525-000-0075-00	866	WINDSOR A	HEKKEMA ALBERT M	620 CENTER ST	MUSKEGON	MI 49445	1,062.00	\$0.00	\$1,062.00
24-175-000-0046-00	873	WINDSOR A	HANDY ELAINE V	873 WINDSOR AVE	MUSKEGON	MI 49441	\$690.30	\$0.00	\$690.30
24-175-000-0047-00	879	WINDSOR A	GORDON MICHAEL E	2203 CLIFFORD ST	MUSKEGON	MI 49441	\$690.30	\$0.00	\$690.30
24-525-000-0046-00	884	WINDSOR A	BUDNIC JENNIE	1933 CROWLEY ST	MUSKEGON	MI 49441	1,035.45	\$0.00	\$1,035.45
24-175-000-0073-00	899	WINDSOR A	SCHROPP CAROL	899 WINDSOR AVE	MUSKEGON	MI 49441-0	1,417.65	\$0.00	\$1,417.65
24-175-000-0074-00	905	WINDSOR A	RYAN FLOYD A	905 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$735.86	\$2,153.51
24-525-000-0045-00	906	WINDSOR A	HOSLER SHERYL A	906 WINDSOR AVE	MUSKEGON	MI 49441	2,271.88	\$688.50	\$2,960.38
24-175-000-0075-00	913	WINDSOR A	RYAN FLOYD A	905 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65
24-175-000-0076-00	919	WINDSOR A	SLATER CHESTER JR	1979 WEBSTER RD	MONTAGUE	MI 49437	1,417.65	\$277.80	\$1,695.45
24-175-000-0077-00	925	WINDSOR A	KARAFI JOHN T/LAUR	1896 HUDSON	MUSKEGON	MI 49441	1,417.65	\$234.60	\$1,652.25
24-175-000-0078-00	931	WINDSOR A	MORENCY CHRIS A	931 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65

Windsor Avenue, from Barclay Street to Henry Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-175-000-0105-00	955	WINDSOR A	PUSEY ELDEN	955 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65
24-175-000-0106-00	963	WINDSOR A	ZELLER WILLIAM/JANE	971 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65
24-500-000-0014-00	966	WINDSOR A	TAV GLOBAL Solutio	900 3RD ST STE 125	MUSKEGON	MI 49440	1,817.50	\$0.00	\$1,817.50
24-175-000-0107-00	971	WINDSOR A	ZELLER WILLIAM/JANE	971 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$757.86	\$2,175.51
24-500-000-0013-00	972	WINDSOR A	LIND CHARLES A	972 WINDSOR AVE	MUSKEGON	MI 49441	1,817.50	\$0.00	\$1,817.50
24-500-000-0012-00	990	WINDSOR A	WILSON RONALD L	990 WINDSOR AVE	MUSKEGON	MI 49441	3,635.00	\$0.00	\$3,635.00
24-175-000-0135-00	993	WINDSOR A	RUHSTORFER ANGEL	993 WINDSOR AVE	MUSKEGON	MI 49441	1,617.58	\$437.50	\$2,055.08
24-480-006-0001-10	1007	WINDSOR A	ROELOFS DANIEL	1007 WINDSOR AVE	MUSKEGON	MI 49441	2,635.38	\$445.00	\$3,080.38
24-480-002-0019-00	1046	WINDSOR A	WHITE HEATHER/WHI	1346 POULSON RD	MUSKEGON	MI 49445	1,999.25	\$428.12	\$2,427.37
24-480-005-0001-00	1055	WINDSOR A	CZINDER STEPHEN	1055 WINDSOR AVE	MUSKEGON	MI 49441	2,399.10	\$0.00	\$2,399.10
24-480-002-0018-00	1056	WINDSOR A	ZIMMER PATRICIA	1056 WINDSOR AVE	MUSKEGON	MI 49441	2,271.88	\$0.00	\$2,271.88
24-480-004-0001-10	1095	WINDSOR A	KLIMSZA FREDRICK J/	4510 POULIN ST	MUSKEGON	MI 49441	1,454.00	\$0.00	\$1,454.00
24-525-000-0099-00	1893	HENRY ST	POTHOFF WAYNE R/R	1893 HENRY ST	MUSKEGON	MI 49441	1,062.00	\$0.00	\$1,062.00
24-525-000-0074-00	1895	CROWLEY	HEKKEMA ALBERT M	620 CENTER ST	MUSKEGON	MI 49445	1,062.00	\$0.00	\$1,062.00
24-480-002-0019-10	1895	FRANKLIN	WALKER ROBERT G	1895 FRANKLIN ST	MUSKEGON	MI 49441	2,544.50	\$0.00	\$2,544.50
24-525-000-0015-00	1895	HUDSON S	MUSKEGON APOSTOL	PO BOX 1249	MUSKEGON	MI 49443-1	2,126.48	\$0.00	\$2,126.48
24-525-000-0076-00	1896	CROWLEY	RODRIGUEZ RAMIRO/	1896 CROWLEY ST	MUSKEGON	MI 49441	1,062.00	\$0.00	\$1,062.00
24-525-000-0016-00	1896	HUDSON S	LOWING LAURA	1896 HUDSON ST	MUSKEGON	MI 49441	2,271.88	\$746.70	\$3,018.58
24-480-003-0015-00	1897	NEVADA ST	JOSEPHSON GEORGE	1897 NEVADA ST	MUSKEGON	MI 49441	2,435.45	\$0.00	\$2,435.45

Windsor Avenue, from Barclay Street to Henry Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@	PAVING	DR APP / SW	TOTAL
24-480-001-0014-00	1898 FRANKLIN	2,474.34	\$0.00	\$2,474.34
24-175-000-0015-00	1907 HENRY ST	1,062.00	\$0.00	\$1,062.00
24-480-006-0001-00	1910 FRANKLIN	1,297.70	\$0.00	\$1,297.70
24-480-005-0028-00	1911 FRANKLIN	2,399.10	\$0.00	\$2,399.10
24-175-000-0103-00	1911 HUDSON S	2,835.30	\$0.00	\$2,835.30
24-480-004-0001-00	1911 NEVADA ST	1,708.45	\$766.90	\$2,475.35
24-175-000-0048-00	1914 KINSEY ST	\$690.30	\$0.00	\$690.30
TOTALS				\$70,234.39 \$6,338.96 \$76,573.35

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

BOARD OF ASSESSORS

CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

LAWRENCE SPATARO CITY COMMISSIONER DATE

John R. Aslakson 8-29-01
JOHN ASLAKSON CITY COMMISSIONER DATE

Commission Meeting Date: September 11, 2001

Date: September 4, 2001
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
**RE: Conducting of Public Hearing concerning City's
2000 – 2001 CAPER report and Commission
approval of submission of CAPER**

SUMMARY OF REQUEST: For the Commission to conduct a public hearing on September 11, 2001 to discuss the City of Muskegon's CAPER report as required by CF 24. 91.520 by the U. S. Department of Housing and Urban Development. The Commission is also requested to approve the document for submission to HUD for the City of Muskegon to continue in compliance status as it relates to the Community Development Block Grant and HOME programs.

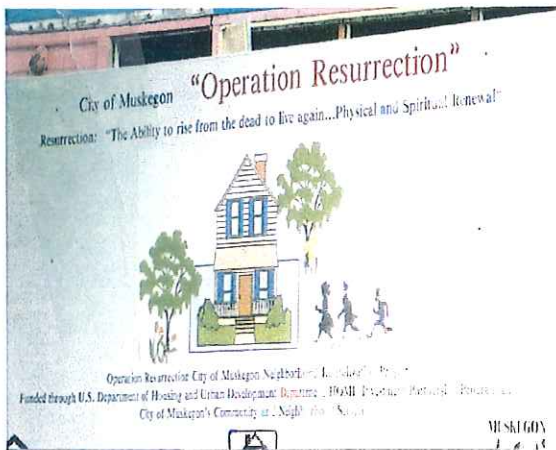
FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Document has approved by the Citizen's District Council.

COMMITTEE RECOMMENDATION: None

CITY OF MUSKEGON



2000 – 2001

Consolidated Annual Performance Evaluation Report



*Submitted to HUD
September 30, 2001*

C. A. P. E. R. S.

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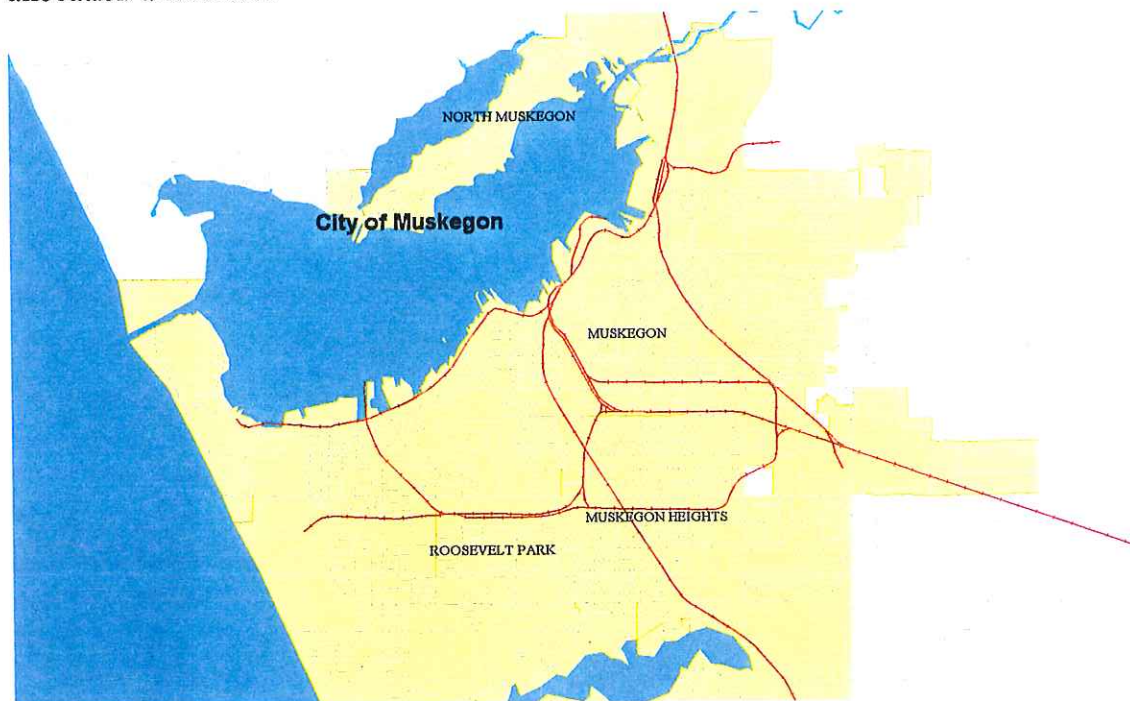
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The City of Muskegon completed its 2000-2001 CDBG/HOME fiscal year on May 31, 2001. This was the 27th year that the City of Muskegon had been awarded Community Development Block Grant (CDBG) funding through the U. S. Department of Housing and Urban Development.

During fiscal year 26 (1999-2000) the City of Muskegon submitted its second required five (5) year Consolidated Plan to the U. S. Department of Housing and Urban Development. HUD approved the Consolidated Plan in June of 2000. The Consolidated Plan documents the City on how the municipality plans on allocating funding to meet the CDBG/HOME objectives as well as states the City's goals and objectives specifically. The purpose of the Consolidated Plan is to be the guide rule in assuring that the community has a stated plan on how it proposes to use its CDBG and HOME funding for the next five years to efficiently and effectively attack the urban nemesis of poverty, neglect and obsolescence while promoting redevelopment as well as being a mechanism to track the City's success at meeting its goals and / or objectives. The main areas that were covered in the 2000-2004 Consolidated Plan were the following housing conditions, population trends, neighborhood improvements, housing affordability, public housing conditions, economic development issues, infrastructure, improvements, crime prevention, health issues and youth programming.

Performance Report

The 2000-2001 Consolidated Annual Performance Evaluation Report (CAPER) as in past years will evaluate the City of Muskegon progress in allocating and spending CDBG/HOME funds as well as meeting the goals and objective set forth in the 2000-2004 Consolidated Plan. In addition the CAPERS will discuss accomplishments by the City's Community Housing Development Organizations, Community Based Organizations and other local public services organizations and non-profits. The CAPER will also attempt to illustrate the progress that the City of Muskegon's Community and Neighborhood Services department has made in the last year in the areas of housing rehabilitation, new housing construction, the promotion of affordable housing, nonprofit support, blight elimination and allocation timeliness.



City of Muskegon Consolidated Plan 2000-2004 Strategic Goals and Objectives

Goals

Housing

1. To work with and to support the City's Community Housing Development Organizations (CHDO's) and other public services in the community to increase homeownership opportunities for low and moderate-income residents.
2. To work with area nonprofit, realtors and builders to increase the availability of low, middle and upper-income housing in the community.
3. To improve the City's aging housing stock through rehabilitation efforts either through the City's Rehabilitation programs, the Infill program or through one of the programs of the local CHDO's.
4. To assist local developers when and where possible with the construction of mixed housing in Muskegon neighborhoods especially those targeted to low/moderate income neighborhoods with a surplus of vacant land.
5. To work with the Muskegon Housing Commission when economically feasible and logistical possible to improve its overall HUD rating and to eliminate its supply of vacant structures.

Economic Development

1. To work with public service agencies, local educators, employers and others to increase the availability of a local skilled workforce and support efforts to develop training programs.
2. To continue to work to develop the City's Brownfield in order to increase the developable land within the community in the areas of industrial, residential and commercial.
3. Increase the development of the City's lakeshore area in order to increase the tourist appeal of the community.
4. To work with other agencies, organizations and nonprofits to increase the number of small businesses in the community, especially small businesses owned by minorities and females.

Neighborhood (Non-Housing)

1. To assist the City's Leisure Services department, local school systems and other local non-profits to increase activities in the community for local youth and families by upgrading current facilities and programs when economically feasible.
2. To work with local enforcement agencies, public services, neighborhood organizations and members of the religious community to improve the quality of life throughout Muskegon neighborhoods especially the low/moderate-income neighborhoods.
3. To work with established organizations, committees and developers to increase the retail opportunities throughout the City of Muskegon with special concentration on the downtown and other low and moderate-income neighborhoods within the City.
4. Work to improve and upgrade city equipment in the area(s) of public safety (i.e., fire, police, public works etc.)
5. Work with the local health community and other neighborhood organizations within the city to improve the overall health of City of Muskegon residents especially the low-income, elderly and the minority population.

Housing Objectives

- Priority 1. To allocate at least the required amount of HOME funding to area CHDO's to assist low-income residents with down-payment assistance and increase their ability to obtain mortgages.
- Priority 2. By working through the City's Infill project to increase the number of new homes constructed within the targeted areas.
- Priority 3. Rehabilitate owner-occupied and rental structures throughout the community.

Economic Development Objective

- Priority 1. To work collaboratively to increase new employers and availability of skilled workforce.
- Priority 2. Increase developable land in the areas of commercial, industrial and residential.
- Priority 3. Increase number of small businesses.

Neighborhood (Non-Housing) objectives

- Priority 1. Increase Leisure Service activities/facilities.
- Priority 2. Improve quality of life in low/moderate-income neighborhoods.
- Priority 3. Increase neighborhood retail opportunities.
- Priority 4. Improve and upgrade City Public Safety equipment.
- Priority 5. To continue to work with and when possible supply financial assistance to subrecipients in the health field.

Community Development Block Grant / HOME

During fiscal year 2000-2001, the City received \$1,348,000 in Community Development Block Grant (CDBG) funding from HUD. The City also received \$513,000 in funding under the HOME Ownership Partnership Program. The total amount of federal funding that the City of Muskegon received through the CDBG AND HOME program during fiscal year 2000-2001 was:

2000-2001 Community Development Block Grant fund revenue budget:

Entitlement	\$1,348,000
Reprogrammed funds	\$ 229,940
Program Income	\$ 23,000
Total	\$1,600,940

I.	Housing Related Activities	\$727,767	45.4%
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	Amount Allocated	Percentage
Community and Neighborhood Services	\$589,069	36.7%

	Amount Allocated	Percentage
Housing Rehabilitation-Emergency Repair	\$259,875	16.2% *
Housing Rehabilitation-Paint/Siding	\$225,807	14.1% *
Housing Rehabilitation-Service Delivery	\$103,387	6.5% *

Neighborhood and Construction Services

	Amount Allocated	Percentage
Residential Clearance	\$113,697	7.1% *
Commercial Clearance	\$ 25,000	1.6% *

Community and Economic Development

	Amount Allocated	Percentage
Code Enforcement	\$ 45,000	2.8% *
II. Non Housing (Economic Development)	\$242,000	
	Amount Allocated	Percentage
Shoreline Drive Bond Repayment	\$242,000	15.1% *
III. Public Improvement Projects	\$320,487	21% *
	Amount Allocated	Percentage
Public Facilitates/Rehab/Lot Cleanup	\$ 85,000	5.3% *
Marshfield Upgrade	\$100,000	6.2% *
Handicap Doors City Hall	\$ 15,000	0.9% *
Sidewalk Assessment	\$ 95,487	5.9% *
Street Assessment	\$ 25,000	1.6% *
IV. Public Services	\$173,200	10.8%
Leisure Services		
	Amount Allocated	Percentage
Recreation Programs	\$ 70,000	4.3% *
@Community Center Study	\$ 28,000	1.7% **
Department of Public Works		
Senior Transit	\$ 47,000	2.9% *
Community Based Organization		
a. Muskegon Community Health Project	\$ 5,000	0.3% *
b. Red Cross	\$ 5,000	0.3% *
c. Love, Inc	\$ 5,000	0.3% *
d. Nelson Neighborhood Association	\$ 7,500	0.4% *
e. HealthCare	\$ 5,700	0.3% *

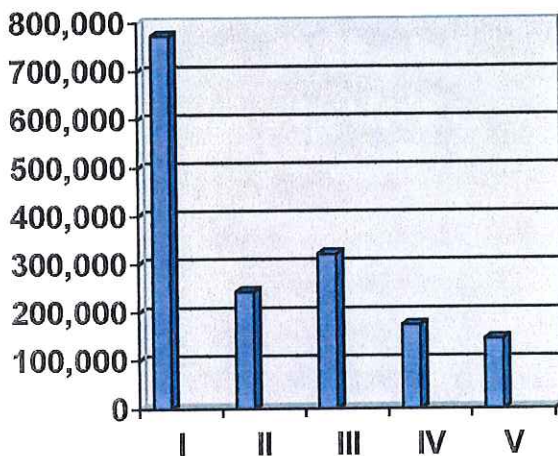
V.	Administration	\$178,940	11.2%
	Community and Neighborhood Services		
	Management & Coordination	\$143,940	9% *
	Manager's Office		
	Affirmative Action	\$ 35,000	2.2% *

@Amended from the original 2000-2001 Action Plan.

* High priority item

** Medium priority item

2000-2001 CDBG City of Muskegon Funding Allocation



2000-2001 Proposed CDBG Activity Correlation Analysis

Section 1. Housing – represents the City of Muskegon's continued efforts to improve its aging housing stock and its efforts to improve the communities overall quality of life especially in the City's low and moderate-income neighborhoods.

Section 2. Non-housing – represents the City of Muskegon's continuing efforts to improve its infrastructure and promote economic development activities. Section 2 correlates with economic development goal 2 and economic development priority 2.

Section 3. Public Improvements – represents the City of Muskegon’s continued commitment to invest and reinvest in its infrastructure and facilities, which highly meets non-housing goal 4 and non-housing neighborhood priorities 1, 2 and 4.

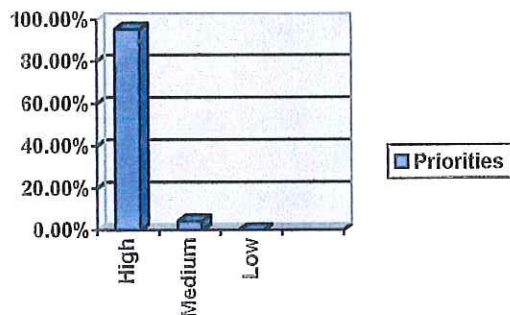
Section 4. Public Services – represents the City of Muskegon’s firm commitment in supporting community development at the neighborhood level by supporting local nonprofits and public services within the community. Section III is significantly correlated with neighborhood goals 2 and 5. Section 3 is also significantly equated with neighborhood objective priorities and neighborhood priority 5.

Section 5. Administration is highly equated with all goals and objectives associated with the administrative activities with the 2000-2004 Consolidated Plan.

Priority Analysis

In correlation with the stated priorities in the 2000-2004 City of Muskegon’s Consolidated Plan of the twenty-two areas or projects funded. The funding met the City’s prioritized rating in the following manner.

High	21 (95.4%)
Medium	1 (4.5%)
Low	0 (0%)



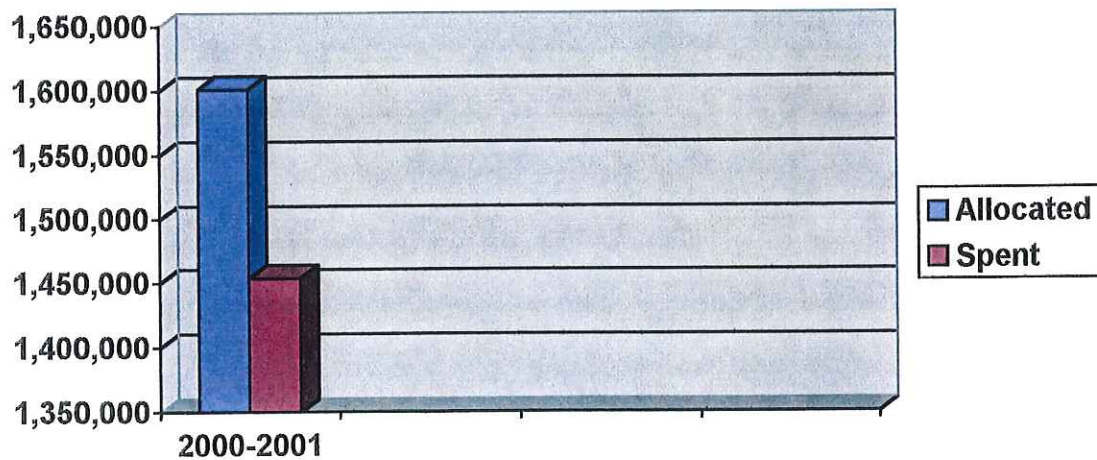
Other Federal Funding received by the City of Muskegon during this fiscal year

WEMET	\$ 31,237
Weed & Seed	\$ 63,899
UHP-Distressed Neighborhood	\$272,381
Local Law Enforcement Block Grant	\$229,031
Bullet Proof Vest partnership	\$ 2,614
After School Learning Center	\$473,353

2000-2001 Community Development Block Grant Expenditures Summary

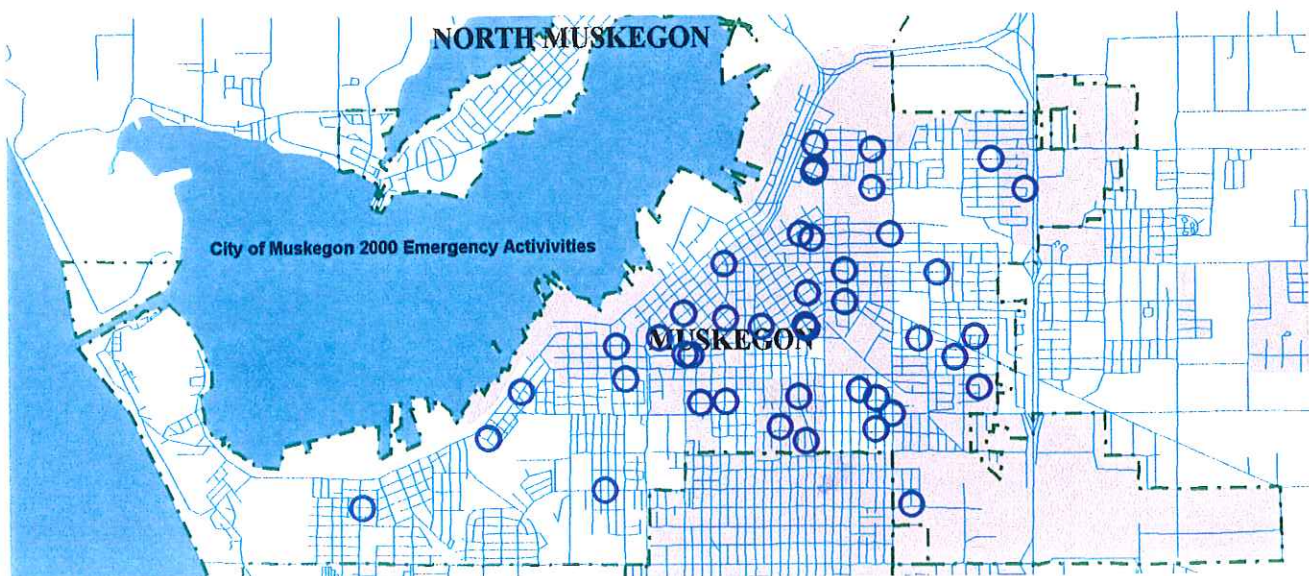
I. Community and Neighborhood Services			
	Budget	Spent	Percentage Spent
Management/Coordination	\$143,940	\$140,956	97.9%
Housing Rehab Emergency	\$259,875	\$222,448	85.6%
Housing Rehab Paint/Siding	\$225,807	\$246,764	109%
Housing Rehab Service Delivery	\$103,387	\$104,952	102%
II. Community and Neighborhood Construction Services			
Residential Clearance	\$113,652	\$113,697	1.00%
Commercial Clearance	\$ 25,000	\$ 6,348	25%
Code Enforcement	\$ 45,000	\$ 41,613	92.4%
III. Finance Division			
Shoreline Drive Bond Repayment	\$242,000	\$241,823	99.9%
IV. Community and Neighborhood Services/Engineering			
Street Assessment	\$ 25,000	\$ 5,884	23.5%
Sidewalk Assessment	\$ 95,487	\$157,710	165%
V. Leisure Services			
Recreation Program	\$ 85,000	\$ 85,913	101%
VI. Department Public Works			
Senior Citizen Transit	\$ 47,000	\$ 50,353	107%
VII. Community Based Organizations			
a. Muskegon Community Health Project	\$ 5,000	\$ 5,000	100%
b. Red Cross Senior Transportation	\$ 5,000	\$ 5,000	100%
c. West Michigan Veterans	\$ 5,000	\$ 5,000	100%
d. Family Center- Dad's Program	\$ 11,300	\$ 9,001	80%
e. Nelson Neighborhood Association	\$ 7,500	\$ 0	0%
f. HealthCare Project	\$ 5,700	\$ 5,700	100%
g. Hackley Community Care Center	\$ 5,500	\$ 5,500	100%

City of Muskegon 2000-2001 CDBG Spending



City of Muskegon 2000-2001 CDBG Activity

The City of Muskegon's Community and Neighborhood Services department assisted 51 families through its Emergency Repair program last year. An increase from fiscal year 1999-2000. The Emergency Repair program consists of furnace replacements, new roof or roof repairs, electrical and/or plumbing upgrade and structure repairs. Below is a map illustrating the areas where persons reside who received emergency assistance from the City of Muskegon.



Total Amount funding	\$222,448.00
Average Cost	\$ 4,361.73

Participation Breakdown

Extremely low Income	51	100%
White	15	29%
Black	35	68.6%
Hispanic	2	3.9%
Female Headed Household		

The City of Muskegon's Community and Neighborhood Services assisted 27 families last year through its siding program.

Total Amount of funding	\$170,781
Average Cost	\$ 6,296

Participation Breakdown

Extremely low Income	27	100%
White	12	44%
Black	15	56%
Hispanic	0	0%
Female Head of Household	15	56%

Below is a map illustrating the areas where families resided who received assistance through the City's siding program:



City of Muskegon 2000-2001 Paint Program

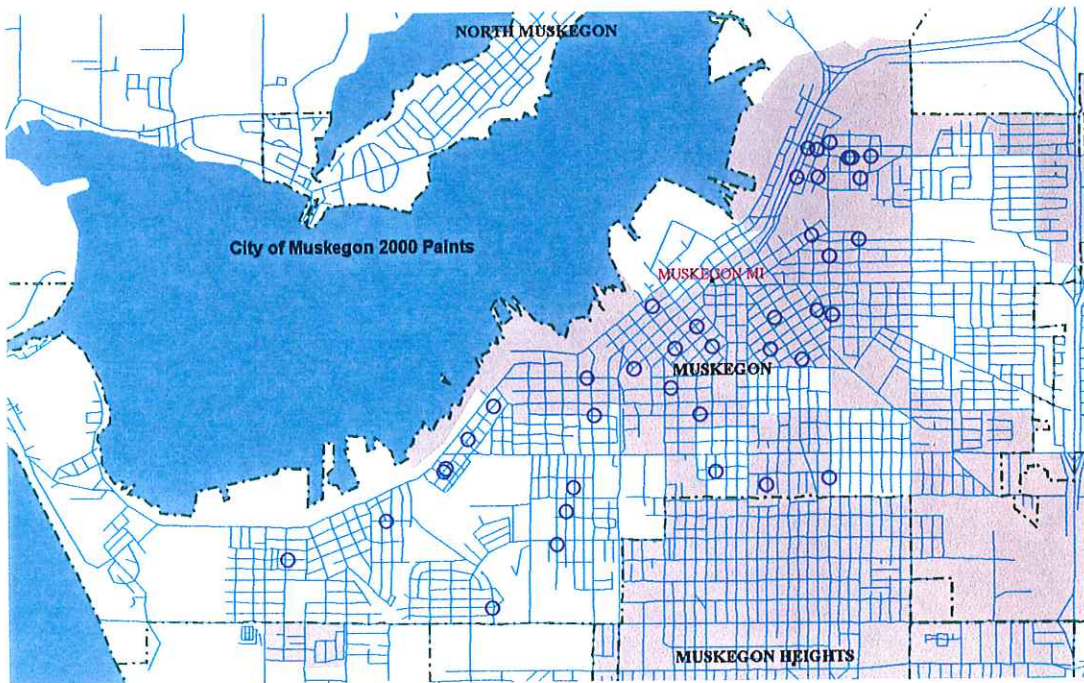


A total of sixty-seven (67) homes were painted in the City of Muskegon through its Neighborhood paint program.

Total Amount of Funding	\$75,982
Average Cost	\$ 1,134

Number of Families Served and Percentage Breakdown

Minority	47	70%
Disabled/Handicapped	19	28%
Senior Citizen	31	46%
Female Head of Household	48	72%

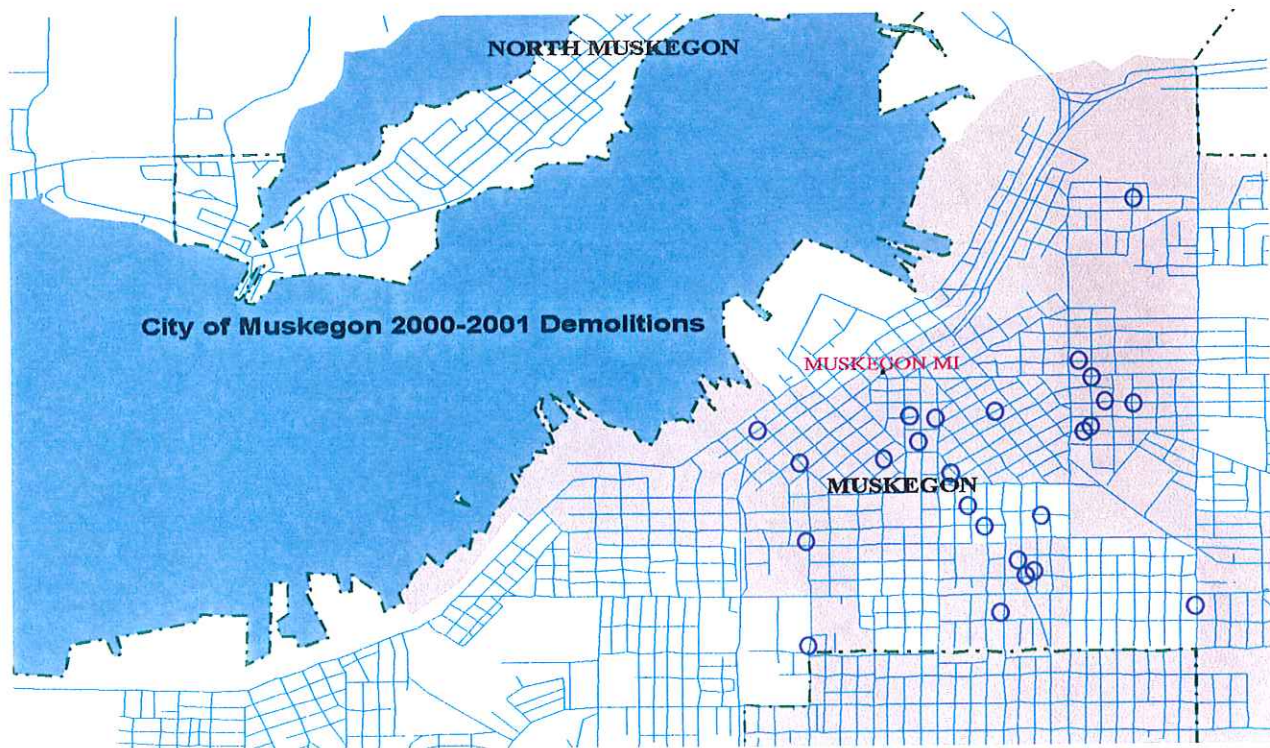


City of Muskegon Inspection Demolition Program

During fiscal year 2000-2001 the City of Muskegon demolished 25 structures under its residential demolition program at a total cost of \$10,366.00 of CDBG funds. The properties that were demolished are below. The average cost of the CDBG demolitions last year was \$4,095.

- | | | |
|--------------------|------------------|------------------|
| 1. 613 Isabella | 13. 477 Apple | 25. 477 Apple |
| 2. 1349 Arthur (g) | 14. 1721 Pine | 26. 1314 Seventh |
| 3. 607 Clay | 15. 611 Leonard | |
| 4. 520 Isabella | 16. 1479 Jiroch | |
| 5. 1137 ½ Peck | 17. 323 Grand | |
| 6. 1180 Williams | 18. 1299 Fourth | |
| 7. 442 Allen | 19. 1867 Hoyt | |
| 8. 1679 Terrace | 20. 274 Larch | |
| 9. 151 Southern | 21. 1974 Park | |
| 10. 84-86 Monroe | 22. 1237 Sanford | |
| 11. 1844 Getty | 23. 179 Delaware | |
| 12. 449 McLaughlin | 24. 1599 Park | |

Source :City of Muskegon Inspection Division



Community Based Organizations Fiscal Year 2000 Activity

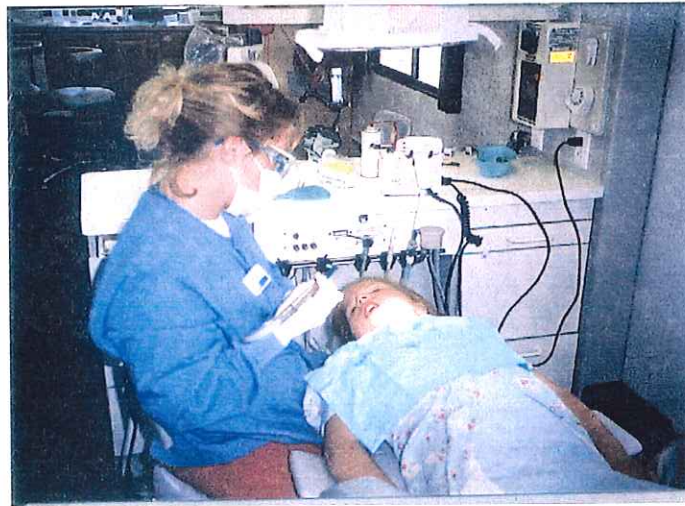
The City awarded \$50,000 of its 2000-2001 CDBG funds to its Community Based Organizations (CBO's) which provide services to the community in a number of areas that include health service outreach, housing rehabilitation, senior support services, veteran support services, family support programming; recreation activities.

The CBO's are listed below with a short description of their programs and a breakdown of persons or families served during last fiscal year.



Muskegon Community Health Project "Miles of Smiles" Mobile Dental Van - \$5,000

The Miles of Smiles project objective is to provide comprehensive dental care to low-income head start and Medicaid children 12 years of age and younger.



During fiscal year 2000 "Miles of Smiles" served the following number of residents

Number of residents served	144
Number of served extremely low-income	144
White	48
Black	64
Latino	32
Total served throughout County	294

American Red Cross Senior Transportation Program – \$5,000

The Red Cross Senior Transportation project objective is to assist senior citizens with transportation to medical and health facilities throughout the area at no cost.

Number of units (one way rides)	13,816
Number of minorities	136
Number of disabled riders	230
Number of riders from City of Muskegon	187

West Michigan Veterans - \$5,000

West Michigan Veterans is a community project to assist local veterans and their families with food, housing, medical and transportation needs. The City of Muskegon awarded the veteran program \$5,000 for their food bank and transportation program.

Families served through food bank

Extremely low income	179
Very low income	84
Low to moderate income	32
Female headed households	9
Disabled	73
White	101
Black	166
Hispanic	32

Transportation Program demographics

Extremely low income	72
Very low income	61
Low to moderate income	15
Disabled	56
Female Head of Household	1
White	73
Black	71
Hispanic	3
American Indian	1

Love, Inc. Workcamp - \$5,000

Love inc. sponsors a annual Workcamp where students from around the country assist low-income residents with housing repairs.

Families Served	12
Black	7
White	5
Female headed household	8
Senior Citizen	7
Low-income	12

Hackley Community Care Center - \$5,500

An obstetrical center to assist high risk Medicaid and uninsured patient population.

Persons served	180
Black	77
White	76
Hispanic	24
Asian	02
Native American	01
Low-income	164

HealthCare Project -\$5,700

HeathCare Project is a community health outreach program that provides community health screening to low and moderate-income residents at various locations throughout the community.

Low to moderate-income residents served	1434
Glucose Screening	1147
Diabetes Screening	155
Youth Programming	132
Black	1104
White	329

Family Service Center "DAD's Only" - \$11,300

The Family Service Center has developed an innovative program to support noncustodial fathers in the community entitled "DAD's Only". The program sponsors family field trips and outings, workshops and seminars group discussion, individual assessments, life and parenting skills and others.

Muskegon Residents	40
Extremely low income	42
Very low income	01
Moderate Income	0
Female headed Household	0
White	18
Black	23
Hispanic	02
American Indian	0

Source :Quarterly Reports

** 7,500 was allocated to the Nelson Neighborhood but no active this fiscal year

City of Muskegon HOME Activity Budget

During fiscal year 2000 – 2001, the City of Muskegon received \$513,000 in HOME funding. The funding was allocated in the following manner.

Program Administration	\$ 51,000
Rental Rehabilitation Program	\$110,000
Infill Housing Program	\$170,000
Lead-Base Paint Abatement	\$ 82,000
CHDO Support Services	\$100,000

HOME Correlation Analysis

Program Administration is in direct correlation with all four (4) Housing Goals from 2000 – 2004 Consolidated Plan (CP) and all Housing Objectives.

Rental Rehabilitation is in direct correlation with Housing Goal three (3) from the 2000 – 2004 CP and Priority 3 of the Housing Objectives.

CHDO Support Services is in direct correlation with Housing Goal 1 and Housing Objectives Priority 1 and Priority 3. Infill housing development is in direct correlation with Housing Goals 1 and 4 and Housing Objectives Priority 2.

Lead Base Paint abatement is in direct correlation with Housing Goals 3 and Housing Objective Priority 3. All the HOME activities for 2000-2001 were high priority items as stated in the 2000-2004 Consolidated Plan.

High Priority	100%
Medium Priority	0%
Low Priority	0%

HOME Infill New Construction

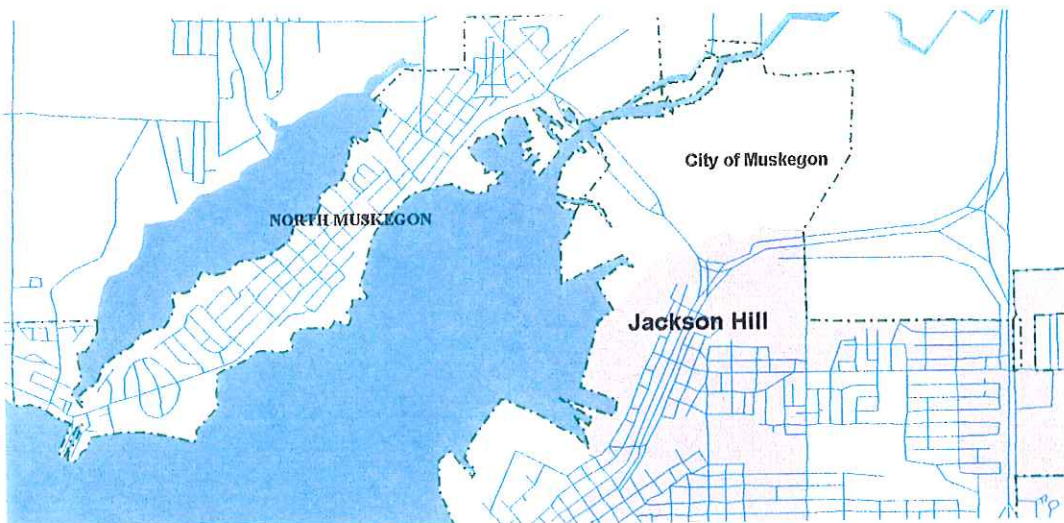
During fiscal year 2000-2001, the City of Muskegon successfully completed its pilot Infill project in the Marquette Neighborhood.

Three newly constructed mid-price homes were built and sold to three qualified families. The homes were constructed at 1537 Albert, 1430 Wesley and 431 Creston respectively.



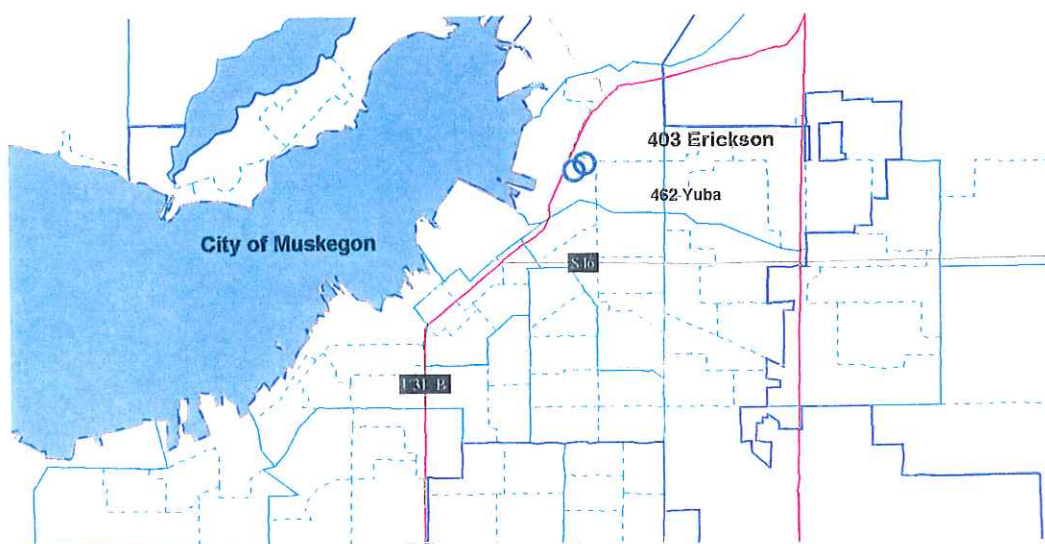


The success of the Marquette Pilot help to initiate two other Infill projects in the City of Muskegon. "Operation Rejuvenation" which is a planned project to build four homes in the Jackson Hill neighborhood. The Jackson Hill neighborhood was one of the city's neighborhoods that was significantly affected by the Urban Renewal program of the 60's and 70's.



Operation Rejuvenation AKA "Operation J-Hill"

Recently Jackson Hill has been going through an impressive renaissance. Operation Rejuvenation hopes to continue the renaissance. Currently, the City has one house at 403 Erickson 80% completed and the qualified family to purchase the home has been selected. Another buyer has also been qualified for another home to be constructed at 462 Yuba where construction has just begun. The contracted realtor hopes to have the other two qualified families selected and approved before October of this year.



"Operation Phoenix"

The term Phoenix means, *"to rise from the ashes to live again"* which describes the City of Muskegon's Infill project at 1706 Jarman. The structure at 1706 Jarman had been a tax-reverted six unit nonconforming "burnt out" apartment building in an R-1 Single family neighborhood. The house was not only causing blight to the neighborhood but also attracting undesirable elements to the otherwise stable street.

Through Operation Phoenix the structure has been demolished and the construction has begun on a single-family unit that will be sold to a qualified moderate-income family. The structure should be completed by October 1, 2001.



"Operation Resurrection"

Resurrection: *The ability to rise from the dead to live again: a coming back into use.*

Both definitions adequately describe the City of Muskegon's rehabilitation of the structure at 315 Catawba. The structure of 315 Catawba was obtained by the City of Muskegon through the state tax-reversion process. So the house sat dormant for at least five years supplying the image of blight and abandonment to a neighborhood fighting to redevelop itself.

After the total rehabilitation is completed which is to be financed with HOME funds entirely. The resurrected structure will be sold to a qualified low/moderate-income family with the assistance of Trinity Non-Profit Housing Corporation one of the City's CHDO's. It is our hope that the resurrection of the structure at 315 Catawba will be the initial activity to produce additional redevelopment in this area.



Community Housing Development Organizations Activity

During fiscal year 2000 the City of Muskegon awarded a total of \$100,000 to its 3 CHDO's.

The CHDO's supply housing support services to qualified residents in the following area down-payment assistance, single family rehabilitation, and homeownership training and home mortgages.

Below are a list of the City's current CHDO's their mission and the demographics of the persons served last fiscal year.

Neighborhood Investment Corporation 161 Muskegon Mall 2000–2001 awarded \$8,200.

Mission of Organization: To provide quality affordable housing to low and moderate-income residents in Muskegon.

Number person who received mortgages:

Black	4
Hispanic	1
White	3
Female headed households	5

Income Range

0 – 30% AMI	1
31% - 50% AMI	5
51% - 80% AMI	2
Female headed household	5

Muskegon County Habitat for Humanity, 1330 Fifth, 2000 – 2001 awarded \$31,000.

Mission of Organization: To assist very low income families become homeowners of quality housing.

New Constructions

479 Erickson

472 Leonard

682 McLaughlin

480 Jackson

Race

African American

3

Hispanic

0

White

1

Other

1

Income Range

0 – 30% AMI

0

31% – 50% AMI

4

51% - 80% AMI

0

Trinity Village Nonprofit Housing Development, 2140 Valley, no 2000 – 2001 award.

Mission: to improve and supply quality housing for low-income residents while improving the overall quality of life in low-income neighborhoods. *

Homeownership program participates

		<u>Income Range</u>	
African American	24	0 – 30% AMI	0
Hispanic	0	31% – 50% AMI	5
White	0	51% - 80% AMI	20
Other	1		
Female head household	20		

*Received no HOME funding during fiscal year 2000-2001

Source: CHDO Quarterly Reports

Continuum of Care

Muskegon County's Continuum of Care can be reviewed as four interconnected phases.

Phase One (1) is an outreach and entry phase. The homeless and the working poor at risk of homelessness are identified by organizations that provide life-sustaining assistance as shelter, food, and financial support. These entities include the Salvation Army, City Rescue Mission, Red Cross, Community Action Against Poverty, Every Woman's Place, Catholic Human Development Outreach and COGIC Center of Trinity Village. Their obligation to this strategic plan is to identify and perform an initial assessment. This process allows referral to safe shelter for the homeless and the management services for the near homeless to prevent loss of home.

Phase Two (2) is a barrier identification and case management phase. During this phase, client issues are explored more intensely and individualized. Client driven case management plans are designed additional services from the community are and then "wrapped around" the client that addresses the barriers to safe housing and economic stability. This may include employment assessment and training, substance abuse treatment, support services education, health and dental care provisions, legal support, individual and family counseling, and movement into a transitional living situation.

Phase Three (3) continues the case management plan, with additional emphasis on self supporting skills such as gaining and retaining a life sustaining wage, budgeting, parenting, permanent housing education, and nutrition. Clients are ought to identify a support system that may include family, faith, and neighborhood resources, as well as social service partners. Clients in this phase are moved toward permanent housing if previously homeless or toward greater stability if identified originally as near homeless. Housing education stresses homeownership as a preferred strategy over renting. In this phase, housing commissions, financial institutions, neighborhood associations, and the faith-based community are included.

Phase Four (4) clients in this phase are supported by their efforts to gain and maintain a permanent residence both physically and financially. Section 8, housing vouchers, city renovation project grants and low or no-cost reclamation loans are sought for this purpose. Support services are offered as required to continue the development and stability of the family toward self-sufficiency and economic sustainability. Case management services taper off, as clients become more self-reliant.

Priorities in Muskegon County include support for emergency shelters, and additional transitional housing units and a computerized case management system for data collection and analysis.

Muskegon County Continuum of Care 2000 Activity

The following Continuum of Care members received Emergency Shelter Grant funding from the Michigan State Housing Development Authority during fiscal year 2000-2001.

Bethany Transitional Housing	\$15,050
Every Woman's Place	\$19,775
West Michigan Therapy, Inc.	\$19,775

All three applicants proposed to provide case management services with the funding. Bethany Housing will also incorporate a mentoring piece.

The Continuum of Care Network of Muskegon County has been designated into seven components, which are the following:

1. Homeless Continuum of Care Planning Body
2. Case Management (Advocacy, Rent, and Utilities)
3. Emergency Food (Pantry & Kitchen Services)
4. Emergency and Transitional Sheltering
5. Health
6. Housing Consortium
7. Community Drives

The Continuum is presently seeking funding in order to hire a coordinator for the Continuum of Care Program.

Public Housing

The Muskegon Housing Commission, a separate entity from the City of Muskegon, was active during fiscal year 2000-2001 consolidating its services and facilities as well as conducting feasibility studies on its housing inventory.

Turn Key 3 Houses

The Muskegon Housing Commission currently owns seven (7) Turn Key 3 homes that have been vacant for well over fifteen (15) years and are causing a blighting effect on their respective neighborhoods. The Muskegon Housing Commission has consulted with the City of Muskegon Inspection Division in regards to the structural soundness of the houses. The determination was that none of the homes were rehabable and therefore the Muskegon Housing Commission has petitioned the U.S. Department of Housing and Urban Development to demolish the structures.

It is hoped that after the houses have been "torn" down, the Muskegon Housing Commission and the City of Muskegon Community and Neighborhood Services Office can develop some form of partnership to construct new infill homes on at least some of the lots that will become vacant because of the demolitions.

Single Room Occupancy

The Muskegon Housing Commission has recently sold its SRO Family Investment Center building, formerly located at 1823 Commerce, and has consolidated all of its services to the Hartford Terrace Building.

Hartford Terrace

The Muskegon Housing Commission has moved all administration operations to Hartford Terrace. In addition to the moving of administration operations, Muskegon Housing Commission has also begun a full renovation project at the site beginning with up grading the functionally obsolescence plumbing and electricity.

In relation to tenant service, the Muskegon Housing Commission has hired 24-hour security services and in the last year, increased the occupancy rate of the building from 45 percent occupancy to almost 95 percent occupied. The Muskegon Housing Commission's overall goal is to have the structure 96 percent occupied at all times. The MHC has also developed a resident tenant council at Hartford Terrace in an effort to help empower the residents

Empowerment Zones / Enterprise Communities Annual Report

Executive Summary

Strategic Vision for Change

At the outset of the enterprise community project, the City sustained a broad focus that included economic and community development as well as increased advances in the overall health of residents within the City's borders. Seven years into the project the City has narrowed the focus to economic growth and stability. Development of the City's underused waterfront for economic; recreational; and residential use is at the forefront. In order to sustain and stabilize any existing or future development, it is necessary for certain criteria to exist:

1. Adequate schools (k – college) to support a competitive work force;
2. An array of modern and historic residential units to house families of all economic status, bridging all stages of life;
3. Retail, entertainment, health, social religious institutions to meet the various needs of the City and its residences at large.

It is not necessary, however; for the city to be the driving force behind each of the aforementioned projects; when there are specific private or public entities, which may be better, suited to manage these criteria.

In its new approach, the City has embraced developers within the fold of not only the City departments, but also those of its Community Based Organizations, which most closely align to the development. Once developers and existing community entities have been introduced each can play a major role in the planning status better prepare for a mutual existence, which supports stability. This is particularly important as funds from the original EC fund have been essentially exhausted and CBO's as well as the city are forced to compete for funds that most closely support existing or planned expansion projects. The chances are much higher for success rates with this approach as opposed to creating projects that specifically fit a particular fund of money. This new strategy has been proven over time by the successful completion of projects by CBOs who pledged EC support based on existing or planned services. Those projects, which were created because of the promise of "big government" money, have not had the results projected or have ceased to exist totally.

Community Based Partnership

The City has seen an unprecedented amount of collaboration among area non-profits and municipalities (City of Muskegon; City of Muskegon Heights, and the County of Muskegon). Such efforts proved successful in stretching the dollars used to complete the plans, as well as show a more visible impact of change. Additionally, collaborative meetings to discuss major projects in the EC has cut back on duplication of services, identified areas if need that were going unfulfilled, and brought about more creative program and service operations.

Economic Opportunity

Enterprise Community designation in conjunction with relatively low state unemployment statistics has assisted the City in improving the economic climate for its residents. The recent designation of a Smart Zone within the EC boundaries, the fruition of the Renaissance Zone, and financial support from the state's Clean Michigan Fund, which were granted in part by the City's EC status, has allowed for development projects in the downtown area, which has long been in decline. Tax incentives and the City's burgeoning tourist "hot spot" status have been the catalyst to get major development such as:

1. A 100 unit mixed rate apartment complex with first floor retail;

2. An upscale 60-unit lake front condominium development.
3. The opening of three new downtown restaurants and two night clubs
4. Strong interest in retail within the primary shopping district; and
5. Expansion of Grand Valley State University's state of the art fresh water research facility.

Each of the projects and those that are sure to follow will collectively allow for continued stability on the City's economic front. Additionally, the developments will allow for a broader range of employment opportunities for existing residents and those wishing to relocate to a premier lakefront urban environment.

Sustainable Community Development

Of the original plans submitted in 1994, the City of Muskegon has completed all but nine. Such is a testament to the fact that the City, along with its many community and resident supporters presented realistic needs and attainable goals for the ten-year period EC. Most of the completed plans were started and finished without the use of federal EC dollars instead leveraging existing funds within the county.

Plans which ranked amongst the most important in the community six years ago; housing; sustainable communities; and public safety were the first projects started and to no surprise, the first completed. Assistance in the form of HOME/CDBG funds; miscellaneous grants from the Department of Justice; State of Michigan DEQ; and more localized assistance from the Muskegon County United Way and the Community Foundation of Muskegon County are the veteran financial supporter of the EC projects.

Source: City of Muskegon Enterprise Zone Year-End Report

Twenty-First Century Schools

The Muskegon Public School system announced last year that they had been awarded a Twenty-First Century 3-year grant from the U. S. Department of Education. The Village Learning Centers have been established at six city public schools. The six schools are Angell (census tract 3) Marquette (census tract 1) Moon (census tract 5) Nelson (census 6.02) Phillips (census tract 21) Steele (census tract 4).

The Village Learning centers offer a variety of activities for students and parents Monday through Fridays after school and on Saturday morning. The center has also offered daily activities for area students during the summer. A total of \$437,357 of the three-year grant has been spent this fiscal year.

Some of the activities that take place at the Learning Centers are tutorial services, health workshops, technology workshops, sports, fine arts and cultural, activities and field trips.

Source: Muskegon Public Schools year end report

Affirmative Marketing Policy

The City's affirmative marketing policy defines the responsibility for activities funded by HOME program to assure furtherance of fair housing objectives. Generally, the policy refers to efforts to ensure that housing opportunities exist without regards to race, color, religion, sex and national origin. Traditionally this has meant publishing information about availability of units and to encourage application by groups most in need of equal housing opportunity: i.e. through use of the "Equal Housing Opportunity" slogan or logo. In the case of the City's HOME program, affirmative marketing also entails special outreach efforts to reach individuals who might not otherwise apply. The City will seek to assure compliance with the terms of this plan through annual reviews of marketing activities.

The City of Muskegon assumes responsibility for monitoring affirmative marketing practices. Any alleged incidents of discrimination and or denial of equal opportunity shall be fully investigated with finding forwarded to appropriate agencies. The City of Muskegon continues to promote its housing and contractual opportunities through the City's neighborhood associations, Community Housing Development Organizations, the Muskegon Housing Commission, non-profits and several media outlets including newspapers and radio.

Contractor Participation

The City continues its efforts to encourage the use of minority and women business enterprises in connection with CDBG and HOME funded activities. The City requires contractors to meet the City goal for equal opportunity and affirmative hiring practices.

During this past fiscal year the City of Muskegon's CNS department has made a sincere effort to recruit more minority and female owned contractors to the City to the CNS program. The City's recruitment efforts has shown some success as the number of minorities and female headed business enterprises awarded contractors has increased significantly.

The mechanisms that the City has used in its recruitment efforts are newspapers, advertising on local radio stations, public presentations and advertisement at construction sites.

HOME Match

In accordance with current HOME certification the City has been designated a distressed community and granted a waiver of HOME program match requirements. No report is required.

Affirmatively Further Fair Housing

All jurisdiction must certify to affirmatively further fair housing, which means to conduct an analysis of Impediments to Fair housing choice, take appropriate action to overcome the effects of any impediments identified and maintain records reflecting the analysis and actions in that regards. Impediment to fair housing choice may reflect by local laws, code/ordinances, administrative policies/procedures, and practices affecting the location,

availability and accessibility of housing and or subsequent conditions. Impediments include actions or omissions in each jurisdictions public and private housing sector.

As was stated in the 1999-2000 CAPER report. The City of Muskegon in conjunction with the Cities of Muskegon Heights, Norton Shores and the County of Muskegon have contracted with the Grand Rapids Fair Housing Center to conduct and produce a county-wide Fair housing Impediment Analysis. As was also stated in the last CAPER the entire surrounding region has been impacted by the closing of the Muskegon Area Fair Housing Center which was the only center in this area.

The Impediment study should be completed during this fiscal year.

Date: September 11, 2001

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: 2002 Budget Adoption

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2002. The proposed 2002 budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website (www.shorelinecity.com) since September 1st. At this time the City Commission may take action to adopt the 2002 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the 2002 budget be adopted no later than September 25, 2001.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2002. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the attached budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2002.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2002 City of Muskegon Budget resolution that is attached. Also, approval of the 3rd Quarter 2001 Budget Reforecast as shown in the Budget Book is recommended at this time.

COMMITTEE RECOMMENDATION: The Committee of the Whole will review the budget at their September 10th work session.

CITY OF MUSKEGON
RESOLUTION OF APPROPRIATION
2002 BUDGET

2001-103(c)

WHEREAS, the City Manager has submitted a proposed Budget for 2002 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2002 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, 2002 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	131,389
101-10102	City Promotions & Public Relations	41,960
101-10145	City Attorney	383,734
101-10172	City Manager	186,350
101-10875	Contributions to Outside Agencies	195,667
101-10891	Contingency and Bad Debt Expense	400,000
101-20173	Administration	164,011
101-20215	City Clerk & Elections	297,495
101-20220	Civil Service	197,480
101-20228	Affirmative Action	91,106
101-20744	Julia Hackley Internships	7,000
101-30202	Finance Administration	393,480
101-30205	Income Tax Administration	304,365
101-30209	Assessment Services	404,522
101-30248	Information Systems Administration	347,943
101-30253	City Treasurer	349,929
101-30851	Insurance Premiums	242,000
101-30906	Debt Retirement	209,406
101-30999	Transfers to Other Funds	1,676,837
101-40301	Police	7,342,514
101-50336	Fire	3,244,857
101-50387	Fire Safety Inspections	921,038
101-60265	City Hall Maintenance	280,672
101-60446	Community Event Support	100,903
101-60448	Streetlighting	538,779
101-60523	Sanitation	1,563,992
101-60528	Recycling	270,543
101-60550	Stormwater Management	136,925
101-60770	Senior Citizen Transit	50,199
101-70276	Cemeteries Maintenance	508,413
101-70585	Parking Operations	51,578
101-70751	Parks Maintenance	1,307,658
101-70752	Forestry	143,760
101-70757	McGraft Park Maintenance	53,052
101-70775	General Recreation	307,487
101-70776	Inner City Recreation and Drug Education	206,312
101-70863	Farmers' Market and Flea Market	41,262
101-80387	Environmental Services	374,093
101-80400	Planning, Zoning and Economic Development	505,982
101-90000	Major Capital Improvements	670,000
	Grand Total General Fund Appropriations	<u>\$24,644,694</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	11,187,890
203	Local Streets	1,965,131
230	Enterprise Community	180,000
254	L.C. Walker Arena	881,837
211	Police Training	20,000
264	Criminal Forfeitures	75,000
288	Local Development Finance Authority II	650,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	149,855
306	Special Assessment Debt	257,379
394	Downtown Development Authority Debt	349,193

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2002 are estimated as follows:

GENERAL FUND

<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
Taxes	\$ 13,437,426
Licenses and Permits	941,000
Federal Grants	208,705
State Grants	73,269
State Shared Revenue	5,750,000
Charges for Sales & Services	2,014,543
Interest & Rentals	573,043
Fines & Fees	322,200
Other Revenue	329,000
Other Financing Sources	177,400
Use of Fund Balance	<u>818,108</u>
 Total General Fund Revenue	
Appropriations	<u>\$24,644,694</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	11,187,890
203	Local Streets	1,965,131
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264	Criminal Forfeitures	75,000
288	Local Development Finance Authority II	650,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	149,855
306	Special Assessment Debt	257,379
394	Downtown Development Authority Debt	349,193

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	\$ 224,000
403	Sidewalk Improvement Fund	1,001,612
482	State Grants Fund	4,124,099
584	Municipal Golf Course	241,000
590	Sewer	4,590,582
591	Water	9,091,861
594	Marina/Launch Ramp	470,045
661	Equipment	2,139,577
642	Public Service Building	588,177
643	Engineering Services Fund	672,652
677	General Insurance Fund	3,584,230

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 18, 2001:

<u>PURPOSE</u>	<u>MILLAGE (MILLS)</u>
General Operating	7.0000
Sanitation Service	3.0000
Promotion	<u>.0792</u>
Total	10.0792

At a regular meeting of the City Commission of the City of Muskegon, on the eleventh Day of September 2001, the foregoing resolution was moved for adoption by Commissioner Shepherd. Commissioner Aslakson supported the motion.

Resolution declared adopted.


Mayor Fred J. Nielsen


City Clerk Gail A. Kunding

**NOTICE OF HEARING
CITY OF MUSKEGON
2002 BUDGET**

Notice is hereby given that a Public Hearing will be held by the City Commission of the City of Muskegon on the proposed 2002 Budget of the City of Muskegon at 5:30 p.m., September 11, 2001, 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, 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, CMC/AAE
City Clerk
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705
TDD: (231) 724-4172

Publish: September 1, 2001

NOTE: Must be 11 pt. Bold Face type.

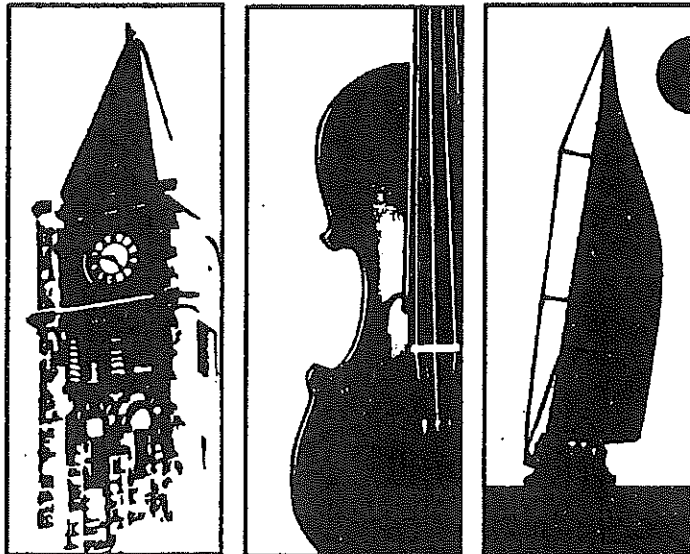
See Packet for full copy.

**City of Muskegon,
Michigan**

2002 Proposed Budget and Quarterly Budget Reforecast

For The Year Beginning January 1, 2002

MUSKEGON



West Michigan's Shoreline City

Commission Meeting Date: August 28, 2001

*Needs
2nd Reading*

Date: August 21, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *B*
RE: Rezoning request for property located at 1848 E. Sherman Blvd.

SUMMARY OF REQUEST:

Request to rezone property located at 1848 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

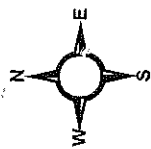
STAFF RECOMMENDATION:

Staff recommends the rezoning, due to compliance with the future land use map.

COMMITTEE RECOMMENDATION:

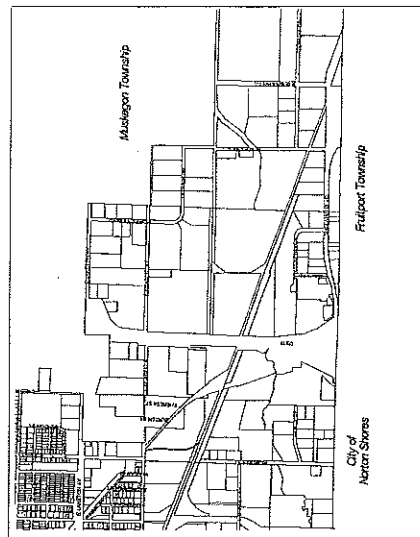
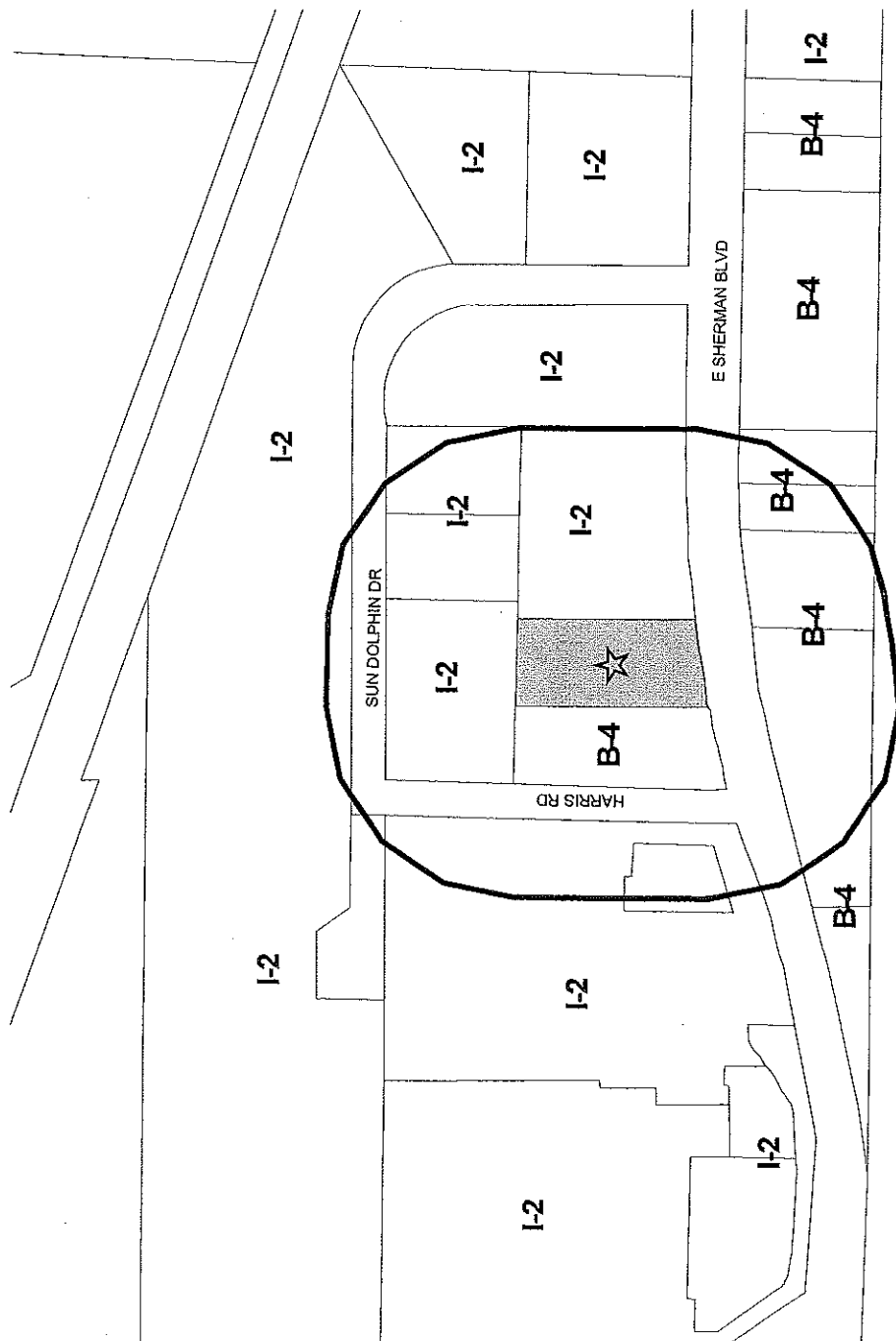
The Planning Commission recommended approval of the request at their 8/16/01 meeting. The vote was unanimous with P. Sartorius, L. Abraham, and B. Smith absent.

**City of Muskegon
Planning Commission
Case #2001-28**



- ☆ = Subject Property(ies)
- = Notice Area

B-4 = General Business
I-2 = General Industrial



**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

August 16, 2001

Hearing; Case 2001-28: Request to rezone property located at 1848 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business, by Hughes & Sons.

BACKGROUND

Applicant: Hughes & Sons

Address/Location of Subject Property: 1848 E. Sherman Blvd.

Current Use: Vacant office

Current Zoning: I-2, General Industrial

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located on Sherman Blvd., east of the Target commercial development, and adjacent to the Withams' property which was rezoned to B-4 in March. This parcel is also part of the certified Port City Industrial Park and is currently zoned I-2, General Industrial.
2. Across the street from the subject property is a large retail development, which lies partially within the City of Muskegon, but mostly within Fruitport Township. This development contains Sam's Club, Wal-Mart, ABC Warehouse, as well as many other retail stores and several restaurants.
3. The subject property lies between several existing commercial uses - the Target retail development and recently rezoned commercial property to the west, and the Muskegon County School Employees Credit Union to the east.
4. Until recently the subject property contained the State Farm Claims Office. However, State Farm has moved out of the building and it is currently vacant. The owner has indicated to staff that the only inquiries he has on the property are for either retail or commercial uses.
5. The Future Land Use Map shows the subject property to be "Commercial".
6. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to retain the industrial orientation of Sub-Area 1. Accordingly, the rezoning of land for additional non-industrial use shall be discouraged, provided however, parcels located along Sherman Boulevard and Laketon Avenue may be used for non-industrial purposes which are ancillary to the

area's industrial focus. Such uses include, but are not limited to, financial institutions, health/fitness clubs, office supply stores, computer sales and servicing, employment centers, and other uses with the potential to serve local industrial needs.

- ◆ At the extreme southwest corner of the sub-area, near the Sherman Boulevard and US-31 intersection, one finds a new regional retail strip center anchored by a Target department/variety store. Other uses include retail outlets specializing in electronics, computers, and pet supplies and a family style restaurant... Along Sherman, east of the retail center, lie a combination of industrial and service facilities. Service uses include a financial institution and tennis/fitness club.

7. Sub-Area Issues:

- ◆ There is likely to be continued demand to convert industrial properties along Sherman Boulevard to non-industrial (retail or service sector) use.
- ◆ As the level of retail traffic grows, conflicts with industrial park traffic are likely to increase.

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

- ◆ Maintain the sub-area's industrial focus.
- ◆ Along Sherman Boulevard and Laketon Avenue maintain the current industrial zoning status to restrict conversion of industrial property to uses considered inconsistent with the area's land use focus.

9. The Master Plan recommendations listed above conflict with the Future Land Use map, which shows several parcels of land along Sherman Blvd., including the subject property, as commercial.

10. Although the subject property is located in a Certified Business Park, the legislation regarding these parks has recently changed. Formerly called "Certified Industrial Parks", it used to not be possible to change from industrial zoning for any parcels in an existing certified park without losing the industrial park certification. However this has changed, and it is now possible to rezone parcels within a certified park to commercial zoning without losing the park's certification.

11. By changing the zoning of any parcels located within the Certified Business Park, it would no longer be possible for the existing LDFA to capture any tax increments for those particular properties. However, the LDFA in the Port City Industrial Park is not currently capturing any tax increments, and it is not likely that it will in the near future.

12. The existing commercial and retail uses within the park are currently zoned I-2. The Target development and the Muskegon County School Employees Credit Union are both under Planned Unit Developments (PUDs). It is not anticipated that these properties will revert back to industrial uses at any time in the near future, and therefore staff will be exploring the possibility of rezoning these properties to commercial.

13. There is currently a shortage of available industrially-zoned property within City boundaries. There is not, however, a similar shortage of available commercially-zoned property. Therefore, staff has looked very carefully at the corridor to determine the extent of any potential commercial zoning to support. The existing commercial

development along Sherman is located mainly along the western portion of the corridor, with several existing, viable industrial properties located along the eastern portion.

14. Staff feels that any rezoning to commercial should be restricted to the Sherman Blvd. corridor itself, and not further within the boundaries of the industrial park. Staff also feels that only the properties currently being used for commercial purposes should be rezoned. Staff strongly feels that the remaining properties along Sherman Blvd., east of the credit union, are viable industrial properties and should remain industrial.
15. Staff has received one phone call, from Tom Goldberg of 1780 Associates Limited Partnership, the owners of the Sherman Center (Target retail complex), in support of this rezoning.

ORDINANCE EXCERPTS

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

In an I-2 General Industrial District, buildings and land may be used for one (1) or more of the following specified uses, unless otherwise provided in this Article.

1. Any Principal Use Permitted in the I-1 District, subject to the requirements of this District.
2. Primary metal industries, including foundries, smelting and refining of metal or alloys, rolling and extruding plants.
3. Chemical plants whose manufacturing process produce products which are not hazardous materials as defined in the Fire Code.
4. Paper and pulp manufacturing.
5. Power generating plants.
6. Junk yards and scrap metal processing.
7. Rubber manufacturing or the remanufacturing of rubber products.
8. Uses similar to the above principal uses.
9. Non-accessory signs provided that the signs conform to Section 2308(1) of this Code.

SECTION 1501: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as a special land use if it is found to meet the standards outlined in Section 2332 of this Ordinance, subject to applicable conditions imposed by Ordinance or other reasonable conditions imposed by the Planning Commission:

1. Any use with outside storage of aggregate, sand or other soil, or raw materials used in a manufacturing process such as brick, tile manufacturing plants, asphalt and cement batch plants.
2. Gasoline storage facilities.
3. Bulk storage or the production of acetylene, natural gas, and oxygen or other highly explosive or toxic gases. The storage of such gases for use in a production process or of an industry, business, or health care facility shall not be considered bulk storage.
4. Chemical plants whose manufacturing process produce products which are hazardous materials as defined in the Fire Code.
5. Uses similar to the above Special Land uses.

SECTION 1502: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1503: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General 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 providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.
3. Stores selling second hand merchandise.
4. Funeral homes.
5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:...
7. Self service laundry and dry cleaning establishments.

8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
10. Theaters, when completely enclosed.
11. Banks, with or without drive-in facilities.
12. Restaurants and cocktails lounges.
13. Motels and hotels.
14. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
15. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.
16. Principal Use as permitted in B-2 Districts.
17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

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. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following...
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:..
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:..
5. Outdoor theaters subject to the following conditions:...
6. Private clubs, lodges, social and similar facilities.
7. Churches and other facilities normally incidental thereto subject to the following conditions:...
8. Commercial Kennels [amended 5/96]
9. Mini Storage (warehouse facilities) [amended 10/98]...

10. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
11. Uses similar to the above Special Land Uses Permitted.
12. Non-accessory signs provided that the signs conform to Section 2308 (1) (f) of this code.

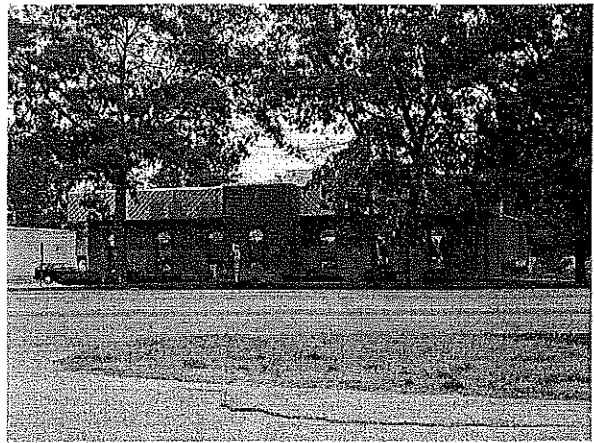
SECTION 1302: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1303: AREA AND BULK REQUIREMENTS [amended 4/00]

...

PHOTOS



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.**

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2055

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from I-2 "General Industrial" to B-4 "General 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 I-2 "General Industrial", to B-4 "General Business":

THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 10 NORTH, RANGE 16 WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 991.00 FEET, THENCE NORTH 0 DEGREES 41 MINUTES EAST 650.00 FEET FOR POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST 175.00 FEET, THENCE SOUTH 0 DEGREES 41 MINUTES WEST 375 FEET MORE OR LESS TO THE NORTHERLY LINE OF SHERMAN BOULEVARD, THENCE EASTERLY ALONG SAID NORTHERLY LINE 176 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 0 DEGREES 41 MINUTES WEST OF THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 41 MINUTES EAST 335 FEET MORE OR LESS TO THE POINT OF BEGINNING.

This ordinance adopted:

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

Nayes: None

Adoption Date: 9-11-01

Effective Date: 10-1-01

First Reading: 8-28-01

Second Reading: 9-11-01

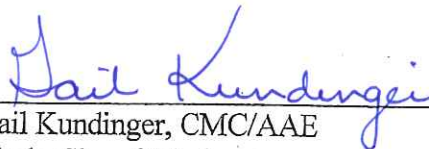
CITY OF MUSKEGON

By: Gail A. Kunderinger
Gail A. Kunderinger, City Clerk

Ordinance #2055
CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 11th day of September, 2001, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: September 11, 2001.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on ^{September 11,} ~~August 28,~~ 2001, 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 I-2 "General Industrial", to B-4 "General Business"

THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 10 NORTH, RANGE 16 WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 991.00 FEET, THENCE NORTH 0 DEGREES 41 MINUTES EAST 650.00 FEET FOR POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST 175.00 FEET, THENCE SOUTH 0 DEGREES 41 MINUTES WEST 375 FEET MORE OR LESS TO THE NORTHERLY LINE OF SHERMAN BOULEVARD, THENCE EASTERLY ALONG SAID NORTHERLY LINE 176 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 0 DEGREES 41 MINUTES WEST OF THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 41 MINUTES EAST 335 FEET MORE OR LESS TO THE POINT OF BEGINNING.

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 September 21, 2001

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

Date: September 11, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
1813 Getty

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Antoo of Muskegon, Inc. for a new SDM license for 1813 Getty.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C. N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

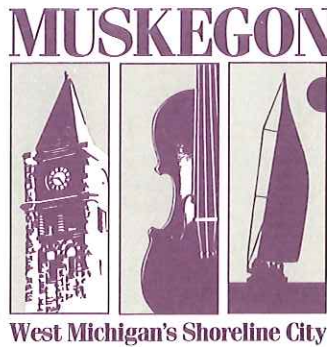
Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718



August 8, 2001

To: The City Commission through the City Manager

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

Re: Request for New SDM License at 1813 Getty Street

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of the application for a new SDM license from Antoo of Muskegon, Inc. for 1813 Getty St., Muskegon MI 49442.

Previously, Antoo of Muskegon, Inc. had requested for a transfer of an SDM and SDD license from 939 E. Laketon to 1813 Getty St. but encountered problems with the SDD license because of the close proximity to a church. The license holder would not sell half so that sale did not proceed. Antoo of Muskegon, Inc. still wishes to move into 1813 Getty Street and is requesting a new SDM license for that location.

This office does not know of any reason to deny this request but at the same time does not know if there are any licenses available for the City of Muskegon at this time.

TK/cmw

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

RESOLUTION

2001-105(a)

130507 NLL

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

called to order by Mayor Nielsen on September 11, 2001, at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Spataro and Supported by Vice Mayor Shepherd

That the request from Antoo of Muskegon, Inc., 1813 Getty, Muskegon, MI 49442, Muskegon County for a new SDM License

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 7

Nays: 0

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be Recommended
(Recommended or
not Recommended) for issuance.

State of Michigan)
County of Muskegon) SS

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

City Commission at a Regular
(Regular or Special)

meeting held on the 11th of September, 2001.
(Date)

(Signed)

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

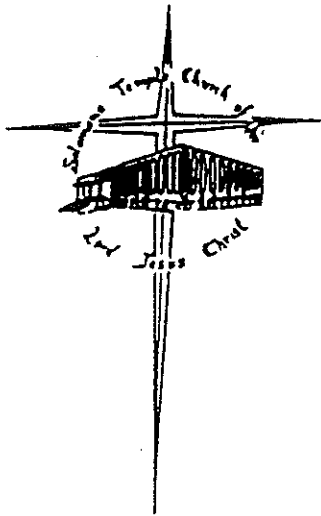
Gail A. Kundergei, City Clerk
933 Terrace, PO Box 536

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

SEAL

MICHIGAN'S MOST MODERN CHURCH

THE HOUSE BUILT BY GOD



Solomon's Temple

C.O.O.L.J.C.

OF THE APOSTOLIC FAITH, Inc.

"The Church With the Old Time Power"

BISHOP W.L. BONNER, Pastor

2341 East 7 Mile Road

Detroit, Michigan 48234

(313) 893-1230

TRUSTEES
STONEWALL COLLINS
WILLIAM R. LEWIS
MOZELLA SWIFT
KIM YOUNG

DEACONS
WALTER JOHNSON
WILLIE GREER
WILLIE BRIDGES, JR
STANLEY HEATH, JR

September 1, 2001

**Mr. Antoo Yousef, Owner
Scotts Castle Store
E. Seven Mile
Detroit, MI 48234**

To Whom it May Concern:

Please be advised that Mr. Yousef is the owner of the above store located near Solomon's Temple Church. This letter is to recommend Mr. Yousef, as he has been a blessing to the community and to our church members. He has provided our Assistant Pastor, Church office Staff, and several church members with various services over the years.

We certainly appreciate Mr. Yousef, as he is a valuable contributor to this community. If there is any further information we can provide on his behalf we would be most happy to do so.

Do not hesitate to contact us. Thank you.

In the Service of Christ,

Elder Wayne Redmond

**Elder Wayne Redmond
Assistant Pastor**

WR/b

We

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

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission. 130507 NLL

BUSINESS NAME AND ADDRESS: (include zip code) ANTOO OF MUSKEGON, INC.
1813 GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:
A NEW SDM LICENSE

Section 1. APPLICANT INFORMATION

APPLICANT #1: YOUSSEF ANTOO	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 22491 CIVIC CENTER DR SOUTHFIELD, MI 48034 248 352 3795	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 12-11-73 If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☒ Yes ☐ No o Does the applicant have a Visa? Enter status:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted: N/A	Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.

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

Section 2. Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?
☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

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

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

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

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

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?	☒ Yes	☐ No
2. Is the proposed location satisfactory for this business?	☒ Yes	☐ No
3. Should this request be granted by the Commission?	☒ Yes	☐ No

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

[Signature]
Signature (Sheriff or Chief of Police)

8-2-01
Date

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

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

June 29, 2001
REQUEST ID# 130507

The Liquor Control Commission has received an application from:
Antoo of Muskegon, Inc. request a new SDM licensed business located at 1813
Getty, Muskegon, MI 49442, Muskegon County. Stockholder
Yousef Antoo 22491 Civic Center Dr. Southfield, MI 48034 248 352 3795

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

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

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

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

PLEASE RETURN YOUR RESPONSE TO:

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

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

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290



September 4, 2001

Mrs. Linda Anderson, President
Marsh Field Neighborhood Association
535 E. Dale
Muskegon, MI 49442

Dear Mrs. Anderson:

A request from Antoo of Muskegon has been received from the Liquor Control Commission for a new SDM license for 1813 Getty. A SDM license permits the sale of beer and wine for consumption off the premises only. On Tuesday, September 11, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on September 11, 2001, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

A handwritten signature in cursive script that reads 'Linda Potter'.

Linda Potter
Deputy Clerk

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290



September 4, 2001

Mr. Yousef Antoo
22491 Civic Center Drive
Southfield, MI 48034

Dear Mr. Antoo:

This letter is to inform you that your request for a new SDM license for 1813 Getty will be presented to the City Commission on September 11, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 8-6-01

Re: Request for New SDM License

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of the application for a new SDM license from Antoo of Muskegon, Inc. for 1813 Getty St., Muskegon MI 49442. Previously Antoo of Muskegon, Inc. had requested for a transfer of an SDM and SDD license from 939 E. Laketon to 1813 Getty St. but encountered problems with the SDD license because of the close proximity to a church. The license holder would not sell half so that sale did not proceed. Antoo of Muskegon, Inc. still wishes to move into 1813 Getty St and is requesting a new SDM license for that location.

This office does not know of any reason to deny this request but at the same time does not know if there are any license' available for the City of Muskegon at this time.

Respectfully submitted,



Det. Kurt Dykman

data/common/antoo3

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

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

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

DATE: June 29, 2001
REQUEST ID# 130507

Attention Sheriff
Muskegon County Sheriff Department
25 West Walton Avenue
Muskegon Mi 49442

Chief of Law Enforcement Office

Applicant: Antoo of Muskegon, Inc. request a new SDM licensed business located at 1813 Getty, Muskegon, MI 49442, Muskegon County.

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

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

NO FINGER PRINT NECESSARY

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

LC-1972 Rev. 6/92
4880-1658
nll

LIQUOR LICENSE REVIEW FORM

Business Name: Antoo of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: Yousef AntooBusiness Address: 1813 GettyMuskegon, MI 49442

Reason for Review:

New License ☐ Transfer of Ownership ☒ and location ☐ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☒ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

_____Department Signature Denise D. A.Gail A. Kunderger, City Clerk
Liquor License Coordinator

May 18, 2001

LIQUOR LICENSE REVIEW FORM

Business Name: Antoo of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: Yousef Antoo

Business Address: 1813 Getty

Muskegon, MI 49442

Reason for Review:

New License ☐ **Transfer of Ownership and location** ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☒ Amount: _____

Treasurer Approved ☐ Owing ☒ Amount: SEE ATTACHED 2000 DELINQUENT PERSONAL PROPERTY TAX BILL

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature NOT APPROVED 5/18/01

Gail A. Kundering, City Clerk
Liquor License Coordinator

CITY OF MUSKEGON -- 2000 DELINQUENT TAX BILL

MESSAGE TO TAXPAYER

Please contact the City of Muskegon Treasurer's Office at (231) 724-6720 with any questions regarding this notice. This notice is only for the tax year printed/shown above; other years may/may not be owing on this property parcel number. Notices for previous or subsequent years will be sent separately.

PROPERTY INFORMATION

Property Assessed To: LAKETON QUICK STOP
939 E LAKETON AVE
MUSKEGON, MI 49442

Property #: 61-24-900-251-0840-00 School Dist: 61010
Prop. Addr: 939 E LAKETON AVE
Legal Description:
PERSONAL PROPERTY 939 E LAKETON AVE

TAX DETAIL

Taxable Value:	4,500	
State Equalized Value:	4,500	Class: 251
TAXING UNIT	MILLS	TAX DUE
COUNTY	8.86730	39.90
MAISD	2.80490	12.62
CITY	10.08590	45.38
MUSKEGON PUBL SC	18.00000	81.00
MP SCHL DEBT SVC	7.00000	31.50
HACKLEY LIBRARY	0.99470	4.47
STATE EDUCAT	6.00000	27.00

Total Tax Due: 241.87

	2000 AMT. DUE IF PAID BY MAY 31, 2001	2000 AMT. DUE IF PAID BY JUNE 30, 2001	2000 AMT. DUE IF PAID BY JULY 31, 2001
BASE TAX:	241.87	241.87	241.87
ADMIN FEE:	1.97	1.97	1.97
INTEREST:	7.32	9.75	12.19
PENALTY:	7.32	7.32	7.32
TOTAL DUE-->	258.48	260.91	263.35

Please detach along perforation. Keep the top portion.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

Due if Paid By MAY 31, 2001 --->	258.48
Due if Paid By JUNE 30, 2001 --->	260.91
Due if Paid By JULY 31, 2001 --->	263.35

2000 Delinquent Tax for Property Number: 61-24-900-251-0840-00

Pay this tax to:
CITY OF MUSKEGON
933 TERRACE STREET
PO BOX 536
MUSKEGON MI 49443-0536

TAXPAYER NOTE: Are your name & mailing address correct?
If not, please make corrections below. Thank you.

Property Addr: 939 E LAKETON AVE

Make check payable to: CITY OF MUSKEGON

Amount Remitted: _____

To: LAKETON QUICK STOP
939 E LAKETON AVE
MUSKEGON, MI 49442

May 18, 2001

LIQUOR LICENSE REVIEW FORM

Business Name: Antoo of Muskegon

RECEIVED

AKA Business Name (if applicable): _____ MAY 18 2001

Operator/Manager's Name: Yousef Antoo CITY OF MUSKEGON
PLANNING DEPARTMENT

Business Address: 1813 Getty
Muskegon, MI 49442

Reason for Review:

New License ☐ Transfer of Ownership ☒ and location Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature

Phil L. Caner

Gail A. Kundering, City Clerk
Liquor License Coordinator

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

NOTICE: CANCELLATION OF APPLICATION
(Authorized by Act 8, P.A. of 1933)

RECEIVED
JUL 09 2001
City Clerks Office

July 6, 2001

Antoo of Muskegon, Inc.
c/o Yousef Antoo
22491 Civic Center Drive
Southfield, Michigan 48034

Request I.D.#126851

Dear Applicant:

We are cancelling your request to transfer ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. and transfer location from 939 E Laketon, Muskegon Michigan, 49442, Muskegon County, to, 1813 Getty, Muskegon Michigan, 49442, Muskegon County, per your request.

If you have any questions, please contact the Escrow/Quota Unit at (517) 322-1400.

MICHIGAN LIQUOR CONTROL COMMISSION
Licensing Division

jd
cc: Grand Rapids District Office
Muskegon Police Department
Muskegon City Council
Laketon Pharmacy, L.L.C.

K. Dykman

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

RECEIVED

JUL 11 2001

NOTICE: CANCELLATION OF APPLICATION
(Authorized by Act 8, P.A. of 1933)

MUSKEGON POLICE DEPT.
CHIEF of POLICE

July 6, 2001

Antoo of Muskegon, Inc.
c/o Yousef Antoo
22491 Civic Center Drive
Southfield, Michigan 48034

Request I.D.#126851

Dear Applicant:

We are cancelling your request to transfer ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. and transfer location from 939 E Laketon, Muskegon Michigan, 49442, Muskegon County, to, 1813 Getty, Muskegon Michigan, 49442, Muskegon County, per your request.

If you have any questions, please contact the Escrow/Quota Unit at (517) 322-1400.

MICHIGAN LIQUOR CONTROL COMMISSION
Licensing Division

jd
cc: Grand Rapids District Office
Muskegon Police Department
Muskegon City Council
Laketon Pharmacy, L.L.C.

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

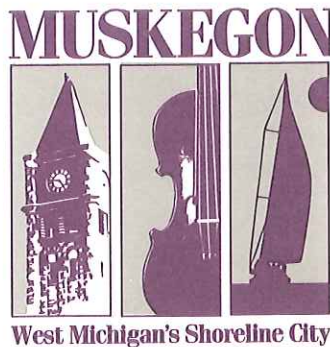
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

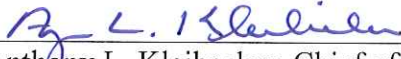
Water Billing Dept.
231/724-6718
FAX/724-6768

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



June 12, 2001

To: The City Commission through the City Manager

From: 
Anthony L. Kleibecker, Chief of Police

Re: Transfer of Ownership of Liquor License from 939 E Laketon to 1813 Getty

The Muskegon Police Department has received a request from the Liquor Control Commission for an investigation concerning the transfer of the current license at 939 E Laketon to 1813 Getty. This request application is from Antoo of Muskegon, Inc. They are requesting to transfer of Ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. to Antoo of Muskegon, Inc. and transfer location from 939 E. Laketon Ave. to 1813 Getty St., Muskegon MI 49442.

This request comes shortly after an earlier request for a license transfer from 1813 Getty St. to 939 E. Laketon Ave. After Speaking with L.C.C. Lansing and Mr. Yousef Antoo, d.o.b. 12-11-73, of 22491 Civic Center Drive, Southfield, Michigan 48034, we were able to learn that Mr. Antoo purchased the liquor license from Laketon Pharmacy, L.L.C., previously in escrow, and purchased the building at 1813 Getty Street. Mr. Antoo stated that he desired having an SDD license but realized that he will not be able to use it due to the close proximity to a church. The previous owners of 1813 Getty St. are transferring their license and business to 939 E. Laketon Ave.

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

TK/cmw

MEMO

To: Chief Tony Kleibecker
From: Det. Kurt Dykman
Date: 6-4-01
Re: Change in Liquor License Location

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of the application from Antoo of Muskegon, Inc. This request is for transfer of Ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. to Antoo of Muskegon, Inc. and transfer location from 939 E. Laketon Ave. to 1813 Getty St., Muskegon MI 49442.

This request comes shortly after an earlier request for a license transfer from 1813 Getty St. to 939 E. Laketon Ave. After Speaking with L.C.C. Lansing and Mr. Yousef Antoo, d.o.b. 12-11-73, of 22491 Civic Center Drive, Southfield, Michigan 48034, I learned that Mr. Antoo purchased the liquor license from Laketon Pharmacy, L.L.C., previously in escrow, and purchased the building at 1813 Getty Street. Mr. Antoo stated that he desired having an SDD license but realized that he will not be able to use it due to the close proximity to a church. The previous owners of 1813 Getty St. are transferring their license and business to 939 E. Laketon Ave.

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

Respectfully submitted,

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

Det. Kurt Dykman

data/common/antoo

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

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

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission. REQUEST I.D.#126851

BUSINESS NAME AND ADDRESS: (include zip code) ANTOO OF MUSKEGON, INC.
1813 Getty, Muskegon Michigan, 49442, Muskegon County

REQUEST FOR: Transfer of Ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. and Transfer Location from 939 E Laketon, Muskegon Michigan, 49442, Muskegon County

Section 1. NO FINGERPRINTS NECESSARY

APPLICANT INFORMATION

APPLICANT #1:

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?

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

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

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should this request be granted by the Commission?

☒ Yes ☐ No

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

Signature (Sheriff or Chief of Police)

Date

May 18, 2001

LIQUOR LICENSE REVIEW FORM

MAY 21 2001

Business Name: Antoo of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: Yousef Antoo

Business Address: 1813 Getty

Muskegon, MI 49442

Reason for Review:

New License ☐ **Transfer of Ownership and location** ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: 6-4-01
Transfer Fee (250.00)
being sent to MPD

Police Department Approved ☒ Denied ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature *[Signature]* 6-14-01

Gail A. Kunding, City Clerk
Liquor License Coordinator

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

Muskegon City Council
c/o Gail Kunderling, Clerk
933 Terrace Street
P.O. Box 536
Muskegon, Michigan 49443-0536

May 15, 2001

Request I.D.#126851

The Liquor Control Commission has received an application from: **ANTOO OF MUSKEGON, INC.** requesting to transfer ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. and transfer location from 939 E Laketon, Muskegon Michigan, 49442, Muskegon County, to, 1813 Getty, Muskegon Michigan, 49442, Muskegon County.

Stockholder:

Yousef Antoo
22491 Civic Center Drive
Southfield, Michigan 48034

Business Phone: (313)368-7500
Home Phone: (248)352-3795

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

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

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

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

PLEASE RETURN YOUR RESPONSE TO:

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

jd

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

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

J. J. H.
5-24-01

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

Muskegon Police Department
Chief of Police
980 Jefferson Street
P.O. Box 536
Muskegon, Michigan 49443-053

May 15, 2001

Request I.D.#126851

Chief of Law Enforcement Office

Applicant: **ANTOO OF MUSKEGON, INC.** requesting to transfer ownership of 2000 Specially Designated Distributor and Specially Designated Merchant licenses, in escrow, from Laketon Pharmacy, L.L.C. and transfer location from 939 E Laketon, Muskegon Michigan, 49442, Muskegon County, to, 1813 Getty, Muskegon Michigan, 49442, Muskegon County.

Stockholder:

Yousef Antoo
22491 Civic Center Drive
Southfield, Michigan 48034

Business Phone: (313)368-7500
Home Phone: (248)352-3795

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

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

[X] NO FINGERPRINTS NECESSARY

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

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

LIQUOR LICENSE REVIEW FORM

Business Name: Antoo of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: Yousef AntooBusiness Address: 1813 GettyMuskegon, MI 49442

Reason for Review:

New License ☐ **Transfer of Ownership** ☒ and location Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐**Clerk's** Approved ☐ Owing ☒ Amount: 2500 + regist : fire auditFire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature

Debra AtkinsonGail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM**Business Name:** Antoo of Muskegon**AKA Business Name (if applicable):** _____**Operator/Manager's Name:** Yousef Antoo**Business Address:** 1813 Getty
Muskegon, MI 49442**Reason for Review:**New License ☐ **Transfer of Ownership** ☒ **Dance Permit** ☐
and locationDrop/Add Name on License ☐ **Transfer Location** ☐Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Compliance ☐ Remaining Defects _____
Services

_____**Department Signature** _____**Gail A. Kundering, City Clerk**
Liquor License Coordinator

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

Muskegon City Council
c/o Gail Kunding, Clerk
933 Terrace Street
P.O. Box 536
Muskegon, Michigan 49443-0536

May 15, 2001

Request I.D.#126851

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Stockholder:

Yousef Antoo
22491 Civic Center Drive
Southfield, Michigan 48034

Business Phone: (313)368-7500
Home Phone: (248)352-3795

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

PLEASE RETURN YOUR RESPONSE TO:

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

jd

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

Muskegon City Council
c/o Gail Kunder, Clerk
933 Terrace Street
P.O. Box 536
Muskegon, Michigan 49443-0536

May 15, 2001

Request I.D.#126851

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

PLEASE RETURN YOUR RESPONSE TO:

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

jd

933 Terrace Street
Muskegon, MI 49440

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

City of Muskegon Clerk's Office

Fax Cover Sheet

To: <u>Dick</u>	From: <u>Linda</u>
Fax: _____	Pages: <u>2</u>
Phone: _____	Date: <u>8-10-01</u>
Re: _____	CC: _____

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

ref. 1813 Getty.

personal property taxes are paid.

Don't show that the business is
registered with the City Clerk.

Thanks,
Linda

YUSEF ANTIOO 1-00
22491 CIVIC CENTER DR.
SOUTHFIELD, MI 48034-2640

9-9/720
262

296

DATE

6-4-01

Pay to the
Order of

CITY OF MUSKEGON

\$ 250.00

Two Hundred Fifty-Dollar



Comerica Bank
Detroit, Michigan

For Trans. Lias.

[Signature]

⑆072000096⑆ 6815206088⑆

0296

© Clarke American

7000 0520 0014 3707 8561

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only No Insurance Coverage)

Postage	\$	11.99
Certified Fee		1.13
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	13.12

SENDER COMPLETE THIS SECTION

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

1. Article Addressed to:
 Liquor Control Commission
 7150 Harris
 PO Box 30005
 Lansing, MI 48909-7505

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature ☒ Agent ☐ Addressee
 X Gary Schueller
 Gary Schueller
 MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN

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

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

4. Restricted Delivery (Extra Fee) ☐ Yes

Recipient's Name (Please Print Clearly) (To be completed by addressee)
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

2. Article Number (Copy from service label)
 7000 0520 0014 3707 8561

Engineering
 616/724-6707
 FAX/727-6904

Finance
 616/724-6713
 FAX/724-6768

Fire Dept.
 616/724-6792
 FAX/724-6985

Income Tax
 616/724-6770
 FAX/724-6768

Info. Systems
 616/724-6706
 FAX/722-4301

Leisure Service
 616/724-6704
 FAX/724-1196

Manager's Office
 616/724-6724
 FAX/722-1214

Mayor's Office
 616/724-6701
 FAX/722-1214

Neigh. & Const. Services
 616/724-6715
 FAX/726-2501

Planning/Zoning
 616/724-6702
 FAX/724-6790

Police Dept.
 616/724-6750
 FAX/722-5140

Public Works
 616/724-4100
 FAX/722-4188

Treasurer
 616/724-6720
 FAX/724-6768

Water Billing Dept.
 616/724-6718
 FAX/724-6768

Water Filtration
 616/724-4106
 FAX/755-5290

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

REF: #130507 NLL
 1813 Getty
 Muskegon, MI 49442

To Whom It May Concern:

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

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

Sincerely,

Linda Potter

Linda Potter
 Deputy Clerk

Enc.

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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

MAIL & DELIVERY SERVICES
GARY SCHUELLER
Agent for State of Michigan
SEL 7-9-2001
POST OFFICE BOX 30026
LANSING, MICHIGAN 48909

September

2. Article Number (Copy from service label)

7000 0520 0014 3707 8561

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature

X

☐ Agent
☐ Addressee

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

3. Service Used

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

4. Restricted Delivery (Extra Fee) ☐ Yes

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

REF: #130507 NLL
1813 Getty
Muskegon, MI 49442

To Whom It May Concern:

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

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

AGENDA ITEM

**CITY COMMISSION MEETING
September 11, 2001**

TO: Honorable Mayor and City Commissioners
FROM: Gail Kunding, City Clerk
DATE: September 11, 2001
SUBJECT: Community Relations Committee Appointments

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding the following appointments:

James A. Dalum	CBG Citizens District Council
Romella EaLem	Equal Opportunity Committee
Dolores Olivarez	Local Officer's Compensation Commission
Betty Madison	Local Officer's Compensation Commission

And also recommend amendment to the Ordinance that specifies appointments to the Construction Code Board of Appeals to say that the City Manager will recommend the appointment to be confirmed by the City Commisison.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: None.

COMMUNITY DEVELOPMENT BLOCK GRANT - CITIZEN'S DISTRICT COUNCIL

PURPOSE

Shall act in an advisory capacity to the City Commission on all matters dealing with the Federal Housing and Urban Development Programs.

MECHANICS

ENABLING LAW: City Ordinance (Art. V. - Sec. 2-106 - 2-120) - Oath not required.
APPOINTED BY: Mayor/City Commission
MEETING: Monthly
TERM: 3 Years

COMPOSITION

<u>TYPE</u>	<u>DESCRIPTION</u>
A	4 Citizens representing each of the four (4) Wards
B	2 Citizens at large
C	2 Target Area Representatives
D	1 Member of the City Commission

CURRENT MEMBERS

(Staff Liaison - Wilmem Griffin)

<u>TYPE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ZIP</u>	<u>PHONE</u>	<u>TERM EXP.</u>
A	Patricia Montney *	(1) 925 Irwin	2	773-9025	1/31/02 Ward 1
A	Catherine Maybanks	(2) 401 W. Monroe Ave.	1	722-7310	1/31/02 Ward 2
A					Ward 3
A	G. Ellouise Hieftje	(4) 1960 Cutler	1	755-4386	1/31/02 Ward 4
B	Susan Kroes	1563 Jefferson	1	722-0398	1/31/02
B	Addie Randall	38 E. Iona Ave.	2	722-3370	1/31/04
C	Carolyn Marion	1083 Chestnut	2	725-4298	1/31/04
C	Sheliah Shah	807 Wood St.	2	728-2381	1/31/04
D	Lawrence Spataro	1567 Sixth	1	725-9384	

CITY OF MUSKEGON
TALENT BANK APPLICATION

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

NAME: JAMES A. DALLUM DATE: 29 AUGUST 2001

HOME ADDRESS: 1728 WOOD ST MUSKEGON, MI 49442
(Street, City, State, Zip)

HOME PHONE #: 231-726-6128 WORK PHONE #: N/A

OCCUPATION: RETIRED - ACCOUNTANT - ASST ADMINISTRATOR
(If retired, give former occupation)

EDUCATION: HIGH SCHOOL & ASSOCIATE DEGREE - ADMINISTRATIVE

PERSONAL & COMMUNITY ACTIVITIES: TREASURER - MARSHFIELD N/A
MOON SCHOOL - HOST & JUDGE - ST MICHAEL - KRIS

INTEREST IN SERVING: CDBG - CITIZEN'S DISTRICT COUNCIL

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

1. <u>LINDA ANDERSON</u> (Name)	<u>231-726-5739</u> (Phone Number)
2. <u>JOAN GAWRON</u> (Name)	<u>231-726-3348</u> (Phone Number)
3. <u>LARRY SPATARO</u> (Name)	<u>231-725-9384</u> (Phone Number)

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

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

* Attach Additional Sheets or Resume if Desired.

Return this form to:

City Clerk's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

EQUAL OPPORTUNITY COMMITTEE

PURPOSE

To monitor and recommend hiring practices within the Civil Service Commission to achieve a higher level of minority and female employment in City government.

To monitor and recommend rules and regulations to achieve compliance in meeting Federal and State E.E.O. guidelines.

To investigate and recommend determination(s) of any complaints alleging non-compliance with existing rules, regulations, or policies.

MECHANICS

ENABLING LAW: Equal Opportunity Commission Act of 1986 -- Oath not required.
APPOINTED BY: Mayor/City Commission
MEETING: Upon Demand
TERM: 3 Years

COMPOSITION

<u>TYPE</u>	<u>DESCRIPTION</u>
A	7 Citizens
B	2 City Commissioners (Ex-officio)

CURRENT MEMBERS

(Staff Liaison -- Ken James)

<u>TYPE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ZIP</u>	<u>PHONE</u>	<u>TERM EXP.</u>
A	George Bennett *	1378 Lawrence	2	773-0412	1/31/03
A	Glen Jenkins	223 Strong	1	725-0514	1/31/03
A	Julia Sands	1077 Jefferson, #800	0		1/31/03
A	Shiela Cotton	296 W. Grand	1	722-0842	1/31/04
A					1/31/04
A	Paul Oakes	119 Delaware	2	728-3777	1/31/04
A	Tina Harmon	872 Kampenga	2	777-6036	1/31/02
B	Lawrence Spataro	1567 Sixth	1	725-9384	
B	Clara Shepherd	408 Monroe Ave.	1	725-8130	

**CITY OF MUSKEGON
Talent Bank Application**

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

NAME: Romella Eahon DATE: 03/07/01

HOME ADDRESS: 235 MASON Ave
(Street, City, State, Zip)

HOME PHONE #: (231) 728-5549 WORK PHONE #: N/A

OCCUPATION: Adm Asst - Debar League of Greater Musk
(If retired, give former occupation)

EDUCATION: Business College Grad

PERSONAL & COMMUNITY ACTIVITIES: Active in Beulah Baptist Church
Project Literacy, Friends of Freewheel, Dispute Resolution
Center, City of Muskegon Greasey Alliance Bd

INTEREST IN SERVING: My interest was aroused by the 3/6 Chronicle article
stating that there has not been a meeting since 1998 - I
find that deplorable and indicative of a need for some new blood. I
feel I can bring some renergy to a lethargic situation of benign
neglect.

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

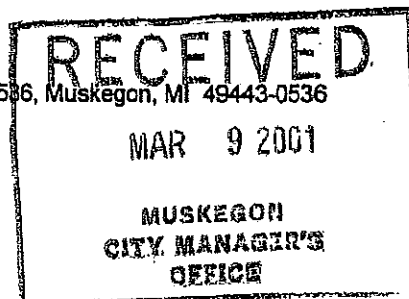
1. <u>Mrs Gloria White - Gardner</u>	<u>(231) 780-2849</u>
(Name)	(Phone Number)
2. <u>Mrs Rillastine Wilkins</u>	<u>(231) 733-1581</u>
(Name)	(Phone Number)
3. <u>Ms Brenda Moore</u>	<u>(231) 755-4023</u>
(Name)	(Phone Number)

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

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

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Manager's Office, 933 Terrace St., P. O. Box 586, Muskegon, MI 49443-0536



LOCAL OFFICER'S COMPENSATION COMMISSION

PURPOSE

Shall recommend salaries of all local elected officials.

MECHANICS

ENABLING LAW: City Ordinance (Sec. 2-170 - 2-190) - Oath not required.
APPOINTED BY: Mayor/City Commission
MEETING: Every odd-numbered year
TERM: 7 Years

COMPOSITION

<u>TYPE</u>	<u>DESCRIPTION</u>
A	7 Citizens

Spataro
M - ~~Schneffle~~
S - ~~Spataro~~ *Schneffle*
Betty Madia
~~Spataro~~
M - Benedict
S - Aselton
rec. appl.
D. Oligariz

CURRENT MEMBERS

(Staff Liaison - Bryon Mazade)

<u>TYPE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ZIP</u>	<u>PHONE</u>	<u>TERM EXP.</u>
A	Winford Morrissey *	736 Marquette	2	725-7542	1/31/05
A	Gregory Kirksey	233 Giddings	2	722-3501	1/31/06
A					1/31/07
A	Robert Mitchell	1260 Seventh	1	725-8130 (message)	1/31/08
A	Faye Redmond	1065 Calvin	2	773-5010	1/31/02
A					1/31/03
A	Stephen Holdeman	1984 Sherman	1	755-6155	1/31/04

both
note: 7 years.

CITY OF MUSKEGON
TALENT BANK APPLICATION

NAME: Betty Madison DATE: Dec 18, 2000

HOME ADDRESS: 1649 5th St.
(Street, City, State, Zip)

HOME PHONE #: 728 3814 WORK PHONE #: 728 3814

WORK ADDRESS: _____
(Street, City, State, Zip)

OCCUPATION: Homemaker
(If retired, give former occupation)

EDUCATION: 2 years. Baxter College

PERSONAL/COMMUNITY ACTIVITIES: No [unclear] Youth; Cam. 1st

REFERENCES:

<u>Ken James. Witches</u> (Name)	<u>Clara Shepherd</u> (Name)	<u>Ken Sheltow</u> (Name)
<u>2125 Baker</u> (Street)	<u>408 Moxie</u> (Street)	<u>_____</u> (Street)
<u>Musk #5 49444</u> (City, State, Zip)	<u>Muskegon MI 49444</u> (City, State, Zip)	<u>Muskegon MI</u> (City, State, Zip)
<u>7226139</u> (Phone Number)	<u>231-7258130</u> (Phone Number)	<u>231-79444</u> (Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES PREFERENCE:

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

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

**CITY OF MUSKEGON
TALENT BANK APPLICATION**

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

NAME: Dolores Olvarez DATE: 02-19-01

HOME ADDRESS: 1924 Frisbie St, Muskegon, MI 49441
(Street, City, State, Zip)

HOME PHONE #: (231) 755-0284 WORK PHONE #: (231) 733-1315

OCCUPATION: Barclay Mortgage
(If retired, give former occupation)

EDUCATION: 12th diploma

PERSONAL & COMMUNITY ACTIVITIES: Every 4-H Club, Church activities
Woman Place Board De Colores

INTEREST IN SERVING: Every Woman's Place Board

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

1. <u>Joe Garza</u>	<u>733-1315</u>
(Name)	(Phone Number)
2. <u>Ben Garza</u>	<u>722-2090</u>
(Name)	(Phone Number)
3. <u>Connie Navarro</u>	<u>773-7504</u>
(Name)	(Phone Number)

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

- ☐ Board of Canvassers
- ☐ Board of Review
- ☐ Cemetery Committee
- ☐ Citizen's Police Review Board
- ☐ City Employees Pension Board
- ☐ Civil Service Commission
- ☐ CDBG-Citizen's District Council
- ☐ Downtown Development Authority/Brownfield Board
- ☐ Election Commission
- ☐ Electrical Board of Appeals
- ☐ Equal Opportunity Committee
- ☐ Historic District Commission
- ☐ Hospital Finance Authority
- ☐ Housing/Building Code Board of Appeals

- ☐ Housing Commission
- ☐ Image Committee
- ☐ Income Tax Board of Review
- ☐ Land Reutilization Committee
- ☐ Leisure Services Board
- ☐ Loan Fund Advisory Committee
- ☐ Local Develop. Finance Authority
- ☐ Local Officer's Compensation Com.
- ☐ Mechanical Board of Examiners
- ☐ Planning Commission
- ☐ Plumbing Board of Appeals
- ☐ Police/Fireman's Pension Board
- ☐ Tax Increment Finance Authority
- ☐ Zoning Board of Appeals

☒ Other Every Woman's Place
Willing to Serve on Any Board

* Attach Additional Sheets or Resume if Desired.

Return this form to:

City Manager's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

CONSTRUCTION CODE BOARD OF APPEALS

PURPOSE

The purpose of the Construction Code Board of Appeals shall be as follows:

- To determine appeals and variances in connection with the State of Michigan Construction Code, including its building, electrical, mechanical, and plumbing provisions, together with Codes in force in the City of Muskegon from time to time.

MECHANICS

ENABLING LAW: Ordinance No. 2051 adopted 8-28-01.

APPOINTED BY: City Manager

MEETING: As needed

TERM: 2 Years

COMPOSITION

<u>TYPE</u>	<u>DESCRIPTION</u>
-------------	--------------------

A
B
C
D
E
F
G

CURRENT MEMBERS

(Staff Liaison -)

<u>TYPE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ZIP</u>	<u>PHONE</u>	<u>TERM EXP.</u>
-------------	-------------	----------------	------------	--------------	------------------

A
B
C
D
E
F
G

(* - Chairperson)

(* - Chairperson)

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2051

An ordinance establishing a Construction Code Board of Appeals for the City of Muskegon as authorized by state law, specifically MCL 125.1514, to determine appeals and variances in connection with the State of Michigan Construction Code, including its building, electrical, mechanical and plumbing provisions, together with Codes in force in the City of Muskegon from time to time.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. **Establishment of Construction Board of Appeals.** There is hereby established a Construction Board of Appeals as authorized, and to be organized, in accordance with the State Construction Code Commission Act, specifically Section 14 thereof, MCL 125.1514.
2. **Composition of the Construction Board of Appeals.** The Construction Board of Appeals shall consist of seven (7) members who must be qualified by experience or training to perform their duties as members of the Board.
3. **Appointment and Terms of the Members of the Construction Board of Appeals.** Members of the Board shall be appointed for two (2) year terms, said appointments to be made by the City Manager. Persons eligible for appointment who are residents of the City shall be preferred; however, City residence is not required for appointment, since, by said statute, the members of the Construction Board of Appeals may serve in more than one (1) jurisdiction.
4. **Rules for Procedure and Operation, Meetings and Business.** The Construction Board of Appeals shall have the right to adopt its own rules of procedure and guidelines for meetings and hearings, provided that all proceedings of the Board shall be conducted in accordance with MCL 125.1514. All proceedings of the Construction Board of Appeals shall be held in accordance with the Open Meetings Act of the State of Michigan, and all records of decisions and any other records shall be subject to the State of Michigan Freedom of Information Act.
5. In addition to the duties set forth above for the Construction Board of Appeals, it shall also have jurisdiction to hear appeals taken from decisions of the appropriate authorities, or make interpretations, pursuant to the Uniform Fire Code or other fire and safety code in effect in the City from time to time.
6. **Repeal and Termination of Existing Boards of Appeal.** The following sections of the Muskegon City Code are repealed, and the Boards of Appeal formed thereby are terminated on the effective date of this ordinance:
 - (1) Those parts of the Uniform Building Code 1997 Edition, previously adopted by the City, setting up a Building Board of Appeals are hereby repealed, and the separate Building Board of Appeals is terminated.

(2) Section 4-32(b), establishing the Mechanical Board of Appeals is hereby repealed, and the separate Mechanical Board of Appeals is hereby terminated.

(3) Section 4-43, confined to subsections 109.2, 109.2.1, 109.2.2, 109.2.5, and 109.2.6, together with those sections of the International Plumbing Code 1997 pertaining to a Plumbing Board of Appeals are repealed, and the separate Plumbing Board of Appeals is hereby terminated.

(4) Section 4-96 establishing the Electrical Board of Appeals is repealed and the separate Electrical Board of Appeals is terminated.

This ordinance adopted:

Ayes: Schweifler, Shepherd, Buie, Spataro, Aslakson

Nays: Benedict, Nielsen

Adoption Date: August 28, 2001

Effective Date: September 18, 2001

First Reading: August 14, 2001

Second Reading: August 28, 2001

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of August, 2001, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: 8-31, 2001

Gail A. Kunderger
Gail A. Kunderger, CMC/AEE
Clerk, City of Muskegon

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

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2056

This ordinance amends Ordinance No. 2051, which established a Construction Code Board of Appeals in accordance with state law. This amending ordinance is for the purpose of providing that appointments to the Construction Board of Appeals shall be made by the City Manager with City Commission confirmation.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Sec. 3 of Ordinance 2051 is amended to read in its entirety as follows:
 3. **Appointment and Terms of the Members of the Construction Board of Appeals.** Members of the Board shall be appointed for two (2) year terms, said appointments to be made by the City Manager with the advice and consent of the City Commission. Persons eligible for appointment who are residents of the City shall be preferred; however, City residence is not required for appointment, since, by said statute, the members of the Construction Board of Appeals may serve in more than one (1) jurisdiction.

In all other respects, Ordinance No. 2051 shall remain in effect as previously adopted.

This ordinance adopted:

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

Adoption Date: 9-11-01

Effective Date: 10-2-01

First Reading: 9-11-01

Second Reading: N/A

CITY OF MUSKEGON

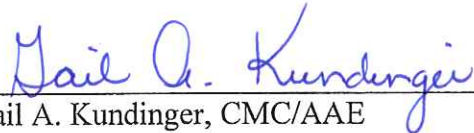
By Gail A. Kunderger
Gail A. Kunderger, Clerk

CERTIFICATE

The undersigned, being the duly qualified Clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 11th day of September, 2001, at which meeting a

quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: September 11, 2001



Gail A. Kunding, CMC/AAE
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL INTERESTED PARTIES

Please take notice that Ordinance 2051, establishing the Construction Code Board of Appeals has been amended to provide for appointments as follows:

1. Section 3 of the Construction Code Board of Appeals ordinance provides that appointments to the Construction Code Board of Appeals shall be made by the City Manager with the advice and consent of the City Commission.

In all other respects, the Construction Code Board of Appeals ordinance remains the same.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published September 22, 2001

By _____
Gail A. Kunding, Its Clerk

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

Date: SEPTEMBER 11, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Shoreline Dr. East Consulting Agreement amendment

SUMMARY OF REQUEST:

To authorize staff to negotiate an amendment to the engineering agreement with Earth-Tech for the Shoreline Drive East to include additional compensation for the items listed in the attached copy of Earth Tech's request.

FINANCIAL IMPACT:

The amendment will add amount that will be determined at the outcome of the negotiations with Earth Tech.

BUDGET ACTION REQUIRED:

None at this time. The additional cost will most likely be eligible under the grant from MDOT.

STAFF RECOMMENDATION:

To amend the agreement.

COMMITTEE RECOMMENDATION:

August 13, 2001

Mr. Mohammed Al-Shatel, P.E.
City Engineer
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, Michigan 49443-0536

**Re: Request for Additional Compensation
Shoreline Drive Project**

Dear Mohammed,

Earth Tech has strived to provide the City of Muskegon with a quality roadway project that will minimize construction costs and construction schedule impacts that can and do arise in the construction of a project of this size and complexity.

In an effort to expedite the preparation of the construction plans and answer concerns and provide conceptual development as requested by both the City of Muskegon and the Michigan Department of Transportation we have proceeded with the requests as they have been made by both entities. These tasks represent elements outside the scope or requiring efforts that are not considered standard within the industry. We performed these efforts in good faith and now approach you to discuss compensation for these tasks. A listing of these tasks follows:

1. **Extension of project limits to the west and south of the original limits.** Earth Tech developed alignments and existing conditions to provide defined limits for the review of concepts strategies for the development of the projects needs. Our subconsultant, Wade-Trim was directed to delineate existing traffic signal loops and the replacement of the same. This was done at the request of MDOT.
2. **Design of at grade intersection for proposed NB Shoreline Drive and the existing SB US-31BR.** Earth Tech developed horizontal alignments, vertical grades, plans and met with representatives of MDOT to insure the approval of the design of the at grade intersection. Due to tremendously unstable existing conditions Earth Tech responded to the suggestion to provide an at-grade intersection design. **Addition of signal design at new location.** Earth Tech worked with our subconsultant, Wade-Trim, to provide plans and specifications for the signalization of the new intersection of proposed NB Shoreline Drive and the existing SB US-31BR.
3. **Relocation of all utilities associated with the construction of Structure B including the relocation of the 36" Sanitary Force Main.** Earth Tech developed horizontal alignments, vertical grades, plans and coordinated with representatives of other utility companies and their representatives to insure the design will not introduce construction conflicts. This was done at the request of MDOT.

4. **Additional soil borings.** Earth Tech is working with our subconsultant, SME, to provide additional soil borings and the addition of this information to the geotechnical report. This request was made by MDOT.
5. **Errors and Omissions Check Plan Distribution.** Earth Tech provided 25 sets of one-half scale plans and 25 sets of Special Provisions to the MDOT as requested. This request was responded to in an effort to expedite the distribution of plan process within the MDOT. This request was made by MDOT.
6. **Indirect Left Turn Modifications at intersection of Shoreline Drive and Terrace Avenue.** Earth Tech will respond to the written request dated July 30, 2001 by Mohammed Al-Shatel of the City of Muskegon upon receiving written approval of the proposal attached herein. This request was made by MDOT at a meeting held Monday, July 30, 2001. There were no representatives of Earth Tech present at this meeting.

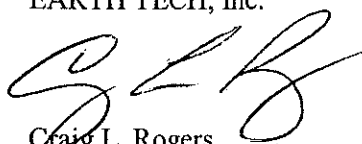
Previously Earth Tech received approval of the request for additional compensation for the effort to design the Structure A over SB US 31BR in the total amount of \$100,000. This included \$18,000 for geotechnical subconsultant, additional survey and reproduction. Earth Tech expended a great deal of time and energy developing conceptual and alternate designs addressing the Structure A locations and design including development of preliminary design of the structure. Attached is documentation qualifying the time spent and costs associated with pursuing this concept.

I am including attached information to qualify our requests. Please review them and then we can discuss this request.

If you should have any questions regarding this submittal, please contact me at (734) 779-2803.

Sincerely,

EARTH TECH, Inc.



Craig L. Rogers
Project Manager

DATE: August 29, 2001
TO: Honorable Mayor and Commissioners
FROM: Robert Grabinski, Fire Marshal/Inspection Services
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-026 Address: 271 Merrill

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 **271 Merrill** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-026, 271 Merrill Ave. Muskegon

Location and ownership: The structure is located on Merrill Ave. between Fifth and Sixth St. in the Nelson Neighborhood. It is owned by Delta Funding, Woodbury, NY.

Staff Correspondence: Dangerous building inspection conducted on 4/17/01, Notice and Order to Repair was issued on 6/20/01, HBA declared dangerous, substandard, and a public nuisance on 8/2/01.

Owner Contact: None

Financial Impact: CDBG

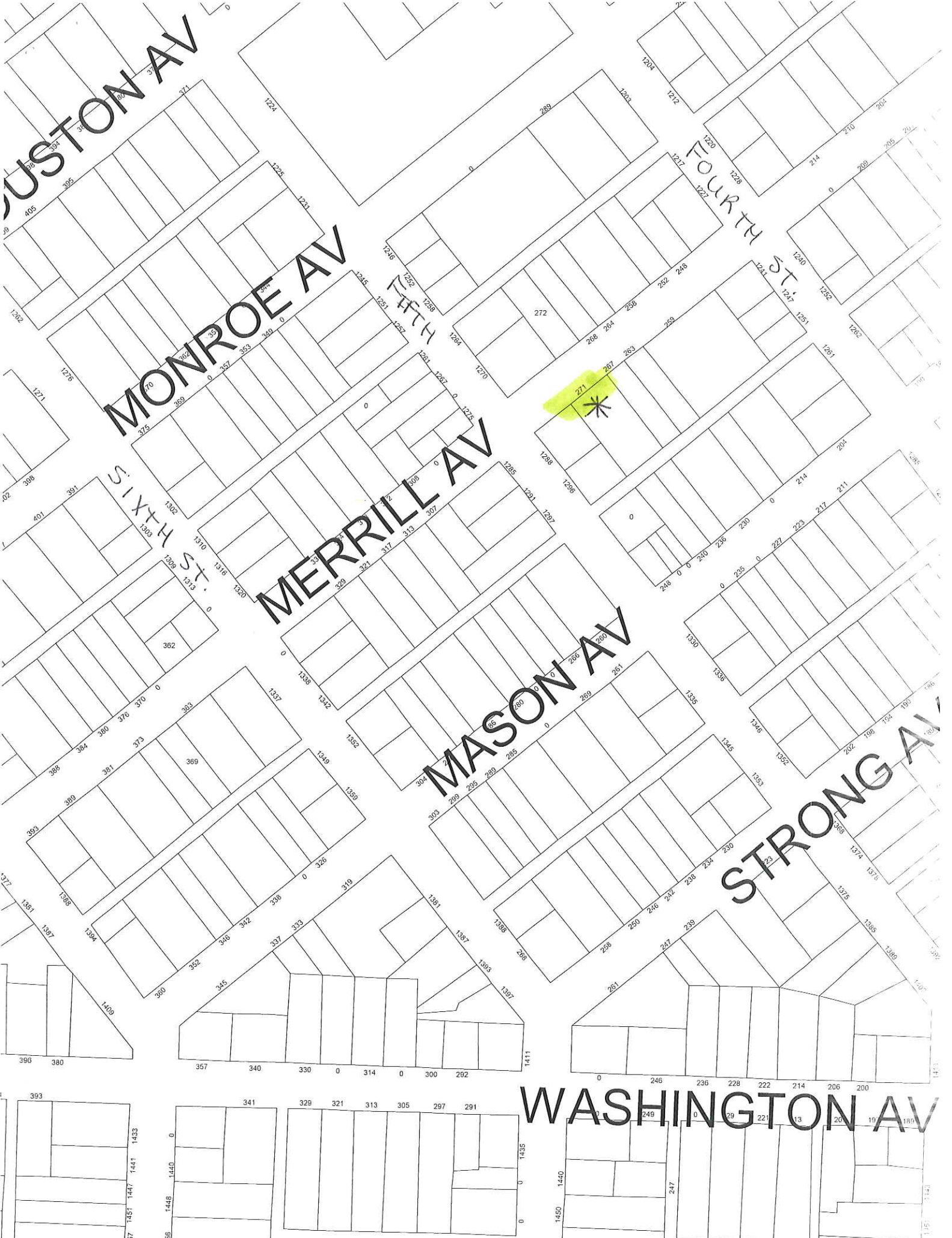
Budget action required: None

State Equalized value: \$15,700. (2001)

Estimated cost to repair: \$9,000 plus cost of repairs for interior. No inspection to date.

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 11, 2001.







Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120487
June 7, 2001

1. Beginning Date: 11/19/99, at 8:00 A.M.

Please See Attached Liber 2314, Page 560, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/4/2001, at 8:00 A.M.

Deeds:

Liber 2314, Page 560

Documents

Liber 3133, Page 793

Liber 3146, Page 943

Liber 3157, Page 414

Mortgages:

Liber 2314, Page 561

Liber 3097, Page 598 (Assignment)

Taxes:

Possible Sidewalk assessment in the year 2001. Amounts are unavailable at this time.

Payment of delinquent water & sewer usage bill, due and payable to the City of Muskegon, in the amount of \$184.89, if paid by June 30, 2001. (As to 271 Merrill Avenue)

Payment of delinquent water & sewer usage bill, due and payable to the City of Muskegon, in the amount of \$1,501.83, if paid by June 30, 2001. (As to 273 Merrill Avenue)

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,289.83, if paid by June 30, 2001.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,111.32, if paid by June 30, 2001. (Base amount is 747.71)*

Note:

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-387-0005-00.

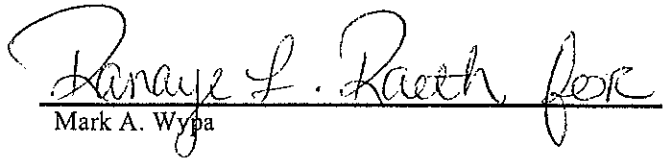
2001 State Equalized Value: \$24,200.00.

2001 Taxable Value: \$15,700.00.

Homestead Property.

*NOTE: Delinquent water & sewer usage bill in the amount of \$281.29 was included in the 2000 Winter tax bill.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:
- Delta Funding Corp.
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Mark A. Wypa

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

Date: August 3, 2001

To: Delta Funding 99 Sunnyside Blvd. Woodbury, NY 11797
Owners Name & Address

Muskegon County Treasurer/Jan Koens
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 2, 2001, does hereby order that the following structure(s) located at 271 Merrill, 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.

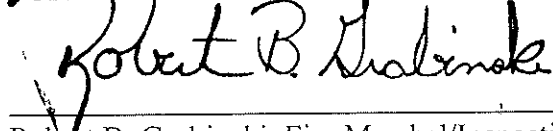
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall 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, Fire Marshal/Inspections Dept

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

NOTICE OF HEARING

Date: July 20, 2001

Address of the Property: 271 Merrill, Muskegon, Michigan

Description of the Structure: 00-83

TO: Delta Funding 99 Sunnyside Blvd. Woodbury, NY 11797
[Name & Address of Owner]

Jan Koens, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, August 2, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 6/20/01.

At the hearing on Thursday, August 2, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

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

DATE: June 20, 2001

Address of the Property: 271 Merrill, Muskegon, Michigan, 49441

Description of the Structure: Lot 5, Block 387

TO: Delta Funding Corp. 99 Sunnyside blvd., Woodbury, NY 11797
[Name & Address of Owner]

[Names & Addresses of Other Interested Parties]

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

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 271 Merrill, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski

Robert B. Grabinski, Fire Marshal

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

271 MERRILL

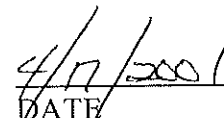
4/17/01

Inspection noted:

1. An interior inspection is required by all trade inspectors' (this includes Plumbing, Mechanical, Electrical and Building).
2. Missing siding on home.
3. Chimney is leaning, structurally unsound.
4. Holes in roof, deteriorated shingles on home.
5. Home is boarded.
6. Rotted basement window frames.

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

A roll cal vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-026 – 271 Merrill- Delta Funding 99 Sunnyside Blvd. Woodbury, NY

No one present to represent this case. Mr. Grabinski gave history of the case. He stated that Delta Funding also owned 273 Merrill (CC concurred in April on this address) and took no action on that case. They have taken no action in this case also.

Staff recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion made by Jerry Bever, supported by John Warner to declare the structure a dangerous building, substandard, unsafe a public nuisance and forward the case to the city commission for their concurrence.

A roll cal vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case # 01-025- 471 W. Muskegon – Evelyn Howell, 707 E. Lincoln Muskegon, MI 49444

DATE: August 29, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-025 Address: 471 W. Muskegon Ave.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **471 W. Muskegon Ave.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-025, 471 W. Muskegon Ave. Muskegon, MI

Location and ownership: This structure is located on W. Muskegon Ave. between Sixth and Seventh St. in the Nelson Neighborhood. It is owned by Evelyn Howell, 707 E. Lincoln, Muskegon, MI 49444.

Staff Correspondence: A dangerous building inspection was conducted on 4/17/01, Notice and Order to Repair was issued on 6/20/01, HBA declared dangerous, substandard and a public nuisance on 8/2/01.

Owner Contact: None

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$16,400. (2001)

Estimated cost to repair: \$8,000 for exterior repairs. Does not include interior estimate as no inspection conducted.

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 11, 2001.



W WEBSTER

5TH ST

6TH ST

MUSKEGON AV

HOUSTON

471







Harbor Title

955 West Broadway
Muskegon, MI 49441



Title Search

Case No.: 100120259

May 16, 2001

1. Beginning Date: 8/25/67, at 8:00 A.M.

Legal Description:

Lot 2, Block 347 Revised Plat of the City of Muskegon recorded thereof, recorded in Liber 3 of Plats, Page 71.

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 4/19/2001, at 8:00 A.M.

Documents

Deeds:

873-754
873-755
2136-637
2231-778

Mortgages:

Taxes:

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$803.77, if paid by May 31, 2001 or in the amount of \$811.28 if paid by June 30, 2001. (Base amount \$568.42)

Note:

Permanent Parcel No.: 61-24-205-347-0002-00.

2001 State Equalized Value: \$16,400.00.

2001 Taxable Value: \$10,825.00.

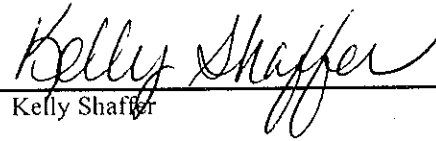
Non-Homestead Property.

*Note: Delinquent water and sewer usage bill in the amount of \$182.76 was included in the 2000 Winter tax bill.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Willie R. Howell and wife, Evelyn J. Howell
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.

7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Kelly Shaffer

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

Date: August 3, 2001

To: Evelyn Howell, 707 E. Lincoln Muskegon, MI 49444
Owners Name & Address

None
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 2, 2001, does hereby order that the following structure(s) located at 471 W. Muskegon, 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.

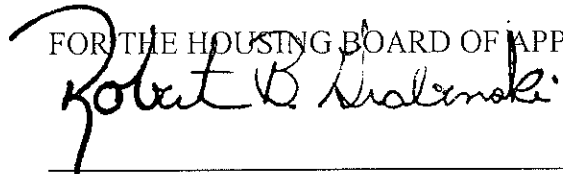
The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

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:


Robert B. Grabinski, Fire Marshal/Inspections Dept

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

NOTICE OF HEARING

Date: July 19, 2001

Address of the Property: 471 W. Muskegon, Muskegon, Michigan

Description of the Structure: Lot 2 Blk 347

TO: Evelyn Howell, 564 Houston, Muskegon, MI 49441
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, August 2, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 06/20/01.

At the hearing on Thursday, August 2, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

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

DATE: June 20, 2001

Address of the Property: 471 W. Muskegon, Muskegon, Michigan, 49442

Description of the Structure: Lot 2 Blk 347

TO: Evelyn Howell, 564 Houston, Muskegon, MI 49441
[Name & Address of Owner]

[Names & Addresses of Other Interested Parties]

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

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

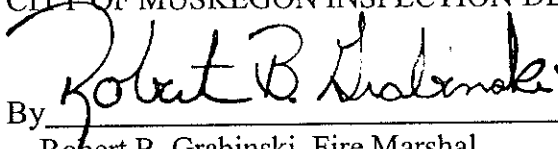
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **471 W. Muskegon**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By


Robert B. Grabinski, Fire Marshal

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

471 Muskegon

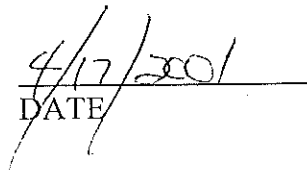
4/17/01

Inspection noted:

1. An interior inspection is required by all trade inspectors' (this includes Plumbing, Mechanical, Electrical and Building).
2. Foundation wall repair needed. Open mortar, crack in block walls.
3. Rotted and/or missing siding.
4. Roof damage, sheathing, roof covering missing, incomplete roofing. Soffit, fascia damage.
5. Peeling paint on all siding, window frames.
6. Chimney needs structure repair. Open gaps in chimney.
7. Porch decking on both and back porches in need of structural repair, decking and joists.

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

A roll cal vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-026 – 271 Merrill- Delta Funding 99 Sunnyside Blvd. Woodbury, NY

No one present to represent this case. Mr. Grabinski gave history of the case. He stated that Delta Funding also owned 273 Merrill (CC concurred in April on this address) and took no action on that case. They have taken no action in this case also.

Staff recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance and forward to the City Commission for concurrence.

Motion made by Jerry Bever, supported by John Warner to declare the structure a dangerous building, substandard, unsafe a public nuisance and forward the case to the city commission for their concurrence.

A roll cal vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case # 01-025- 471 W. Muskegon – Evelyn Howell, 707 E. Lincoln Muskegon, MI 49444

No one was in attendance to represent this case. No contact has been made. Mr. Grabinski stated we've got photos of the exterior and there is considerable deterioration on the exterior, we haven't done an interior inspection due to no contact with owner. He stated due to this fact and the fact that no one is present at this meeting it is staff's recommendation to declare this structure substandard, a public nuisance, unsafe, a dangerous building and forward to City Commission for their concurrence.

Motion: Randy Mackie, supported by John Warner, made a motion to declare the structure substandard, unsafe, a public nuisance, and dangerous building and forward to the city commission for concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case #01-015 – 1849 Superior (Garage only) – Dave Wotli 444 Wellesley Muskegon

Mr. Wotli was present to represent this case. He stated that he is confused because this is a rental property and he had an inspection done with Pete VanderLaan, a housing inspector, on 5/9/01. He had a very small list of violations that needed to be corrected. He completed the repairs and rescheduled an inspection with Pete. After that he received the dangerous building inspection report on the garage. He agreed that the garage roof is deteriorated, missing siding, door needs repair. Pete re-inspected last week and looked at the garage also and said everything looks good; questioned why he was served Notice to Repair Order. Mr. Grabinski explained that the garage was inspected by the building inspector on 4/16/01, due to a complaint by a neighbor. It was placed on the dangerous building list at that time, but the inspection office does a title search before sending any notices out, which takes time. He also explained that once a structure is on the dangerous building list it is out of the hands of the housing inspector.

Date: September 4, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Beachwood Park Development Agreement

SUMMARY OF REQUEST:

To authorize the Mayor and Clerk to sign the Development Agreement with the DNR for Beachwood Park

FINANCIAL IMPACT:

\$400,000 including a \$105,000 local match

BUDGET ACTION REQUIRED:

None, is included in the 2002 budget

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services recommends Approval

Trail Committee recommends approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

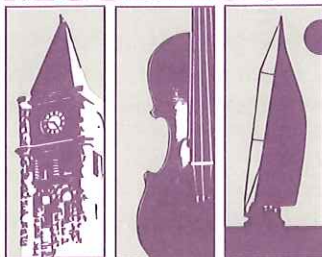
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: September 5, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott *Ric Scott*

Re: Beachwood Park Development Agreement

Attached please find the development agreement with the DNR for Beachwood Park. This is a CMI grant for \$400,000, which includes a \$105,000 local match. The match is included in the 2002 budget.

Unlike past grants, the Beachwood/Blufton Neighborhood Association is opposing the asphalt trail portion of this grant. Their primary apposition is that it is a redundant trail because of the boardwalk, and that we will disturb the vegetation. They don't want more people walking in the ecosystem behind or within the dunes.

I don't believe the trail is redundant, in that it will provide handicapped accessibility into this area. Bikers and rollerbladers will more likely take this route to Pere Marquette, because it will be paved. Boardwalk is not a smooth ride for either bikers or rollerbladers. Secondly, we will be disturbing very little of the plant life. In fact, we will be protecting much of it by encouraging people to stay on the trail. The trail exists now, and sits on 48" water main. Any repairs to the water main would also result in damage to the plant material.

Finally, the sand dunes are not a neighborhood issue. They belong to the community. The community has the right to visit this unique area. The asphalt will provide an environmentally friendly way of visiting the area without doing damage. Yes, some people will leave the trail and wander into the dunes. People do it now.

Both the Leisure Services Board and the Trail committee that designed the trail system are in favor of the trail.

The neighborhood association proposed that we use the money to build the trail in Pere Marquette. The staff person at the state says we must spend the money in the designated area, which includes Beachwood, Lake Michigan Park and the Filtration Plant property.

Alternatively, they have proposed to eliminate the trail. Funding for this project was predicated on the trail being a part of it. Trying to eliminate the trail will result in the loss of the total grant.

They have also proposed that we not pave it, but use some other surface. Boardwalk is too expensive and much more costly to maintain. Fibar, a wood material that is accessible, would be an even worse maintenance issue in this environment.

Beachwood Park needs to be upgraded and brought into compliance with our codes (paved parking). It is one of the few city parks that has not received a facelift in the past fifteen years or so. I urge you to approve the grant agreement and have staff work with the neighborhood association to minimize their concerns. We can explore other options such as painting the pavement some other color to minimize their concerns.

Therefore, I am recommending that you authorize the mayor and clerk sign the agreement.

Thank you for your consideration.

City of
Muskegon
State of Michigan

Resolution

Upon a motion made by Commissioner Spataro, seconded by Commissioner Buie, the following resolution was adopted:

"BE IT RESOLVED, that the City of Muskegon, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Muskegon does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of One hundred five thousand (\$105,000) dollars to match the grant authorized by the DEPARTMENT and to appropriate such additional funds as shall be necessary to complete the project.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

The following aye votes were recorded:

4

The following nay votes were recorded:

3

ADOPTED

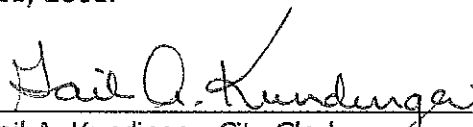
STATE OF MICHIGAN)

) ss

COUNTY OF MUSKEGON)

I, Gail A. Kunderinger, Clerk of the City of Muskegon, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by the City Commission at a meeting held on September 11, 2001.

September 29, 2001


Gail A. Kunderinger, City Clerk



**CLEAN MICHIGAN INITIATIVE
RECREATION BOND PROGRAM
DEVELOPMENT PROJECT AGREEMENT**

Project Number: CM 00-045

Project Title: Beachwood Park Development

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and the **CITY OF MUSKEGON IN THE COUNTY OF MUSKEGON** (GRANTEE). The DEPARTMENT has authority to issue grants to local units of government for the development of indoor and outdoor public recreation facilities under Part 716 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. The GRANTEE has been approved by the DEPARTMENT Director to receive a grant under the Clean Michigan Initiative (CMI)–Recreation Bond program. In PA 81 of 2001, the Legislature appropriated CMI–Recreation Bond Funds to the DEPARTMENT for local recreation grants. As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments within 90 days of the date the Agreement is issued by the DEPARTMENT.

1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B) and Recreation Grant application bearing the number CM 00-045 (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The time period allowed for project completion is **September 1, 2001 to August 31, 2003**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before expiration of the project period. Extensions to the project period are at the sole discretion of the DEPARTMENT. The project period may be extended only upon amendment to this Agreement.
3. This Agreement shall be administered on behalf of the DEPARTMENT through its Grants Administration Division.

All reports, documents, or actions required of the GRANTEE shall be submitted to the Michigan Department of Natural Resources, Grants Administration Division, P.O. Box 30425, Lansing, Michigan 48909-7925.

a. The GRANTEE'S representative for this project is:

Name: Ric Scott Title: Leisure Services Director
Mailing Address: P.O. Box 536, Muskegon, Michigan 49443
Phone Number: (231) 724-6774 Fax Number: _____

- b. All notices, reports, requests or other communications from the DEPARTMENT to the GRANTEE shall be sufficiently given when mailed and addressed as indicated above. The DEPARTMENT and the GRANTEE may by written notice designate a different address to which subsequent notices, reports, requests, or other communications shall be sent.
4. The words "project area" shall mean the land and area described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B).
5. The words "project facilities" shall mean the following individual components, as further described in APPENDIX C:

Paved Parking Lot	Playground Equipment
Irrigation System	Restroom
Shelter	Site Amenities
10' Wide, ½ Mile Long Hardsurface	Pathway
Pathway	Seeding
Ice Rink Grading	

6. The DEPARTMENT agrees as follows:

- a. To grant to the GRANTEE a sum of money equal to **Seventy-Four (74%) percent of Four Hundred Thousand (\$400,000.00) dollars**, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event shall not exceed **Two Hundred Ninety-Five Thousand (\$295,000.00) dollars**.

- b. To grant these funds in the form of reimbursements to the GRANTEE for eligible costs and expenses incurred by the GRANTEE as follows:
 - i. Payments will be made on a reimbursement basis at **Seventy-Four (74%) percent** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
 - ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE on a form provided by the DEPARTMENT which includes an expenditure list supported by documentation as required by the DEPARTMENT, including but not limited to copies of invoices, cancelled checks, and/or list of force account time and attendance records.
 - iii. All grants are subject to audit, at the discretion of the DEPARTMENT. The DEPARTMENT may conduct an audit of the project's financial records upon approval of the final reimbursement request by DEPARTMENT engineering staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.
 - iv. Final payment will be released pending satisfactory project completion as determined by the DEPARTMENT, including, at the discretion of the DEPARTMENT, completion of a satisfactory audit.

7. The GRANTEE agrees as follows:

- a. To immediately appropriate the sum of **One Hundred Five Thousand (\$105,000.00) dollars**. This sum represents **Twenty-Six (26%) percent** of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. With the exception of engineering costs as provided for in Section 8, to incur no costs toward completion of the project facilities before execution of this Agreement and before written DEPARTMENT approval of plans, specifications and bid documents.
- c. To complete construction of the project facilities to the satisfaction of the DEPARTMENT and to comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:

- i. Retain the services of a professional architect, landscape architect, or engineer, registered in the State of Michigan to serve as the GRANTEE'S Prime Professional. The Prime Professional shall prepare the plans, specifications and bid documents for the project and oversee project construction.
 - ii. Within 180 days of execution of this Agreement and before initiating the project, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional.
 - iii. Openly advertise and seek written bids for contracts for purchases or services with a value equal to or greater than \$25,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - iv. Solicit three (3) written quotes for contracts for purchases or services between \$1,000 and \$25,000.
 - v. Maintain detailed written records of the contracting processes used and to submit these records to the DEPARTMENT upon request.
 - vi. Complete construction to all applicable local, state and federal codes, including the federal Americans with Disabilities Act (ADA) of 1990, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Playground Equipment Safety Act, P.A. 16 of 1997; and the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended.
 - vii. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
- d. To operate the project facilities for a minimum of their useful life as determined by the DEPARTMENT, to regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.

- e. To provide to the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments. Membership or annual permit systems are prohibited, except to the extent that differences in admission and other fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.
 - f. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before their effective date.
 - g. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and recreation program.
 - h. To furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of the project area and/or project facilities, including income and expenses and such other information the DEPARTMENT might reasonably require.
 - i. To maintain the premises in such condition as to comply with all federal, state, and local laws which may be applicable and to make any and all payments required for all taxes, fees, or assessments legally imposed against the project area.
 - j. To erect and maintain a sign approved by the DEPARTMENT on or on conjunction with the park entry sign of the property which designates this project as one having been constructed with assistance from the Clean Michigan Initiative Bond. The size, color, and design of this sign shall be in accordance with DEPARTMENT specifications.
8. Only eligible costs and expenses incurred toward completion of the project facilities during the project period shall be considered for reimbursement under the terms of this Agreement. Eligible engineering costs incurred toward completion of the project facilities in the six months preceding the project period are also eligible for reimbursement. Any costs and expenses incurred after the project period shall be the sole responsibility of the GRANTEE.
9. To be eligible for reimbursement, the GRANTEE shall comply with the reporting requirements of the DEPARTMENT. At a minimum, the GRANTEE shall:

- a. Submit a written progress report every 180 days during the project period.
 - b. Submit complete requests for reimbursement when the GRANTEE is eligible to request at least 25 percent of the grant amount.
 - c. Submit a complete final reimbursement request within 90 days of the project completion and no later than **November 30, 2003**. If the GRANTEE fails to submit a complete final request for reimbursement by **November 30, 2003** the DEPARTMENT may make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.
 - d. The GRANTEE is eligible for reimbursement only upon completion of any drinking water systems and/or restroom facilities, including associated facilities needed for barrier-free access to the restroom facilities, that are included in the project facilities as defined in Section 5. Failure of the GRANTEE to complete, during the project period, any drinking water systems and/or restroom facilities that are included in the project facilities constitutes a breach of this Agreement.
10. During the project period, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before adding, deleting or making a significant change to any of the project facilities as proposed. Approval of changes are solely at the discretion of the DEPARTMENT. Furthermore, following project completion, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before implementing a change that significantly alters the project facilities as constructed and/or the project area, including but not limited to discontinuing use of a project facility or making a significant change in the recreational use of the project area.
 11. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in APPENDIX C and this Agreement.
 12. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, or disability.
 13. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title shall not be subject to: (a) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or (b) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:

- a. Received a written exemption from the DEPARTMENT before the execution of this Agreement, and
 - b. Received prior written approval from the DEPARTMENT of a lease and/or easement for the property not held in fee simple title as indicated in written correspondence from the DEPARTMENT dated N/A and
 - c. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
 - d. Confirmed through appropriate legal review that the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than 15 years from the date of execution of this Agreement.
14. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.
15. None of the project area nor any of the project facilities constructed under this Agreement shall be wholly or partially conveyed, either in fee or otherwise or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT.
16. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of recreation and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's recreation estate, therefore:
- a. The GRANTEE agrees that the project area or any portion thereof will not be converted to other than public recreation use without prior written approval by the DEPARTMENT and implementation of mitigation approved by the DEPARTMENT, including but not limited to replacement with land of similar recreational and monetary value.
 - b. Approval of a conversion and the required mitigation requirements shall be at the sole discretion of the DEPARTMENT.
 - c. The DEPARTMENT may waive mitigation requirements for a conversion based on the age of the project facilities and the DEPARTMENT'S determination that the conversion will have minimal negative impact on the project area and project facilities. Approval of a waiver shall be at the sole discretion of the DEPARTMENT.

- d. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public recreation area.
17. Should title to the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands and project facilities affected with recreation lands and project facilities of equal or greater fair market value, and of reasonably equivalent usefulness and locality. The DEPARTMENT shall approve such replacement only upon such conditions as it deems necessary to assure the substitution of GRANTEE of other recreation properties and project facilities of at least equal fair market value and of reasonably equivalent usefulness and location. Such replacement shall be subject to all the provisions of this Agreement.
18. The GRANTEE acknowledges that:
- a. The GRANTEE has examined the project area and that it has found the property to be safe for public use or that action will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
 - b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and
 - c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing same.
19. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required. Furthermore, the GRANTEE assures the DEPARTMENT that the project area to be assisted is not a facility as defined in Part 201 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, or has provided the DEPARTMENT with documentation that Department of Environmental Quality-approved remedial actions have been taken to make the site safe for its intended use.
20. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the recreational project that is the subject of this Agreement. Such permits include, but are not limited to, permits to fill or otherwise occupy a floodplain, and permits required under Parts 301 and 303 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts 451 of 1994, as amended. It is the sole responsibility of the GRANTEE to determine what permits are required for the

project, secure the needed permits and remain in compliance with such permits.

21. The GRANTEE shall acquire and maintain, or cause to be acquired or maintained, insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts any of them may be liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
22. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
23. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or specific rights, including appurtenant riparian rights, of any lands connected with or affected by this project.
24. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
25. Failure by the GRANTEE to comply any of the provisions of this Agreement shall constitute a material breach of this Agreement.
26. Upon breach of the Agreement by the GRANTEE the DEPARTMENT, in addition to any other remedy provided by law, may:
 - a. Terminate this Agreement; and/or
 - b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Clean Michigan Initiative – Recreation Bond and the Michigan Natural Resources Trust Fund; and/or

- d. Require the GRANTEE to pay penalties or perform other acts of mitigation or compensation as directed by the DEPARTMENT; and/or
 - e. Require repayment of grant funds paid to GRANTEE; and/or
 - f. Require specific performance of the Agreement.
27. The GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used according to this Agreement.
28. The GRANTEE agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the person's ability to perform the duties of a particular job or position. The GRANTEE further agrees to comply with the civil rights requirements set forth by the DEPARTMENT and that any subcontract shall contain a non-discrimination provisions which is not less stringent than this provision and binding upon any and all subcontractors. A breach of this covenant shall be regarded as a material breach of this Agreement.
29. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan Department of Labor pursuant to Public Act No. 278 of 1980.
30. The GRANTEE hereby agrees to bury all new telephone and electrical wiring within the project area.
31. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
32. The GRANTEE shall fully comply with Parts 196 and 716 of P.A. 451 of 1994, as amended.
33. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.
34. The Agreement may be executed separately by the parties. This Agreement is not effective until:
- a. The GRANTEE has signed it and returned it together with the necessary attachments within 90 days of the date the Agreement is issued by the DEPARTMENT, and
 - b. the DEPARTMENT has signed it.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and date first above written.

Approved by resolution (true copy attached) of the September 11, 2001,
date
Regular meeting of the City of Muskegon Commission
(special or regular) (name of approving body)

GRANTEE

SIGNED:

WITNESSED BY:

By: Dail A. Kundergen 1) _____
Title: City Clerk 2) _____
Date: 9-2-801
Grantee's Federal ID# Social Security #
38 - OR _____

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

WITNESSED BY:

By: _____
Sharon L. Edgar
Title: Chief, Grants Administration Division
Finance and Operations Services Bureau
Date: _____

APPENDIX A
LEGAL DESCRIPTION OF THE PROJECT AREA

APPENDIX B
BOUNDARY MAP OF THE PROJECT AREA

APPENDIX C

RECREATION GRANT APPLICATION CM 00-045

(incorporated herein by reference)

**NATURAL RESOURCES
COMMISSION**

KEITH J. CHARTERS, Chair
JIM CAMPBELL
NANCY A. DOUGLAS
PAUL EISELE
BOB GARNER
WILLIAM U. PARFET
FRANK WHEATLAKE

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T MASON BUILDING, PO BOX 30028, LANSING MI 48909-7528

WEBSITE: www.michigandnr.com

K. L. COOL, Director

REPLY TO:

GRANTS ADMINISTRATION
530 WEST ALLEGAN STREET
PO BOX 30425
LANSING MI 48909-7925

FAX: (517) 335-6813

October 9, 2001

Mr. Ric Scott, Director
Leisure Services
City of Muskegon
P.O. Box 536
933 Terrace Street
Muskegon, MI 49443

Dear Mr. Scott:

SUBJECT: CM 00-045, Beachwood Park Development

The Grants Administration Division (GAD) is in receipt of both copies of your Project Agreement for the above referenced project. Unfortunately, these cannot be executed at this time. Your agreements were missing the boundary map and legal description of the site where the project will take place. Please submit these documents by **October 19, 2001**, so that your Project Agreement can be completed and executed, and your project can proceed in a timely manner.

A few important reminders:

- The Boundary Map should include Beachwood Park and the area where the bike trail will be constructed. The map should have a clearly defined boundary, preferably a bold line that shows the boundaries of the area to be encumbered by this agreement. It should be initialed and dated by the person who signed the agreement, in this case by the City Clerk, Ms. Gail Kunding. on 10/15/01
- The Legal Description should describe the boundary shown on the above-described map.
- Submit two copies of each, with original initials on the Boundary Map.

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

Sincerely,

Andrew A. Laucher, Grants Coordinator
Grants Administration Division
Finance and Operations Services Bureau
517-241-3598

AAL/ts

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

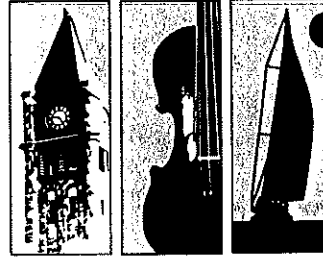
Public Works
231/724-4100
FAX/722-4188

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

October 12, 2001

Andrew Laucher
Grants Management Section
530 W. Allegan St.
P.O. Box 30425
Lansing, MI 48909-7925

Dear Andrew,

Attached are the boundary maps and legal descriptions for the four properties that could include the trail. Beachwood and Lake Michigan Park were surveyed and done together, but I have given you two copies of each. The Gas Company property also has it's own survey and legal description. There are two property descriptions that make up the filtration plant property, which the city owns, where the trail will go behind. I have had the clerk sign and date each of them.

If you need anything else, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ric Scott".

Ric Scott, Director
Department of Leisure Services

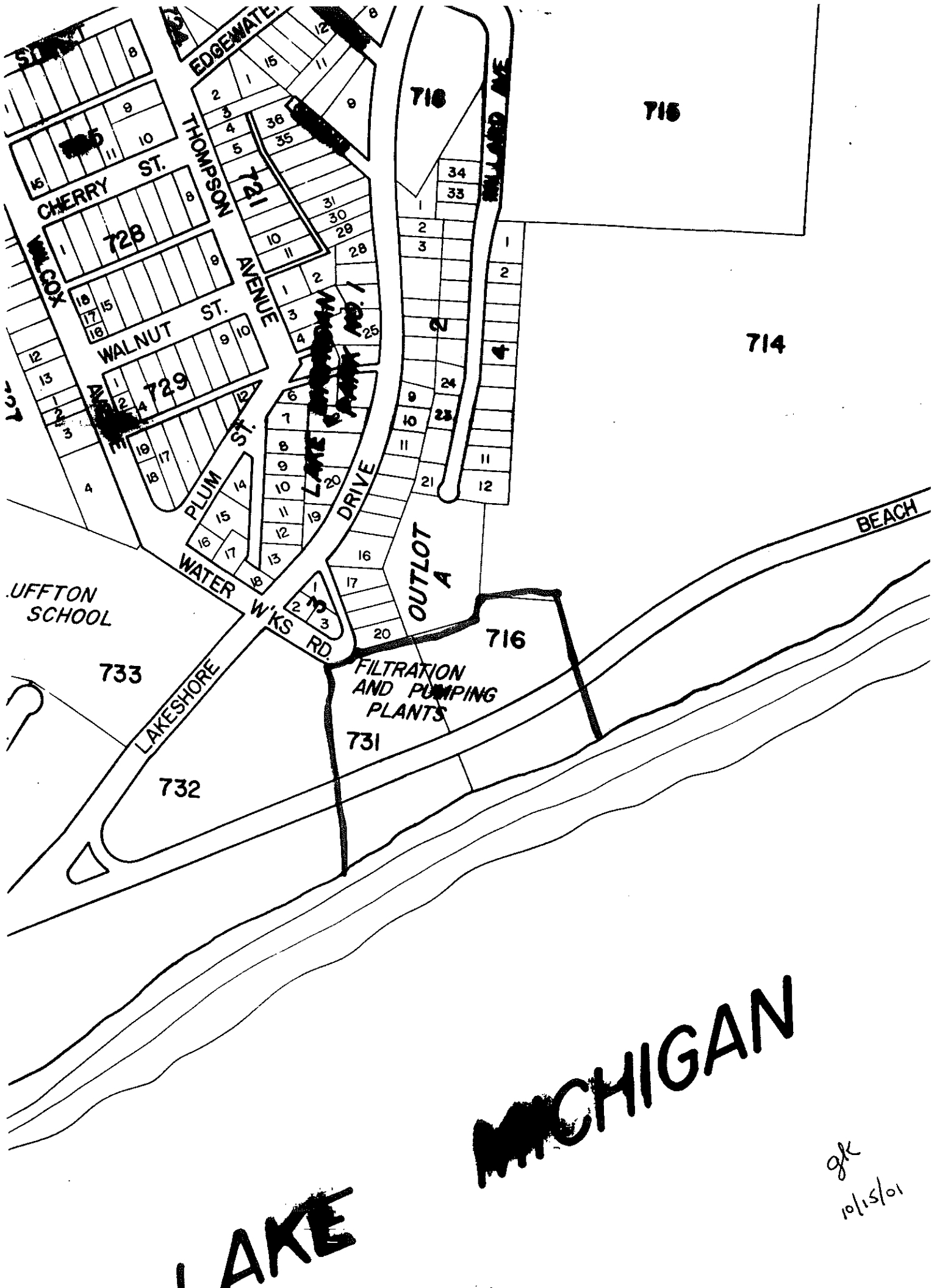
61-24-205-731-0001-00 Map #:24-30-33-200-033
2300 BEACH ST 10/12/2001
CITY OF MUSKEGON
PO BOX 536
933 TERRACE ST
MUSKEGON, MI 49443
Class: 707 School: 61010

Filtration Plant

CITY OF MUSKEGON
REVISED PLAT OF 1903
THAT PT BLK 731 LYING WLY OF WATER WORKS RD
& WLY OF LAKE MICH PARK SUB DIV #1 AS PLATTED
ALSO
THAT PT OF ASH ST VAC LYING SLY OF LAKESHORE DR
& WLY OF WATER WORKS RD

61-24-205-716-0001-00 Map #:24-30-33-200-032
2375 BEACH ST 10/12/2001
CITY OF MUSKEGON
PO BOX 536
933 TERRACE ST
MUSKEGON, MI 49443
Class: 707 School: 61010

CITY OF MUSKEGON
REVISED PLAT OF 1903
THAT PART OF BLK 716 LYING WLY OF A LINE WHICH COM AT SW COR
BLK 717 & RUNS N 15 DEG 11 MIN W TO NLY LINE OF BLK 716



MOORE & BRUGGINK, INC.

Consulting Engineers & Land Surveyors
8 W. Walton Avenue Muskegon, MI 49440
Ph (231) 722-3928 Fax (231) 722-4109

Feb. 14, 2001 No. 006074.3

DESCRIPTION FOR THE CITY OF MUSKEGON

GAS COMPANY (PMP) PARK

That part of Blocks 731, 732, 733 and 734 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows:

Commencing at the Northeast corner of Block 715 of said Revised Plat of 1903;
thence West 1554.00 Feet; thence North $15^{\circ}11'30''$ West 433.10 Feet
for Point of Beginning; thence North $72^{\circ}56'30''$ West 363.00 Feet;
thence South $64^{\circ}30'00''$ West 315 Feet more or less to the East shore of Lake Michigan;
thence Northwesterly along said shore to a point where a line bearing South $89^{\circ}39'$ West
from the Southeast corner of Block 738 of said Revised Plat, intersects said shore;
thence North $89^{\circ}39'$ East 625 Feet more or less to the Southeast corner of said Block 738;
thence South $25^{\circ}40'30''$ East 847.50 Feet; thence South $87^{\circ}05'30''$ East 446.72 Feet;
thence South $62^{\circ}59'30''$ East 583.20 Feet to the point of curvature of a $47^{\circ}31'39''$ curve;
thence Southwesterly along the arc of said curve 187.37 Feet to the point of tangency;
thence South $26^{\circ}03'30''$ West 414.02 Feet to point of beginning.

EXCEPT That part thereof deeded to the Muskegon Public Schools for Bluffton School
in a Deed Dated 7/21/53 and recorded 1/8/54 in Liber 632, Page 374

QUETTE
K

BEACH
ST

INDIANA

OHIO

HARBOUR SAND

TOWNE

HARBOUR TOWNE
CONDOMINIUM

SAND DOCK

E HARBOUR TOWNE

BEACH ST

WOODLAWN CT

MICHIGAN

WILCOX

LAKE

MICHIGAN

LAKE MICHIGAN

GAS CO.
(PMP) PARK

Bluffton
School
L 632
P 374

gk
10/15/01

MOORE & BRUGGINK, INC.

Consulting Engineers & Land Surveyors

8 W. Walton Avenue Muskegon, MI 49440

Ph (231) 722-3928 Fax (231) 722-4109

Feb. 15, 2001 No. 006119.1

DESCRIPTIONS FOR THE CITY OF MUSKEGON

BEACHWOOD PARK

Block 706 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan
EXCEPT That part thereof included in Beachwood Subdivision No. 1,
as recorded in Liber 14 of Plat, Page 19

LAKE MICHIGAN PARK

That part of Block 713 of said Revised Plat of 1903 lying Northerly of the following described line:
Commencing at a point on the shore of Lake Michigan, 1457.8 Feet Southeasterly from
the intersection of the East and West quarter line of Section 33, Town 10 North, Range 17 West,
with the shore of Lake Michigan for Point of Beginning of said line; thence Northeasterly to the most Southerly
corner of Block 706 of said Revised Plat of 1903 for Point of Ending of said line.

ALSO

Block 714 of said Revised Plat of 1903,

EXCEPT

That part thereof included in Bluffton Bay Estates, a Site Condominium,
recorded as Condominium Plan No. 61, in Muskegon County

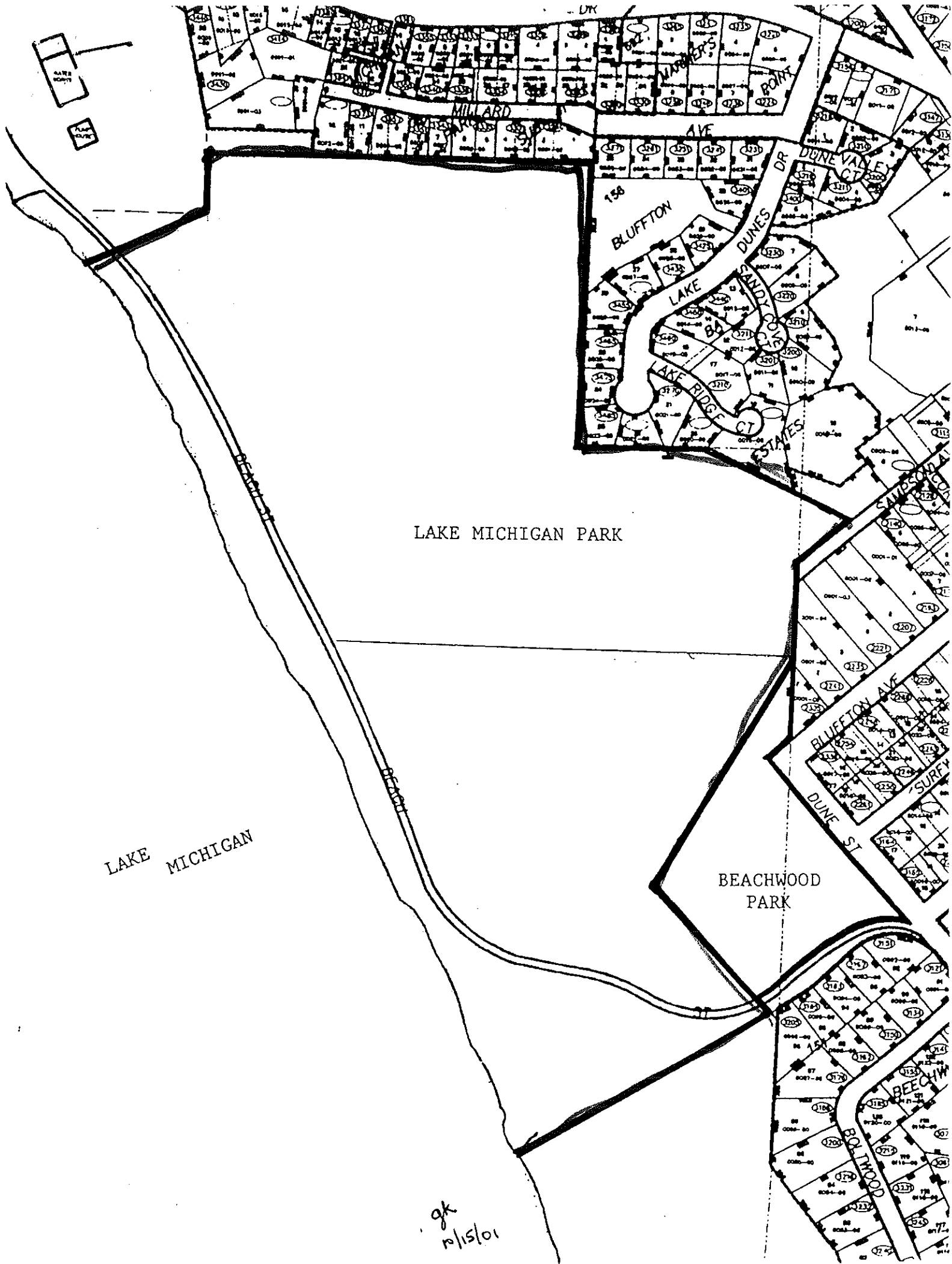
ALSO EXCEPT

That part of said Block 714, lying Northerly of the following described line:
Commencing at the Southeast corner of Block 716 of said Revised Plat for Point of Beginning of said line;
thence South 70° West 393 Feet more or less to the shore of Lake Michigan for Point of Ending of said line.

ALSO

That part of Lot 12 of Block 702 of said Revised Plat of 1903, described as follows:

Commencing at the Southwest corner of said Lot for Point of Beginning;
thence North 00°43'48" East along the West line of said Lot 206.71 Feet;
thence South 63°13'02" East 165.05 Feet to the Northwestern line of Sampson Street;
thence South 48°34'44" West along said Northwestern line 200.06 Feet to Point of Beginning.



LAKE MICHIGAN PARK

LAKE MICHIGAN

BEACHWOOD PARK

gk
p/15/01

MOORE & BRUGGINK, INC.

Consulting Engineers & Land Surveyors

8 W. Walton Avenue Muskegon, MI 49440

Ph (231) 722-3928 Fax (231) 722-4109

Feb. 15, 2001 No. 006119.1

DESCRIPTIONS FOR THE CITY OF MUSKEGON

BEACHWOOD PARK

Block 706 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan
EXCEPT That part thereof included in Beachwood Subdivision No. 1,
as recorded in Liber 14 of Plat, Page 19

LAKE MICHIGAN PARK

That part of Block 713 of said Revised Plat of 1903 lying Northerly of the following described line:
Commencing at a point on the shore of Lake Michigan, 1457.8 Feet Southeasterly from
the intersection of the East and West quarter line of Section 33, Town 10 North, Range 17 West,
with the shore of Lake Michigan for Point of Beginning of said line; thence Northeasterly to the most Southerly
corner of Block 706 of said Revised Plat of 1903 for Point of Ending of said line.

ALSO

Block 714 of said Revised Plat of 1903,

EXCEPT

That part thereof included in Bluffton Bay Estates, a Site Condominium,
recorded as Condominium Plan No. 61, in Muskegon County

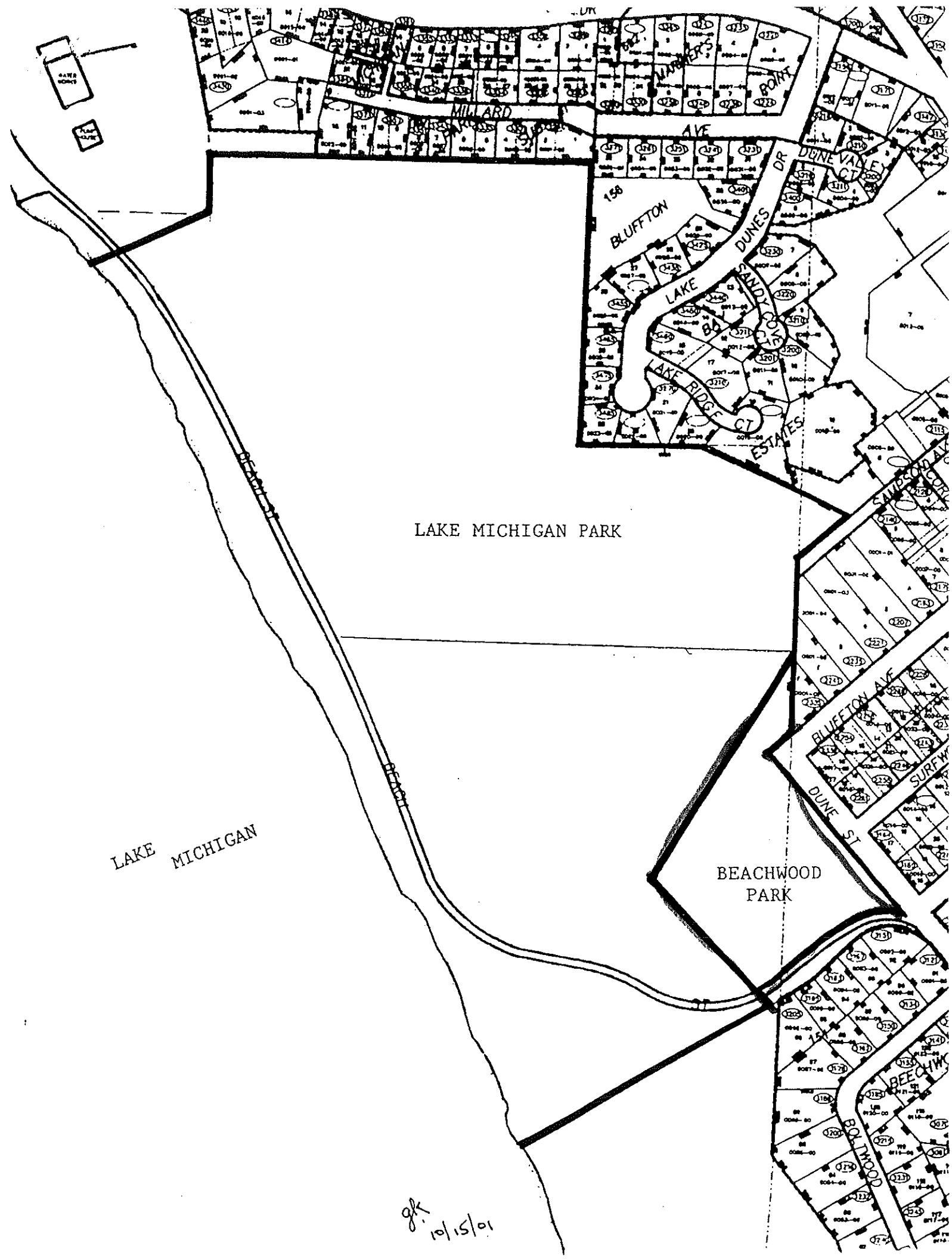
ALSO EXCEPT

That part of said Block 714, lying Northerly of the following described line:
Commencing at the Southeast corner of Block 716 of said Revised Plat for Point of Beginning of said line;
thence South 70° West 393 Feet more or less to the shore of Lake Michigan for Point of Ending of said line.

ALSO

That part of Lot 12 of Block 702 of said Revised Plat of 1903, described as follows:

Commencing at the Southwest corner of said Lot for Point of Beginning;
thence North 00°43'48" East along the West line of said Lot 206.71 Feet;
thence South 63°13'02" East 165.05 Feet to the Northwesterly line of Sampson Street;
thence South 48°34'44" West along said Northwesterly line 200.0 Feet to Point of Beginning.



gk
10/15/01

Date: September 4, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Beachwood Park Professional Services

SUMMARY OF REQUEST:

To award a contract to M. C. Smith Associates for professional services for design and construction management for the Beachwood Park project

FINANCIAL IMPACT:

\$28,900

BUDGET ACTION REQUIRED:

None, included in the 2002 budget

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Beachwood Park Committee recommends approval

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4405

Clerk

231/724-6705
FAX/724-4178

**Comm. & Neigh.
Services**

231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

Inspection Services

231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4100
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

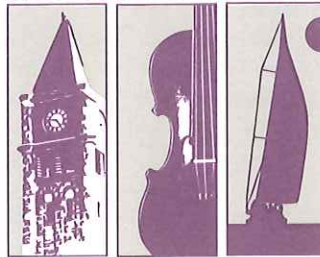
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: September 4, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Beachwood Park Professional Services

Four proposals have been received for design and construction management services for the Beachwood Park project. The proposals are as follows:

M. C. Smith	\$28,900
-------------	----------

RJM Design	\$31,780
------------	----------

Beckett & Raeder	\$39,939
------------------	----------

OCBA	\$33,400
------	----------

The Beachwood Park Development Committee reviewed the proposals and recommends that we award the contract to M. C. Smith. Staff concurs with their recommendation.

Therefore, I would ask that you approve the proposal from M. C. Smith for \$28,900 to design and provide construction management services for the Beachwood Park project.

Thank you for your consideration.

Commission Meeting Date: September 11, 2001

Date: September 4, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Development Agreement Between the City of
Muskegon and Muskegon Redevelopment Limited
Dividend Housing Association Limited
Partnership, LLC (Amazon)**

SUMMARY OF REQUEST: The City is participating with the public improvements on the Amazon property through the Clean Michigan Initiative (CMI) Grant. The public improvements include those to streets, sidewalks, parking, street lighting, landscaping and seating. In order to move forward on the construction of public improvements (and to meet the requirements of the CMI grant), a development agreement between the City of Muskegon and Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC has been prepared. Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC has signed the document and the City Commission is asked to approve the document, as well. An Easement Agreement is also attached, which grants public access to streets, sidewalks, parking and seating within the Amazon development.

FINANCIAL IMPACT: The cost of the public improvements will be paid for with the CMI grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached "Development Agreement" and "Easement Agreement" between Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership LLC and the City of Muskegon, and to authorize the Mayor and Clerk to sign the Agreements.

COMMITTEE RECOMMENDATION: None.

DEVELOPMENT AGREEMENT

2001-105(h)

This Development Agreement between the City of Muskegon, of 933 Terrace Street, Muskegon, MI 49443-0536 ("City"), and Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership, a Michigan Limited Partnership, of 1620 Country Club Road, Suite D, Valparaiso, IN 46383 ("Developer"), is effective as of the 11th day of September, 2001 ("Agreement").

RECITALS

A. Developer owns certain lands described on Exhibit A (the "Development Property"), which lands it intends to include in a development known as Amazon ("AMAZON").

B. In order to develop AMAZON, infrastructure improvements need to be installed, including streets, sidewalks, parking, street lighting, landscaping and seating ("Infrastructure").

C. City has established a waterfront redevelopment plan which encompasses the entire lakeshore of Muskegon Lake within the Muskegon city limits, which waterfront redevelopment plan includes extension and construction of Shoreline Drive, development and construction of a lakeshore trail for pedestrian/bicycle purposes ("Lakeshore Trail"), and the redevelopment of numerous properties within the lakeshore area, including the Development Property.

D. City has applied for and obtained a grant from the State of Michigan for waterfront redevelopment, one purpose of which is to design, construct and install the Infrastructure as public improvements on the Development Property.

E. The effect of the design, construction and installation of the Infrastructure and the related activities and investment by City pursuant to the waterfront redevelopment plan will result in measurable economic benefit to City and to Developer in excess of the project costs for which the grant has been made and in excess of the costs to construct the Infrastructure.

F. The Michigan Department of Environmental Quality ("MDEQ") has approved, upon conditions fully acceptable to City and has executed and delivered to City, a Waterfront Development Grant Agreement (the "Grant Agreement") providing grant funds, which grant funds may be used for the design, construction and installation of the Infrastructure in the amount of Four Hundred Forty Four Thousand Four Hundred Thirty Four Dollars (\$444,434) ("Grant Funds").

G. In recognition of the measurable economic benefit to Developer of the installation and construction of the Infrastructure and the related activities and investment by City pursuant to its waterfront redevelopment plan, which economic benefit exceeds the amount of the Grant Funds, Developer has volunteered and agreed to construct the Infrastructure and to grant to City permanent easements for public use of the streets, sidewalks, parking and seating to be

constructed and installed on the Development Property by Developer in consideration of the agreement of City to reimburse Developer the cost of design, installation and construction of the Infrastructure in an amount not in excess of the Grant Funds.

NOW, THEREFORE, THE PARTIES AGREE, in consideration of the mutual covenants and conditions herein stated, including the recitals above stated, the receipt and adequacy of such consideration being acknowledged by the parties hereto, as follows:

1. Easement conveyance and access rights.

1.1 Developer shall convey easements to City for public use of streets, sidewalks, parking and seating to be located on certain portions of the Development Property (the "Easement Property") to be constructed and maintained on the Development Property in accordance with the development plan dated September 25, 2000, a copy of which is attached hereto as Exhibit B. The Easement Property shall be open to public access and subject to the regulatory control of City sufficient to maintain such public access; provided that the maintenance, repair and replacement of the Infrastructure and other reasonable regulatory control of the Easement Property shall be the responsibility of Developer and the successive owners of the Development Property. Such easements shall be substantially in the form of Easement Agreement attached hereto as Exhibit C. Closing shall take place at the Muskegon office of First American Title Insurance Company or such other location as the parties shall agree after all conditions precedent have been satisfied, at which time Developer shall execute and deliver to City the easements required hereunder.

1.2 Developer agrees that the City and the MDEQ, at all relevant times hereafter including the period beginning with the date of this Agreement and ending not earlier than two (2) years after the Closure Date as defined in the Waterfront Redevelopment Grant Agreement herein referenced, shall have the right to access the Development Property for purposes of conducting site inspections, oversight, evaluations and other similar activities related to said Waterfront Redevelopment Grant Agreement.

2. Conditions precedent to the reimbursement of Infrastructure costs.

2.1 With respect to the Development Property, Developer represents that it has obtained from City and other governmental bodies all requisite approvals for compliance with the zoning ordinance of the City and compliance with all other governmental law and regulation. Such approvals include, but are not limited to, the following: special use permit, site plan approval, tax abatement approval, and Federal Home Loan Bank review. Such approvals shall remain in full force and effect and Developer shall remain in compliance with such approvals, law and regulations at the time of any reimbursement of Infrastructure costs in accordance with this Agreement.

2.2 A survey of the Development Property showing the location of the Easement Property, prepared and sealed by a land surveyor registered in the State of Michigan, shall be supplied to City by Developer.

2.3 Developer shall have completed the installation and construction of the Infrastructure, in accordance with the development plan attached hereto as Exhibit B, on or before September 21, 2002.

2.4 Developer shall have completed the renovation and reconstruction of the building located on the Development Property and obtained an occupancy permit from City for such building. Such renovation and reconstruction shall include, but not be limited to, the following: (a) one hundred twenty-six (126) residential apartments, not less than twenty (20) of which shall be held available by Developer for occupancy upon payment of fair market rents, (b) four thousand square feet of commercial (office/retail) space, and (c) the improvement of such common areas as are reasonable and necessary for the operation of the building.

2.5 Developer shall have executed and delivered to City the easement agreement described in paragraph 1.1 hereof.

2.6 Developer shall have furnished City with all partial or final (as appropriate) waivers of lien or other proof of full or partial (as appropriate) payment of contractors, subcontractors and vendors as City shall reasonably require.

3. Reimbursement of Infrastructure costs.

3.1 Upon satisfaction of the conditions precedent set forth in paragraph 2 above, City shall reimburse Developer the actual costs of the design, construction and installation of the Infrastructure incurred and paid by Developer, in an amount not to exceed the amount of the Grant Funds, in accordance with the provisions of this paragraph 3; provided, that City shall reimburse, at periodic times during construction of the Infrastructure but not more frequently than monthly, such costs as have then actually been incurred and paid by Developer if City determines that Developer has satisfied or made sufficient progress toward satisfaction of such conditions precedent in order to justify such reimbursement.

3.2 Developer shall provide to City, within 30 days after the date of this Agreement, a budget, description of activities and an implementation schedule for the Infrastructure design, construction and installation, including, but not limited to, the names and estimated costs to be incurred by each contractor, subcontractor and vendor. Infrastructure costs incurred by Developer will only be reimbursed after the budget, activities, schedule and contractor (as specified in paragraph 4.2) are approved by City and MDEQ.

3.3 To obtain reimbursement, Developer shall submit invoices to City for the Infrastructure work, consistent with the approved budget, description of activities and implementation schedule. Reimbursement of 90% of the invoiced amount shall be paid to Developer upon receipt by City of Grant Funds from MDEQ. The remaining 10% of the invoiced amount will be held by the MDEQ until such time as a final audit is completed by MDEQ and the remaining Grant Funds are released by MDEQ to City.

4. **Contractors/Consultants.**

4.1 All Contractors and Consultants retained by Developer to undertake Infrastructure design, construction and installation eligible for Grant Funds shall be required to maintain comprehensive general liability insurance with limits of not less than one million dollars (\$1,000,000) combined single limit, naming the MDEQ, the Michigan Economic Development Corporation, State of Michigan and City as additional named insured parties.

4.2 Prior to executing any contract for construction of Infrastructure, Developer shall solicit bids from not less than three (3) contractors and provide copies of all bids received to City. If the contractor that submitted the lowest bid is not the contractor selected, Developer must submit written justification for the selection to City. Such information shall be provided to City and approved by MDEQ prior to Developer undertaking any Infrastructure construction work eligible for Grant Funds.

5. **Warranties and liabilities concerning Infrastructure.** The Infrastructure to be installed by Developer on the Easement Property are improvements which are intended to be used by the general public. No warranties or commitments of any kind or description, either express or implied, are made by City to Developer or any other person as a result of the engineering, design, construction, maintenance, condition or performance of the Infrastructure. All governmental immunities shall remain in effect and are claimed by City. Developer acknowledges and consents to all said immunities.

6. **Waterfront Redevelopment Grant Agreement.** Developer acknowledges that its authorized representatives have read and understood the terms and provisions of the Grant Agreement. The Grant Agreement is incorporated in and made a part of this Agreement. To the extent that the Grant Agreement is inconsistent with this Agreement, then the terms and provisions of the Grant Agreement shall control. To the extent that the Grant Agreement contains requirements which are not specified in this Agreement, which requirements must be satisfied prior to reimbursement of Developer by City, then such requirements of the Grant Agreement shall be considered requirements of this Agreement.

7. **Events of default.** Developer shall be in default of this Agreement upon the happening of any of the following:

7.1 **Bankruptcy or insolvency.** The filing of any bankruptcy by Developer or creditors of Developer, either under state or federal laws, or judicial determination of insolvency of Developer.

7.2 **Failure of performance.** The failure of Developer to perform any duty or observe any condition or covenant in this Agreement.

8. **Remedies on default.** In the event of any default by Developer in performing its obligations as required by this Agreement, which default remains uncured for a period of 30 days after written notice from City to Developer to cure such default, then City may, in its sole discretion, terminate this Agreement for default by Developer and recover from Developer any

funds theretofore reimbursed to Developer by City pursuant to the terms and provisions of this Agreement.

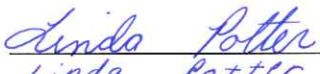
9. **Benefit.** This Agreement is binding upon and inures only to the benefit of the parties to this Agreement. No third party beneficiary is intended by this Agreement.

10. **Counterparts.** This Agreement may be executed in several counterparts and an executed copy hereof may be relied upon as an original.

11. **Non-waiver.** The excusing or waiver of any default of Developer by City shall not prevent or estop the enforcement and remedy of later or similar defaults or violations of this Agreement.

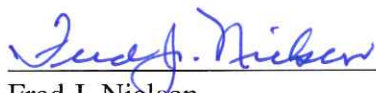
12. **Assignment.** Neither this Agreement nor any benefit or responsibility provided in this Agreement may be transferred or assigned to any other person or entity without the express written consent of both parties to this Agreement.

Witnesses:


Linda Potter

JoAnn Krukowski

CITY OF MUSKEGON

By: 
Fred J. Nielsen
Its Mayor
And 
Gail A. Kunderinger
Its Clerk

Witnesses:




MUSKEGON REDEVELOPMENT
LIMITED DIVIDEND HOUSING
ASSOCIATION LIMITED PARTNERSHIP
a Michigan limited partnership

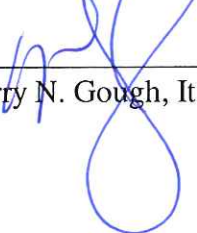
By: MUSKEGON REDEVELOPMENT
LLC, an Indiana limited liability
company, its General Partner
By: 
Larry N. Gough, Its Manager

EXHIBIT A

Legal Description of Development Property

That part of Blocks 567, 568, 570, vacated Mart Street (as recorded in Liber 3058, Page 430) and the adjacent railroad right of way thereto, of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner of said Block 568 for POINT OF BEGINNING; thence North 50°57'04" East along the Northerly line of Western Avenue 20.00 feet to the Westerly line of Fifth Street; thence North 39°04'13" West along said Westerly line 351.52 feet to the Southerly line of Shoreline Drive; thence Southwesterly along said Southerly line on the arc of 5187.69 foot radius curve to the left a distance of 165.51 feet (the long chord of said curve bears South 36°54'53" West 165.51 feet); thence South 36°00'03" West along said Southerly line of Shoreline Drive 329.65 feet to a point which is 63.00 feet, measured at right angles, Westerly of the Easterly line of said Block 570; thence South 39°05'00" East, parallel to said Easterly Block line, 226.26 feet to the Northerly line of Western Avenue; thence North 50°52'45" East along said Northerly line 63.00 feet to the Southeast corner of said Block 570; thence North 51°04'36" East 66.00 feet to the Southwest corner of said Block 568; thence North 50°57'04" East along the Northerly line of Western Avenue 350.05 feet to the Point of Beginning.

EXHIBIT B

Development Plan

EXHIBIT C

Easement Agreement

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and executed on this 11th day of September, 2001, by **MUSKEGON REDEVELOPMENT LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP**, a Michigan limited partnership, whose address is 1620 Country Club Road, Suite D, Valparaiso, IN 46383 ("Grantor"), and **CITY OF MUSKEGON**, whose address is 933 Terrace Street, Muskegon, MI 49443-0536 ("Grantee").

RECITAL

Grantor and Grantee have mutually agreed to participate in the Grantee's water front redevelopment plan and, in recognition of Grantor receiving economic benefit from waterfront development grant funds provided by the Michigan Department of Environmental Quality through Grantee, Grantor desires to provide Grantee nonexclusive permanent easements for public use of the streets, sidewalks, parking, and seating, which are denominated as Parcels A, B, C, and D, described on the attached **Exhibit A** (the "Easements").

AGREEMENT

1. Grant of Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a nonexclusive perpetual easement for public use of the Easements as follows:

- a. an easement over Parcel A for public parking and vehicular and pedestrian ingress and egress.
- b. an easement over Parcel B for public pedestrian ingress and egress.
- d. an easement over Parcel C for public sitting, walking, and general gathering.

2. Maintenance of Easements. Grantor shall bear the full responsibility and cost of maintenance, repair and replacement of all improvements made by Grantor within the area of the Easements, including snowplowing.

3. Damage to Easement. Grantor shall be responsible to repair any damage to the improvements located within the Easements, at its sole cost and expense, regardless of the cause of such damage.

4. Regulatory Control of Easements. The Easements over Parcels A and D are subject to reasonable regulatory control by Grantor and Grantee; provided that the parties expressly acknowledge that it shall be reasonable for Grantor to limit the use of Parcel A to exclude public use of Parcel A between the hours of 1:00 a.m. and 6:00 a.m.; and, further provided that it shall be reasonable for Grantor to limit the use of Parcel D to exclude public use of Parcel D between the hours of 10:00 p.m. and 6:00 a.m. No regulatory control, including the regulations above stated and agreed to be reasonable, may be imposed or enforced without prior written notice to the other party.

5. Insurance. Grantor and its successors and assigns shall maintain general liability insurance with respect to the Easements with limits not less than one million dollars (\$1,000,000), or such other amount as Grantor and Grantee shall agree is reasonably required. Such insurance shall include City as a named or additional insured and Grantor shall provide a copy of such insurance policy or a certificate of insurance to Grantee upon request.

6. Assignment. No party's interest and rights in the Easements or this Agreement may be transferred, conveyed or assigned except with the prior written consent of the other party.

7. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns, except as otherwise provided herein. The easements, agreements, restrictions and obligations herein contained, shall be perpetual and shall run with, benefit, and burden the property described in the Easements.

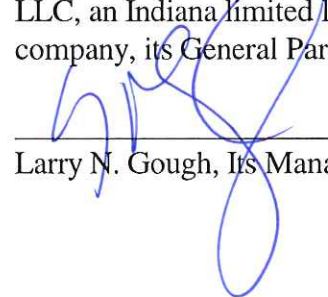
IN WITNESS WHEREOF, the undersigned have executed this Easement Agreement on the date above first written.

Signed in the presence of:

GRANTOR:

MUSKEGON REDEVELOPMENT
LIMITED DIVIDEND HOUSING
ASSOCIATION LIMITED PARTNERSHIP,
a Michigan limited partnership

By: MUSKEGON REDEVELOPMENT
LLC, an Indiana limited liability
company, its General Partner

By: 
Larry N. Gough, Its Manager

CITY OF MUSKEGON

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

And Gail A. Kunderger
Gail A. Kunderger
Its Clerk

STATE OF Indiana)
COUNTY OF Porter) SS.

The foregoing instrument was acknowledged before me this 2 day of October 2001, by Larry N. Gough, who has affirmed that he is the Manager of Muskegon Redevelopment LLC, an Indiana limited liability company and the general partner of Grantor, and is fully authorized to execute this instrument on behalf of Grantor, and that Grantor executes this document of its free will.

CAROLYN ADAMS
Notary Public State of Indiana
County of Residence Porter County
Commission Expires February 11, 2008

Carolyn Adams
Notary Public
Porter County, Indiana
My Commission Expires: 2-11-08

Prepared By and Return to After Recording:

Arthur C. Spalding
RHOADES, McKEE, BOER,
GOODRICH & TITTA
600 Waters Building
161 Ottawa Avenue, N.W.
Grand Rapids, MI 49503-2793

EXHIBIT A

The property which is subject to the easements described in the Easement Agreement to which this Exhibit A is attached is described as follows:

That part of Blocks 567, 568, 570, vacated Mart Street (as recorded in Liber 3058, Page 430) and the adjacent railroad right of way thereto, of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner of said Block 568 for POINT OF BEGINNING; thence North 50°57'04" East along the Northerly line of Western Avenue 20.00 feet to the Westerly line of Fifth Street; thence North 39°04'13" West along said Westerly line 351.52 feet to the Southerly line of Shoreline Drive; thence Southwesterly along said Southerly line on the arc of 5187.69 foot radius curve to the left a distance of 165.51 feet (the long chord of said curve bears South 36°54'53" West 165.51 feet); thence South 36°00'03" West along said Southerly line of Shoreline Drive 329.65 feet to a point which is 63.00 feet, measured at right angles, Westerly of the Easterly line of said Block 570; thence South 39°05'00" East, parallel to said Easterly Block line, 226.26 feet to the Northerly line of Western Avenue; thence North 50°52'45" East along said Northerly line 63.00 feet to the Southeast corner of said Block 570; thence North 51°04'36" East 66.00 feet to the Southwest corner of said Block 568; thence North 50°57'04" East along the Northerly line of Western Avenue 350.05 feet to the Point of Beginning.

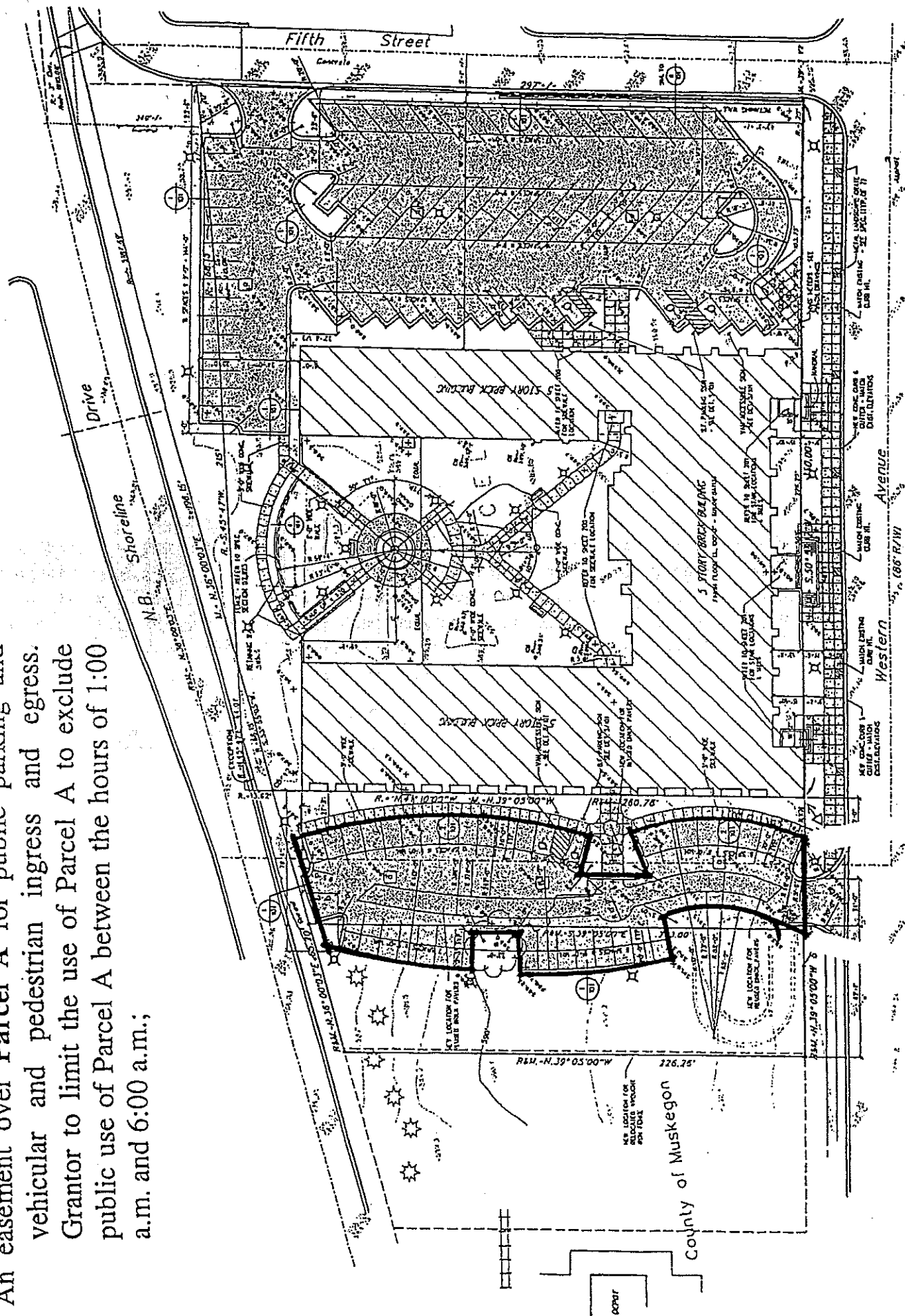
Attached to this Exhibit A, and incorporated herein, are drawings which identify Parcels A, B, C and D as referenced in paragraph 1 of the Easement Agreement to which this Exhibit A is attached.

PARCEL "A" DESCRIPTION: Parcel A is the area indicated on the drawing which is attached hereto as **Exhibit A-1**.

PARCEL "B" DESCRIPTION: Parcel B is the sidewalk running north/south through Parcel A, as indicated on the drawing attached hereto as **Exhibit A-2**.

PARCEL "C" DESCRIPTION: Parcel D is the seating/courtyard area indicated on the drawing which is attached hereto as **Exhibit A-3**.

An easement over Parcel A for public parking and vehicular and pedestrian ingress and egress. Grantor to limit the use of Parcel A to exclude public use of Parcel A between the hours of 1:00 a.m. and 6:00 a.m.;



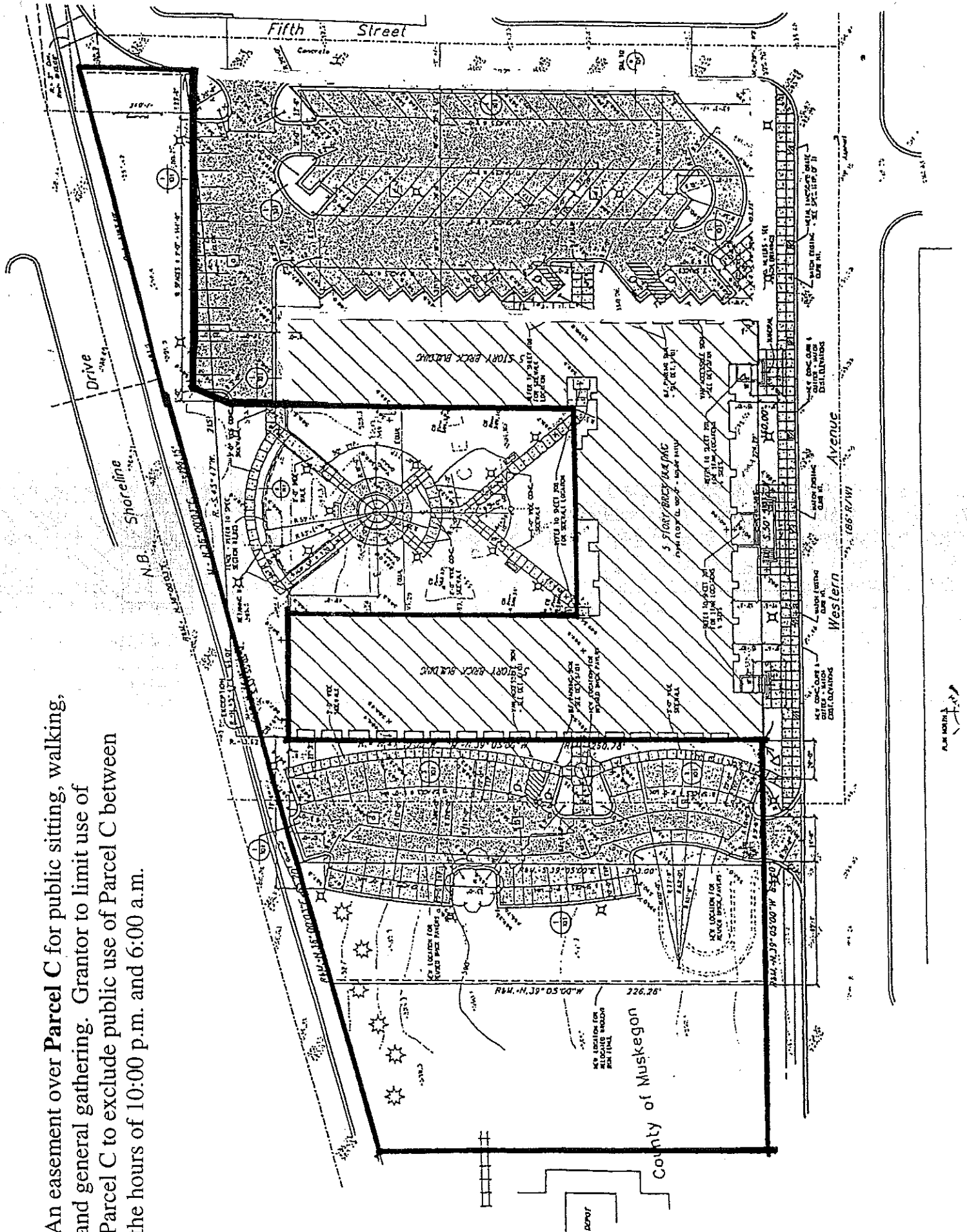
GENERAL NOTE
1. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLANS AND THE SURVEY DATA, THE SURVEY DATA SHALL CONTROL.

AS SHOWN
SITE PLAN



THE NEW YORK PUBLIC LIBRARY

An easement over **Parcel C** for public sitting, walking, and general gathering. Grantor to limit use of Parcel C to exclude public use of Parcel C between the hours of 10:00 p.m. and 6:00 a.m.



RHOADES, MCKEE, BOER, GOODRICH & TITTA

ATTORNEYS & COUNSELORS

600 WATERS BUILDING, 161 OTTAWA AVENUE NW

GRAND RAPIDS, MICHIGAN 49503-2793

TELEPHONE (616) 235-3500

FAX (616) 233-5269

E-MAIL: info@rhoadesmckee.com

www.rhoadesmckee.com

December 18, 2001

RECEIVED

DEC 19 2001

CITY OF MUSKEGON
PLANNING DEPARTMENT

EDWARD B. GOODRICH
PETER A. TITTA
RICHARD G. LEONARD
ARTHUR C. SPALDING
BRUCE W. NECKERS
ROBERT J. DUGAN
TERRENCE L. GROESSER
THOMAS P. HOGAN
JAMES M. FLAGGERT
MARY ANN CARTWRIGHT
DANIEL L. ELVE
THOMAS L. SAXE
JAMES L. SCHIPPER
LAURIE M. STRONG
GREGORY G. TIMMER
STEPHEN A. HILGER
MARY L. WILLIAMS
SCOTT J. STEINER
DOUGLAS P. VANDENBERGE
ROBERT C. SHAVER
JOHN M. LICHTENBERG
MARK E. FATUM
DAN E. BYLENGA, JR.
PAUL A. MCCARTHY

RANDY J. KOLAR
MICHAEL C. WALTON
BRUCE A. COURTADE
PETER J. LOZICKI
TODD A. HENDRICKS
MARK S. PENDERY
MARTIN W. BUSCHLE
TERRY L. ZABEL
MARY JANE RHOADES
KENNETH M. HORJUS
MOLLY M. MCNAMARA
CONNIE R. THACKER
DAVID E. BEVINS
PATRICK R. DRUEKE
MARY L. TABIN
PAMELA J. FARRER
ANTHONY A. PEARSON
ERIC R. STARCK

OF COUNSEL
DALE W. RHOADES
F. WILLIAM MCKEE
ROGER W. BOER
CHARLES T. ZIMMERMAN
ROBERT F. WILLIAMS

Ms. Cathy Brubaker-Clarke
Planning Director
City of Muskegon
933 Terrace Street
P. O. Box 536
Muskegon, MI 49443-0536

Re: Amazon Property

Dear Cathy:

Enclosed please find a copy of the Easement Agreement between Muskegon Redevelopment Limited Dividend Housing Association Limited Partnership and the City of Muskegon executed September 11, 2001, which was recorded with the Muskegon County Register of Deeds on November 21, 2001, in Liber 3308 at page 270. We have retained the original document in our file.

Also enclosed is our invoice for legal services rendered. It appears that there is nothing further for us to do at this time.

Please do not hesitate to contact me if you need further assistance.

Very truly yours,

RHOADES, MCKEE, BOER,
GOODRICH & TITTA

Arthur C. Spalding

Arthur C. Spalding

Encs.

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

COPY

2001 NOV 21 PM 1:37

Mark F. Faischull
REGISTER OF DEEDS**EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT is made and executed on this 11th day of September, 2001, by **MUSKEGON REDEVELOPMENT LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP**, a Michigan limited partnership, whose address is 1620 Country Club Road, Suite D, Valparaiso, IN 46383 ("Grantor"), and **CITY OF MUSKEGON**, whose address is 933 Terrace Street, Muskegon, MI 49443-0536 ("Grantee").

RECITAL

Grantor and Grantee have mutually agreed to participate in the Grantee's water front redevelopment plan and, in recognition of Grantor receiving economic benefit from waterfront development grant funds provided by the Michigan Department of Environmental Quality through Grantee, Grantor desires to provide Grantee nonexclusive permanent easements for public use of the streets, sidewalks, parking, and seating, which are denominated as Parcels A, B, C, and D, described on the attached **Exhibit A** (the "Easements").

AGREEMENT

1. **Grant of Easement.** Grantor hereby grants and conveys to Grantee, its successors and assigns, a nonexclusive perpetual easement for public use of the Easements as follows:

- a. an easement over Parcel A for public parking and vehicular and pedestrian ingress and egress.
- b. an easement over Parcel B for public pedestrian ingress and egress.
- d. an easement over Parcel C for public sitting, walking, and general gathering.

2. **Maintenance of Easements.** Grantor shall bear the full responsibility and cost of maintenance, repair and replacement of all improvements made by Grantor within the area of the Easements, including snowplowing.

3. Damage to Easement. Grantor shall be responsible to repair any damage to the improvements located within the Easements, at its sole cost and expense, regardless of the cause of such damage.

4. Regulatory Control of Easements. The Easements over Parcels A and D are subject to reasonable regulatory control by Grantor and Grantee; provided that the parties expressly acknowledge that it shall be reasonable for Grantor to limit the use of Parcel A to exclude public use of Parcel A between the hours of 1:00 a.m. and 6:00 a.m.; and, further provided that it shall be reasonable for Grantor to limit the use of Parcel D to exclude public use of Parcel D between the hours of 10:00 p.m. and 6:00 a.m. No regulatory control, including the regulations above stated and agreed to be reasonable, may be imposed or enforced without prior written notice to the other party.

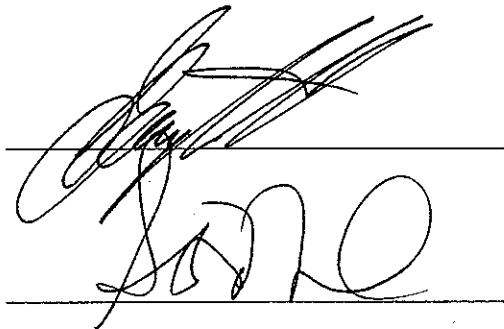
5. Insurance. Grantor and its successors and assigns shall maintain general liability insurance with respect to the Easements with limits not less than one million dollars (\$1,000,000), or such other amount as Grantor and Grantee shall agree is reasonably required. Such insurance shall include City as a named or additional insured and Grantor shall provide a copy of such insurance policy or a certificate of insurance to Grantee upon request.

6. Assignment. No party's interest and rights in the Easements or this Agreement may be transferred, conveyed or assigned except with the prior written consent of the other party.

7. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns, except as otherwise provided herein. The easements, agreements, restrictions and obligations herein contained, shall be perpetual and shall run with, benefit, and burden the property described in the Easements.

IN WITNESS WHEREOF, the undersigned have executed this Easement Agreement on the date above first written.

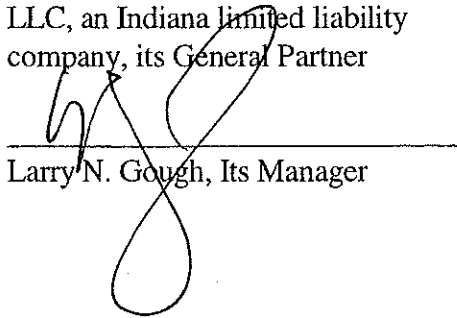
Signed in the presence of:



GRANTOR:

MUSKEGON REDEVELOPMENT
LIMITED DIVIDEND HOUSING
ASSOCIATION LIMITED PARTNERSHIP,
a Michigan limited partnership

By: MUSKEGON REDEVELOPMENT
LLC, an Indiana limited liability
company, its General Partner

By: 
Larry N. Gough, Its Manager

GRANTEE:

CITY OF MUSKEGON

Linda Potter
Linda Potter

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

John Krukowski
JOHN Krukowski

And Gail A. Kunder
Gail A. Kunder
Its Clerk

STATE OF Indiana) SS.
COUNTY OF Porter)

The foregoing instrument was acknowledged before me this 2 day of October 2001, by Larry N. Gough, who has affirmed that he is the Manager of Muskegon Redevelopment LLC, an Indiana limited liability company and the general partner of Grantor, and is fully authorized to execute this instrument on behalf of Grantor, and that Grantor executes this document of its free will.

CAROLYN ADAMS
Notary Public State of Indiana
County of Residence Porter County
Commission Expires February 11, 2008

Carolyn Adams
Notary Public
Porter County, Indiana
My Commission Expires: 2-11-08

Prepared By and Return to After Recording:

Arthur C. Spalding
RHOADES, McKEE, BOER,
GOODRICH & TITTA
600 Waters Building
161 Ottawa Avenue, N.W.
Grand Rapids, MI 49503-2793

EXHIBIT A

The property which is subject to the easements described in the Easement Agreement to which this Exhibit A is attached is described as follows:

That part of Blocks 567, 568, 570, vacated Mart Street (as recorded in Liber 3058, Page 430) and the adjacent railroad right of way thereto, of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner of said Block 568 for POINT OF BEGINNING; thence North 50°57'04" East along the Northerly line of Western Avenue 20.00 feet to the Westerly line of Fifth Street; thence North 39°04'13" West along said Westerly line 351.52 feet to the Southerly line of Shoreline Drive; thence Southwesterly along said Southerly line on the arc of 5187.69 foot radius curve to the left a distance of 165.51 feet (the long chord of said curve bears South 36°54'53" West 165.51 feet); thence South 36°00'03" West along said Southerly line of Shoreline Drive 329.65 feet to a point which is 63.00 feet, measured at right angles, Westerly of the Easterly line of said Block 570; thence South 39°05'00" East, parallel to said Easterly Block line, 226.26 feet to the Northerly line of Western Avenue; thence North 50°52'45" East along said Northerly line 63.00 feet to the Southeast corner of said Block 570; thence North 51°04'36" East 66.00 feet to the Southwest corner of said Block 568; thence North 50°57'04" East along the Northerly line of Western Avenue 350.05 feet to the Point of Beginning.

Attached to this Exhibit A, and incorporated herein, are drawings which identify Parcels A, B, C and D as referenced in paragraph 1 of the Easement Agreement to which this Exhibit A is attached.

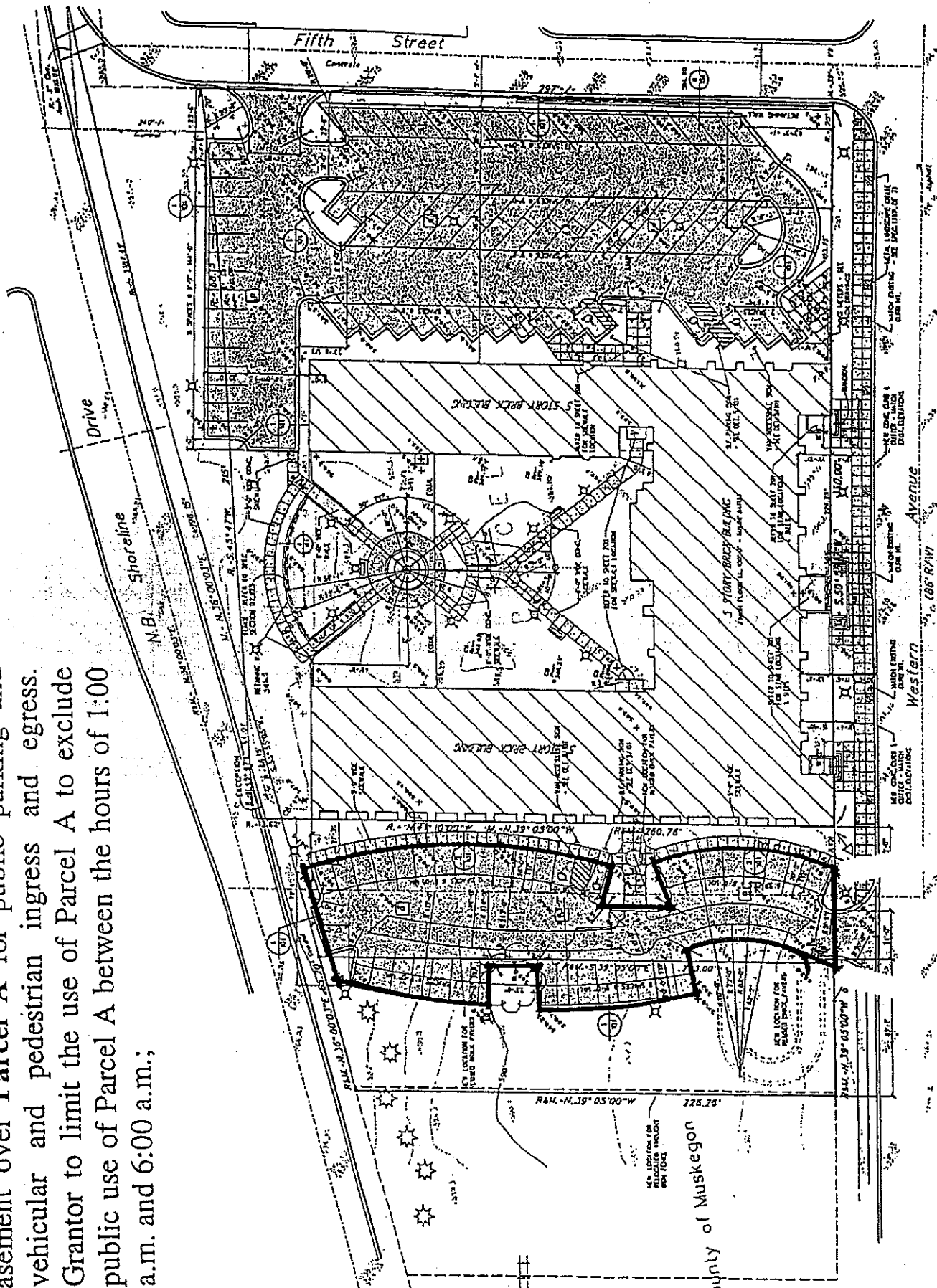
PARCEL "A" DESCRIPTION: Parcel A is the area indicated on the drawing which is attached hereto as **Exhibit A-1**.

PARCEL "B" DESCRIPTION: Parcel B is the sidewalk running north/south through Parcel A, as indicated on the drawing attached hereto as **Exhibit A-2**.

PARCEL "C" DESCRIPTION: Parcel D is the seating/courtyard area indicated on the drawing which is attached hereto as **Exhibit A-3**.

An easement over Parcel A for public parking and vehicular and pedestrian ingress and egress. Grantor to limit the use of Parcel A to exclude public use of Parcel A between the hours of 1:00 a.m. and 6:00 a.m.;

ILLEGIBILITY DUE TO POOR ORIGINAL



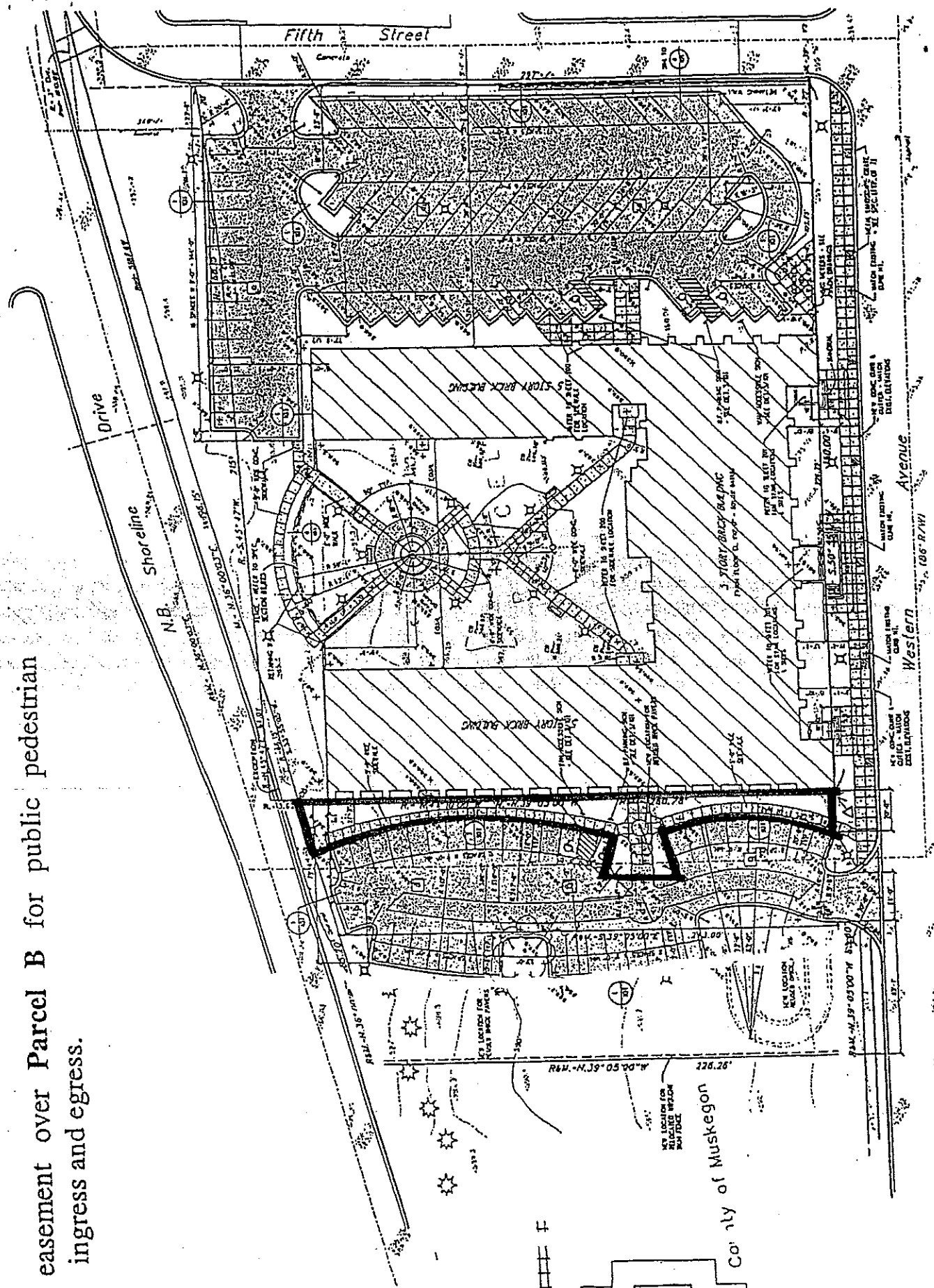
GENERAL NOTE
1. ALL LOTS
2. ALL LOTS

SITE PLAN



An easement over Parcel B for public pedestrian ingress and egress.

ILLEGIBILITY DUE TO POOR ORIGINAL



An easement over Parcel C for public sitting, walking, and general gathering. Grantor to limit use of Parcel C to exclude public use of Parcel C between the hours of 10:00 p.m. and 6:00 a.m.

ILLEGIBILITY DUE TO POOR ORIGINAL

