

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**November 26, 2024 @ 5:30 PM**

**MUSKEGON CITY COMMISSION CHAMBERS  
933 TERRACE STREET, MUSKEGON, MI 49440**

### AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS, AWARDS, AND PRESENTATIONS:**
- ☐ **PUBLIC COMMENT ON AGENDA ITEMS:**
- ☐ **CONSENT AGENDA:**
  - A. Approval of Minutes City Clerk
  - B. Beach Parking Pass Price Adjustments Manager's Office
  - C. Contract Award - Lakeshore Dr Sewer CCTV DPW- Engineering
  - D. Amendment to NEZ Certificate Applications for Shaw Walker Redevelopment Project, 920 Washington Ave., 965 W. Western Ave.  
Economic Development
  - E. Revocation of NEZ Certificate at 307 Terrace Point Circle Economic Development
  - F. Revocation of NEZ Certificate at 308 Terrace Point Circle Economic Development
  - G. Muskegon Historic District Monument Conservation Project - City Contribution and Contract Award Planning
  - H. Taste of Muskegon Transition Agreement - LAB Events DPW- Parks
  - I. School Resource Officer Agreement with High School and Middle School  
Public Safety

- J. **Amendment to the Professional Services Agreement between SAFEBuilt Michigan, LLC** Public Safety
- K. **2025 Special Event Policy** DPW- Parks and Recreation
- L. **Sale of 1451 Leahy** Planning
- M. **Sale of 1325 Terrace** Planning
- N. **Background Investigation Services Bid** Public Safety
- O. **Sprint Cellular Antenna Lease Renewal** Public Works
- P. **Rezoning of 1095 3rd St from B-2 to FBC, NC.** Planning
- Q. **Amendment to Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts. SECOND READING** Planning
- R. **Amendment to Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts. SECOND READING** Planning
- S. **Amendment to Article II of the zoning ordinance to create a definition for accessory dwelling unit. SECOND READING** Planning
- T. **Amendment to Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename the single-family residential district. SECOND READING** Planning
- U. **Amendment to Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units. SECOND READING** Planning
- V. **Amendment to Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and triplexes. SECOND READING** Planning
- W. **Lumberjacks Eight Amendment - Assignment** Manager's Office
- X. **EGLE Grant Development Agreement, City of Muskegon and Muskegon Limited Dividend Housing Association, Lofts of Muskegon, 122 W. Muskegon Ave.** Economic Development

☐ PUBLIC HEARINGS:

☐ UNFINISHED BUSINESS:

☐ NEW BUSINESS:

- A. **Housing Board of Appeals - Demolition of 1101 Pine St** Public Safety



☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

- ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
- ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
- ▶ Submit the form to the City Clerk.
- ▶ Be recognized by the Chair.
- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commission.

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

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

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit:

[www.shorelinecity.com](http://www.shorelinecity.com)

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 with 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 by calling the following:

Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705.  
[clerk@shorelinecity.com](mailto:clerk@shorelinecity.com)



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|------------------------|----|--|----------------------|---|--|---------------|--|--|--------------|--|--|-------------------------------------------------|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                    |  | <b>Title:</b> Approval of Minutes                                                                                                                        |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Submitted by:</b> Ann Meisch, City Clerk                                                                                                                                                                                                                                                                                                          |  | <b>Department:</b> City Clerk                                                                                                                            |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Brief Summary:</b><br>To approve minutes of the November 12, 2024, City Commission Meeting.                                                                                                                                                                                                                                                       |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Detailed Summary &amp; Background:</b>                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                           |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                             |  | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |  | Yes |                        | No |  | N/A                  | X |  |               |  |  |              |  |  |                                                 |  |
| Yes                                                                                                                                                                                                                                                                                                                                                  |  | No                                                                                                                                                       |  | N/A | X                      |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                        |  | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> |  | Yes |                        | No |  | N/A                  | X |  |               |  |  |              |  |  |                                                 |  |
| Yes                                                                                                                                                                                                                                                                                                                                                  |  | No                                                                                                                                                       |  | N/A | X                      |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Recommended Motion:</b><br>Approval of the minutes.                                                                                                                                                                                                                                                                                               |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Approvals:</b> <table border="1"> <tr> <td>Immediate Division Head</td> <td></td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table> |  | Immediate Division Head                                                                                                                                  |  |     | Information Technology |    |  | Other Division Heads |   |  | Communication |  |  | Legal Review |  |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Information Technology                                                                                                                                                                                                                                                                                                                               |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Communication                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Legal Review                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**November 12, 2024 @ 5:30 PM**

**MUSKEGON CITY COMMISSION CHAMBERS  
933 TERRACE STREET, MUSKEGON, MI 49440**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, November 12, 2024. Pastor D. W. Tolbert, from the New Hope Baptist Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL**

Present: Mayor Ken Johnson, Vice Mayor Rebecca St. Clair, Commissioners Jay Kilgo, Willie German, Jr., Rachel Gorman, and Katrina Kochin, City Manager Jonathan Seyferth, City Attorney John Schrier, and City Clerk Ann Marie Meisch  
Absent: Commissioner Destinee Keener

#### **2024-92 HONORS, AWARDS, AND PRESENTATIONS**

##### **A. YEARS OF SERVICE AWARDS** Employee Relations

Mayor Johnson and Commissioners congratulated and thanked City employees for their Years of Service ranging from 5 to 25 years. Certificates were presented by the Mayor to those in attendance.

#### **PUBLIC COMMENT ON AGENDA ITEMS**

Public comments received.

#### **2024-93 CONSENT AGENDA**

##### **A. Approval of Minutes** City Clerk

To approve minutes of the October 22, 2024, City Commission Meeting.

**STAFF RECOMMENDATION:** Approval of the minutes.

**B. Fireworks Display for NYE Ball Drop** City Clerk

Pyrotecnico is requesting approval of a fireworks display permit for December 31, 2024/January 1, 2025, in the parking lot between 3rd and 4th Streets, west of Shoreline Drive. The Fire Marshall will inspect the fireworks on the day of the event.

**STAFF RECOMMENDATION:** To approve the fireworks display permit for Pyrotecnico contingent upon inspection of the fireworks.

**C. Resolution for Charitable Gaming License - Kids Belong** City Clerk

Kids Belong is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501(c)(3) organization by the State.

**STAFF RECOMMENDATION:** Approval of the resolution for a Charitable Gaming License.

**E. ATM for Muskegon Farmers Market** City Clerk

City Commission authorized going into an agreement for an ATM at the Muskegon Farmers Market and is recommending Consumers Credit Union.

**STAFF RECOMMENDATION:** Authorize staff to sign the agreement with Consumers Credit Union to place an ATM at the Muskegon Farmers Market.

**Motion by Commissioner German, second by Commissioner Kilgo, to approve the Consent Agenda minus item D.**

**ROLL VOTE: Ayes: Gorman, Kochin, St.Clair, Johnson, Kilgo, and German**  
**Nays: None**

**MOTION PASSES**

**2024-94 ITEM REMOVED FROM THE CONSENT AGENDA**

**D. Request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units. SECOND READING** Planning

The proposed buildings include six fourplexes and two duplexes. The original PUD for Harbour Towne called for up to 250 units, however, only 190 units were built. The time has lapsed to complete the additional units, so the PUD must be amended. A discussion was had regarding the installation of sidewalks, which was an original condition of approval. The PUD was amended in 2002 to add

three additional duplexes along Fulton St. That amendment noted that the original agreement for sidewalks for the PUD is retained. During the July 11, 2002 Planning Commission meeting it was noted: "In previous amendments the issue of pedestrian walkways has come up. The original PUD required that walkways (sidewalks) be provided when the PUD became more fully developed. This issue needs to be resolved. Cement sidewalks may not be practical in the development. A boardwalk may be cost prohibitive. An option may be that a pedestrian/bike lane be painted on the existing street demarking a pedestrian area that will prompt motorists to be mindful of pedestrians and cyclists. The existing swath of pavement is fairly wide and open, which can actually promote speeding in the development."

The Planning Commission voted in favor (5 to 3, 1 absent) of recommending approval of the project with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences
4. A landscaping plan is provided.
5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.

**STAFF RECOMMENDATION:** I move that the request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units be approved with the following conditions:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences
4. A landscaping plan is provided.
5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction.

**Motion by Commissioner Kochin, second by Vice Mayor St.Clair, to approve the request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units be approved with the following conditions:**

- 1. A turnaround must be incorporated at the end of Channel View Point.**
- 2. An additional fire hydrant must be added along Channel View Point.**
- 3. A stormwater permit must be obtained from the Engineering Department before construction commences.**
- 4. A landscaping plan is provided.**
- 5. Sidewalks through Harbour Towne Circle East and West are installed within two years from the commencement of construction..**

**ROLL VOTE: Ayes: Gorman, St.Clair, Johnson, and Kilgo**

Nays: German and Kochin

**MOTION PASSES**

**2024-95 NEW BUSINESS**

**A. Amendment to Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.** Planning

This is a staff-initiated request to amend the zoning ordinance to allow all single-family residential lots to be considered buildable as long as they are at least 30 feet wide and 3,000 in size. There are currently three separate single-family residential districts in the zoning ordinance; R-1, R-2, and R-3; which all allow the same uses. The main difference between these districts is how much lot width is required to be considered a buildable lot. This proposal would eliminate R-2 and R-3 districts and change the bulk and area requirements to the current R-3 standards, which requires a minimum 30-foot lot width and 3,000 sf in size. The new Maximum Lot Coverage requirements would also match the current R-3 standards (buildings 70%, pavement 20%). The chart in Section 404 would be removed and the Area and Bulk Requirements would be represented as they previously were in the zoning ordinance (without a chart). The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.

**STAFF RECOMMENDATION:** I move to approve the request to amend Section 404 of the zoning as presented.

**Motion by Commissioner Kilgo, second by Vice Mayor St.Clair to approve the request to amend Section 404 of the zoning as presented.**

**Motion amended by Commissioner Kilgo, second by Vice Mayor St.Clair to include that when a lot is covered over 80% by the combination of buildings and pavement, the remaining amount of pavement allowed must be pervious.**

**ROLL VOTE: Ayes: Gorman, St.Clair, Johnson, and Kilgo**

**Nays: German and Kochin**

**MOTION PASSES (REQUIRES SECOND READING)**

**C. Amendment to Article II of the zoning ordinance to create a definition for accessory dwelling unit.** Planning

This is a staff-initiated request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

Proposed definition:

Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.

**STAFF RECOMMENDATION:** I move to approve the request to amend Article II of the zoning ordinance as presented.

**Motion by Commissioner Kochin, second by Commissioner Kilgo, to approve the request to amend Article II of the zoning ordinance as presented.**

**ROLL VOTE:** Ayes: Kilgo, Gorman, Kochin, St.Clair, and Johnson  
Nays: German

**MOTION PASSES (REQUIRES SECOND READING)**

**B. Amendment to Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.** Planning

This is a staff-initiated request to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

Currently, single-family is the only housing option in R districts. This proposal recommends allowing duplexes, triplexes and accessory dwelling units (under certain conditions) in these districts. Duplexes would have to be on lots at least 40 feet wide. Triplexes would have to be on lots at least 50 feet wide and must have an alley in the back. Accessory Dwelling Units would have to be located behind an existing housing unit. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.

**STAFF RECOMMENDATION:** I move to approve the amendments to Section 400 of the zoning ordinance as proposed.

**Motion by Commissioner Kilgo, second by Vice Mayor St.Clair, to approve the amendments to Section 400 of the zoning ordinance as proposed.**

**ROLL VOTE:** Ayes: Johnson, Kilgo, Gorman, Kochin, and St.Clair  
Nays: German

**MOTION PASSES (REQUIRES SECOND READING)**

**D. Amendment to Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename the single-family residential district.** Planning

This is a staff-initiated request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

If the request to allow duplexes, triplexes and accessory dwelling units is approved, the name of the zoning designation should be changed to reflect the types of houses allowed. Staff proposes changing the name from "Single-Family Residential" to "Neighborhood Residential." The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.

**STAFF RECOMMENDATION:** I move to approve the request to amend Article IV of the zoning ordinance as presented.

**Motion by Commissioner Kilgo, second by Commissioner Kochin, to approve the request to amend Article IV of the zoning ordinance as presented.**

**ROLL VOTE:** Ayes: St.Clair, Johnson, Kilgo, and Gorman  
Nays: German and Kochin

**MOTION PASSES (REQUIRES SECOND READING)**

**E. Amendment to Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.** Planning

This is a staff-initiated request to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units. Staff is proposing to reduce the minimum number of parking spaces required per dwelling unit from two to one.

Only one parking space per dwelling unit was required for residential uses prior to an ordinance amendment in 2002. Large apartment complexes continue to overdevelop parking lots based on the zoning ordinance's requirements. Staff had considered proposing to eliminate parking minimums altogether, as is the case in form-based code districts, but based on public feedback a reduction to one parking space per dwelling unit is being proposed instead. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.

**STAFF RECOMMENDATION:** I move to approve the amendments to Section 2326 of the zoning ordinance as presented.

**Motion by Commissioner Kilgo, second by Vice Mayor St.Clair, to approve the amendments to Section 2326 of the zoning ordinance as presented.**

**ROLL VOTE:** Ayes: St.Clair, Johnson, Kilgo, and Gorman  
Nays: Kochin and German

**MOTION PASSES (REQUIRES SECOND READING)**



**F. Amendment to Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and triplexes.** Planning

This is a staff-initiated request to make minor amendments to the design criteria in the form-based code to allow single-family houses to be converted into duplexes and triplexes, under certain conditions.

Within the form-based code districts, a few minor design requirements could prevent converting a single-family house into a duplex or triplex. Please see the enclosed Planning Commission Excerpt that depicts these changes in more detail. The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented.

**STAFF RECOMMENDATION:** I move to approve the amendments to Article XX of the zoning ordinance as presented.

**Motion by Commissioner Kilgo, second by Commissioner Kochin, to approve the amendments to Article XX of the zoning ordinance as presented.**

**ROLL VOTE: Ayes: Gorman, Kochin, St.Clair, Johnson, Kilgo, and German**  
**Nays: None**

***MOTION PASSES (REQUIRES SECOND READING)***

**ANY OTHER BUSINESS**

Mayor Johnson asked about accessory commercial units. Commissioner Kilgo voiced his concerns about the unhoused population. Mayor Johnson asked the Commission if they would be interested in a tour of the Rescue Mission. Mayor Johnson thanked City Clerk Ann Meisch and staff for going above and beyond on the recent election. Commissioner German stated what a privilege it is being a District Delegate and that we need to work together to get things done. Mayor Johnson stated that we cannot give safe harbor to hate. Commissioner German asked about the ARPA Community Grants. Commissioner Kilgo commented that we now have the most diverse Commission.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Public comments received.

**ADJOURNMENT**

The City Commission Meeting adjourned at 8:17 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC City Clerk



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                             |     |   |                                                 |  |     |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|---|-------------------------------------------------|--|-----|--|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> Beach Parking Pass Price Adjustments                                                                                          |     |   |                                                 |  |     |  |  |
| <b>Submitted by:</b> LeighAnn Mikesell, Deputy City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Department:</b> Manager's Office                                                                                                         |     |   |                                                 |  |     |  |  |
| <b>Brief Summary:</b><br>Staff is requesting updated pricing for beach parking passes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                             |     |   |                                                 |  |     |  |  |
| <b>Detailed Summary &amp; Background:</b><br>After reviewing data on attendance and passes sold, the Parking Committee is recommending changes to the pay structure for beach parking passes. Placer.ai data indicates that Tuesdays and Wednesdays are the days when attendance is lowest, and on Wednesdays attendees are more likely to be local. Our beaches remain very popular on the weekends when daily fees are higher. In an effort to spread attendance across all weekdays, we recommend the following price structure.<br>Monday, Tuesday, Thursday daily pass - \$10<br>Wednesday daily pass - FREE<br>Friday through Sunday daily pass - \$20<br>Season pass - \$40<br>Ticket fees will be adjusted separately once price changes are finalized. |                                                                                                                                             |     |   |                                                 |  |     |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 4: Financial Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                             |     |   |                                                 |  |     |  |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td>X</td><td>No</td><td></td><td>N/A</td><td></td><td></td></tr></table>           | Yes | X | No                                              |  | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | X                                                                                                                                           | No  |   | N/A                                             |  |     |  |  |
| <b>Fund(s) or Account(s):</b><br>101-772                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td>X</td><td>No</td><td></td><td>N/A</td><td></td><td></td></tr></table> | Yes | X | No                                              |  | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | X                                                                                                                                           | No  |   | N/A                                             |  |     |  |  |
| <b>Recommended Motion:</b><br>To approve the beach parking pass prices as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                             |     |   |                                                 |  |     |  |  |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division Head</td><td></td><td></td></tr></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Immediate Division Head                                                                                                                     |     |   | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |     |  |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                             |     |   |                                                 |  |     |  |  |

|                        |  |  |  |
|------------------------|--|--|--|
| Information Technology |  |  |  |
| Other Division Heads   |  |  |  |
| Communication          |  |  |  |
| Legal Review           |  |  |  |

## Beach Parking Cost Comparison

| <i>City/County</i> | <i>Daily Fee</i> | <i>Weekly Fee</i> | <i>Seasonal<br/>Pass</i> | <i>Resident<br/>Pass</i> | <i>Comments</i>                      |
|--------------------|------------------|-------------------|--------------------------|--------------------------|--------------------------------------|
| Petoskey           | \$15             |                   |                          |                          | State park sticker also required     |
| Saugatuck          | \$15             |                   | \$75                     | \$20                     |                                      |
| South Haven        | \$10             | \$30              | \$80-100                 |                          | Seasonal pass rate for 3 year term   |
| Saint Joseph       | \$7, \$10        |                   | \$40                     |                          | Daily rate higher for weekend        |
| Berrien County     | \$8, \$15        |                   | \$40                     |                          | Daily rate based on county residency |



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                             |     |   |                                                 |   |     |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|---|-------------------------------------------------|---|-----|--|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                      | <b>Title:</b> Contract Award - Lakeshore Dr Sewer CCTV                                                                                      |     |   |                                                 |   |     |  |  |
| <b>Submitted by:</b> Joel Brookens, Engineer, Dan VanderHeide, Public Works Director                                                                                                                                                                                                                                                                                                   | <b>Department:</b> DPW- Engineering                                                                                                         |     |   |                                                 |   |     |  |  |
| <b>Brief Summary:</b><br>Staff is requesting authorization to enter into a contract with Plummer's Environmental Services in the amount of \$41,916.11 for cleaning and video inspection services of storm and sanitary sewer along Lakeshore Drive.                                                                                                                                   |                                                                                                                                             |     |   |                                                 |   |     |  |  |
| <b>Detailed Summary &amp; Background:</b><br>Bids were solicited for cleaning and video inspection services of certain sewers along Lakeshore Drive. The condition of these sewers will then be analyzed and used to determine if any repairs or replacement is needed during an up-coming road reconstruction project. Plummers provided the low bid. The bid tabulation is attached. |                                                                                                                                             |     |   |                                                 |   |     |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Decrease infrastructure burden on residents, Sustainability in financial practices and infrastructure<br><br><b>Goal/Action Item:</b><br>2027 Goal 1: Destination Community & Quality of Life - Improved transportation connections throughout the community                                           |                                                                                                                                             |     |   |                                                 |   |     |  |  |
| <b>Amount Requested:</b><br>\$41,916.11                                                                                                                                                                                                                                                                                                                                                | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td>x</td><td>No</td><td></td><td>N/A</td><td></td><td></td></tr></table>           | Yes | x | No                                              |   | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                    | x                                                                                                                                           | No  |   | N/A                                             |   |     |  |  |
| <b>Fund(s) or Account(s):</b><br>202-901-801-92408<br>590-901-801-92408                                                                                                                                                                                                                                                                                                                | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td>x</td><td>N/A</td><td></td><td></td></tr></table> | Yes |   | No                                              | x | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                             | No  | x | N/A                                             |   |     |  |  |
| <b>Recommended Motion:</b><br>Move to authorize staff to enter into a contract with Plummers Environmental Services for the amount of \$41,916.11 for the Lakeshore Dr Sewer CCTV project.                                                                                                                                                                                             |                                                                                                                                             |     |   |                                                 |   |     |  |  |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division Head</td><td>x</td><td></td></tr></table>                                                                                                                                                                                                                                                                               | Immediate Division Head                                                                                                                     | x   |   | <b>Guest(s) Invited / Presenting:</b><br><br>No |   |     |  |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                | x                                                                                                                                           |     |   |                                                 |   |     |  |  |

|                        |  |  |  |
|------------------------|--|--|--|
| Information Technology |  |  |  |
| Other Division Heads   |  |  |  |
| Communication          |  |  |  |
| Legal Review           |  |  |  |

# Bid Tabulation

Project: Lakeshore Drive Sewer CCTV

Bid Opening date: Oct. 31, 2024 @ 2:00

| Contractor | Bid Total    | % above low |
|------------|--------------|-------------|
| Plummer's  | \$ 41,916.11 |             |
| Taplin     | \$ 43,730.38 | 4.1%        |
| Dukes's    | \$ 91,174.28 | 54.0%       |



**COST PROPOSAL**

|                                    |                           |                                |             |
|------------------------------------|---------------------------|--------------------------------|-------------|
| <b>Lakeshore Dr –<br/>SANITARY</b> |                           |                                |             |
| <i>Diameter (in)</i>               | <i>Length (ft)</i>        | <i>Unit price (bid amount)</i> | <i>Cost</i> |
| 8                                  | 2,456                     | \$2.23                         | \$5,476.88  |
| 10                                 | 1,422                     | \$2.23                         | \$3,171.06  |
| 18                                 | 956                       | \$4.10                         | \$3,919.60  |
| 21                                 | 221                       | \$4.10                         | \$906.10    |
| 24                                 | 785                       | \$4.10                         | \$3,218.50  |
|                                    |                           |                                |             |
|                                    |                           |                                |             |
|                                    |                           |                                |             |
| Total                              | 5,841                     |                                |             |
| <b>Lakeshore Dr - Storm Sewer</b>  |                           |                                |             |
| <i>Diameter</i>                    | <i>Length (ft)</i>        | <i>Unit Price (bid)</i>        | <i>Cost</i> |
| 8 inch                             |                           |                                |             |
| 10 inch                            | 208                       | \$2.23                         | \$463.84    |
| 12 inch                            | 2,329                     | \$2.23                         | \$5,193.67  |
| 15 inch                            | 1,070                     | \$3.80                         | \$4,066.00  |
| 18 inch                            | 326                       | \$4.14                         | \$1,349.64  |
| 21 inch                            | 327                       | \$4.14                         | \$1,353.78  |
| 30 inch                            | 162                       | \$4.92                         | \$797.04    |
| Total                              | 4,422                     |                                |             |
|                                    |                           |                                |             |
| Maintain Traffic (City<br>Major)   | Lump sum (per<br>project) | \$10,000.00                    | \$10,000.00 |
| Heavy Cleaning                     | 1,000 feet                | \$2.00                         | \$2,000.00  |

**TOTAL BID AMOUNT = \$ 41,916.11**

**COST PROPOSAL**

|                                    |                        |                                |             |
|------------------------------------|------------------------|--------------------------------|-------------|
| <b>Lakeshore Dr –<br/>SANITARY</b> |                        |                                |             |
| <i>Diameter (in)</i>               | <i>Length (ft)</i>     | <i>Unit price (bid amount)</i> | <i>Cost</i> |
| 8                                  | 2,456                  | \$1.78/ LF                     | \$4,371.68  |
| 10                                 | 1,422                  | \$1.81/ LF                     | \$2,573.82  |
| 18                                 | 956                    | \$2.34/ LF                     | \$2,237.04  |
| 21                                 | 221                    | \$2.80/ LF                     | \$618.80    |
| 24                                 | 785                    | \$3.18/ LF                     | \$2,496.30  |
|                                    |                        |                                |             |
|                                    |                        |                                |             |
|                                    |                        |                                |             |
| Total                              | 5,841                  |                                | \$12,297.64 |
| <b>Lakeshore Dr - Storm Sewer</b>  |                        |                                |             |
| <i>Diameter</i>                    | <i>Length (ft)</i>     | <i>Unit Price (bid)</i>        | <i>Cost</i> |
| 8 inch                             |                        | \$2.63/ LF                     | \$0.00      |
| 10 inch                            | 208                    | \$2.58/ LF                     | \$536.64    |
| 12 inch                            | 2,329                  | \$2.71/ LF                     | \$6,311.59  |
| 15 inch                            | 1,070                  | \$2.88/ LF                     | \$3,081.60  |
| 18 inch                            | 326                    | \$3.12/ LF                     | \$1,017.12  |
| 21 inch                            | 327                    | \$4.90/ LF                     | \$1,602.30  |
| 30 inch                            | 162                    | \$6.82/ LF                     | \$1,104.84  |
| Total                              | 4,422                  |                                | \$13,654.09 |
|                                    |                        |                                |             |
| Maintain Traffic (City Major)      | Lump sum (per project) | \$11,268.65                    | \$11,268.65 |
| Heavy Cleaning                     | 1,000 feet             | \$6.51/ LF                     | \$6,510.00  |

**TOTAL BID AMOUNT = \$ 43,730.38**

**COST PROPOSAL**

|                                    |                        |                                |             |
|------------------------------------|------------------------|--------------------------------|-------------|
| <b>Lakeshore Dr –<br/>SANITARY</b> |                        |                                |             |
| <i>Diameter (in)</i>               | <i>Length (ft)</i>     | <i>Unit price (bid amount)</i> | <i>Cost</i> |
| 8                                  | 2,456                  | \$4.62                         | \$11,346.72 |
| 10                                 | 1,422                  | \$4.71                         | \$6,697.62  |
| 18                                 | 956                    | \$5.80                         | \$5,544.80  |
| 21                                 | 221                    | \$9.60                         | \$2,121.60  |
| 24                                 | 785                    | \$6.71                         | \$5,267.35  |
|                                    |                        |                                |             |
|                                    |                        |                                |             |
|                                    |                        |                                |             |
| Total                              | 5,841                  |                                | \$30,978.08 |
| <b>Lakeshore Dr - Storm Sewer</b>  |                        |                                |             |
| <i>Diameter</i>                    | <i>Length (ft)</i>     | <i>Unit Price (bid)</i>        | <i>Cost</i> |
| 8 inch                             |                        | \$15.68                        |             |
| 10 inch                            | 208                    | \$12.59                        | \$2,618.72  |
| 12 inch                            | 2,329                  | \$12.01                        | \$27,971.29 |
| 15 inch                            | 1,070                  | \$10.67                        | \$11,416.90 |
| 18 inch                            | 326                    | \$10.67                        | \$3,478.42  |
| 21 inch                            | 327                    | \$13.78                        | \$4,506.06  |
| 30 inch                            | 162                    | \$11.50                        | \$1,863.00  |
| Total                              | 4,422                  |                                | \$51,854.39 |
|                                    |                        |                                |             |
| Maintain Traffic (City Major)      | Lump sum (per project) | \$4,060.56                     | \$4,060.56  |
| Heavy Cleaning                     | 1,000 feet             | \$6.95                         | \$6,950.00  |

**TOTAL BID AMOUNT = \$ 91,174.28**



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Title:</b> Amendment to NEZ Certificate Applications for Shaw Walker Redevelopment Project, 920 Washington Ave., 965 W. Western Ave. |
| <b>Submitted by:</b> Contessa Alexander, Development Analyst                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Department:</b> Economic Development                                                                                                 |
| <b>Brief Summary:</b><br>This amendment to the NEZ certificate applications is necessitated by the statutory requirement mandating separate applications for units totaling up to eight per application. This measure ensures compliance while facilitating the approval process for multiple buildings as part of the broader Shaw Walker redevelopment project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                         |
| <b>Detailed Summary &amp; Background:</b><br><br>At the City Commission meeting on August 13, 2024 NEZ applications were approved for 15 years for Shaw Walker Opportunity Business 1, LLC and Shaw Walker Opportunity Business 2, LLC for buildings 3-6 located at 920 Washington Ave. and 965 W. Western Ave.<br><br>The State reviewed the application package and determined that the NEZ applications must be amended to include separate applications, with a maximum of eight units per application. As a result, there are now 120 applications covering <b>Buildings 3, 4, 5, and 6</b> , each with a <b>15-year duration</b> for their respective certificates.<br><br>I have attached one application per building to this item for reference. Below is a summary of the buildings and the number of units per building:<br><br><b>Building Details:</b><br><br><b>Building 3</b> <ul style="list-style-type: none"><li>• <b>Address:</b> 920 Washington Ave</li><li>• <b>Floors Redeveloped:</b> 1-5</li><li>• <b>Units Proposed:</b> 327 residential units</li><li>• <b>Estimated Project Cost:</b> \$249,772,000</li></ul><br><b>Building 4</b> |                                                                                                                                         |

- **Address:** 920 Washington Ave
- **Floors Redeveloped:** 2-4
- **Units Proposed:** 16 residential units
- **Estimated Project Cost:** \$615,917

#### **Building 5**

- **Address:** 920 Washington Ave and 965 W. Western Ave
- **Floors Redeveloped:** 1-5
- **Units Proposed:** 89 apartment units
- **Estimated Project Cost:** \$243,289

#### **Building 6**

- **Address:** 920 Washington Ave
- **Floors Redeveloped:** 1-5
- **Units Proposed:** 69 residential units
- **Estimated Project Cost:** \$520,546

#### **Goal/Focus Area/Action Item Addressed:**

##### **Key Focus Areas:**

Diverse housing types

Progress toward completion of ongoing economic development projects

##### **Goal/Action Item:**

2027 Goal 2: Economic Development Housing and Business

#### **Amount Requested:**

N/A

#### **Budgeted Item:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

#### **Fund(s) or Account(s):**

N/A

#### **Budget Amendment Needed:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

#### **Recommended Motion:**

I move to approve the amendment for separate NEZ certificate applications for the redevelopment projects at 920 Washington Ave (Buildings 3, 4, 5, and 6) and 965 W. Western Ave (Building 5), in accordance with statutory requirements, and authorize the Mayor and City Clerk to sign the resolution.

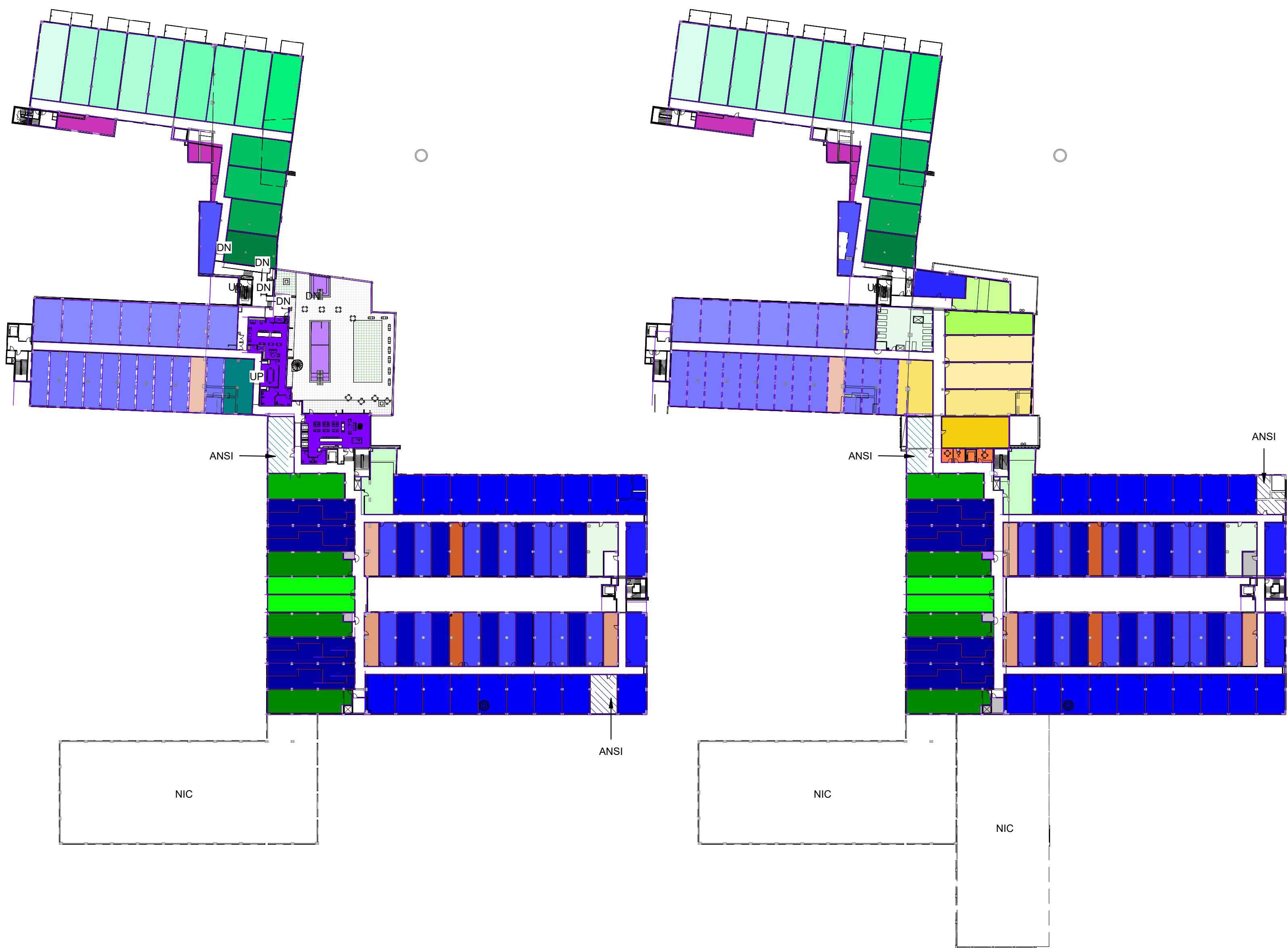
#### **Approvals:**

#### **Guest(s) Invited / Presenting:**

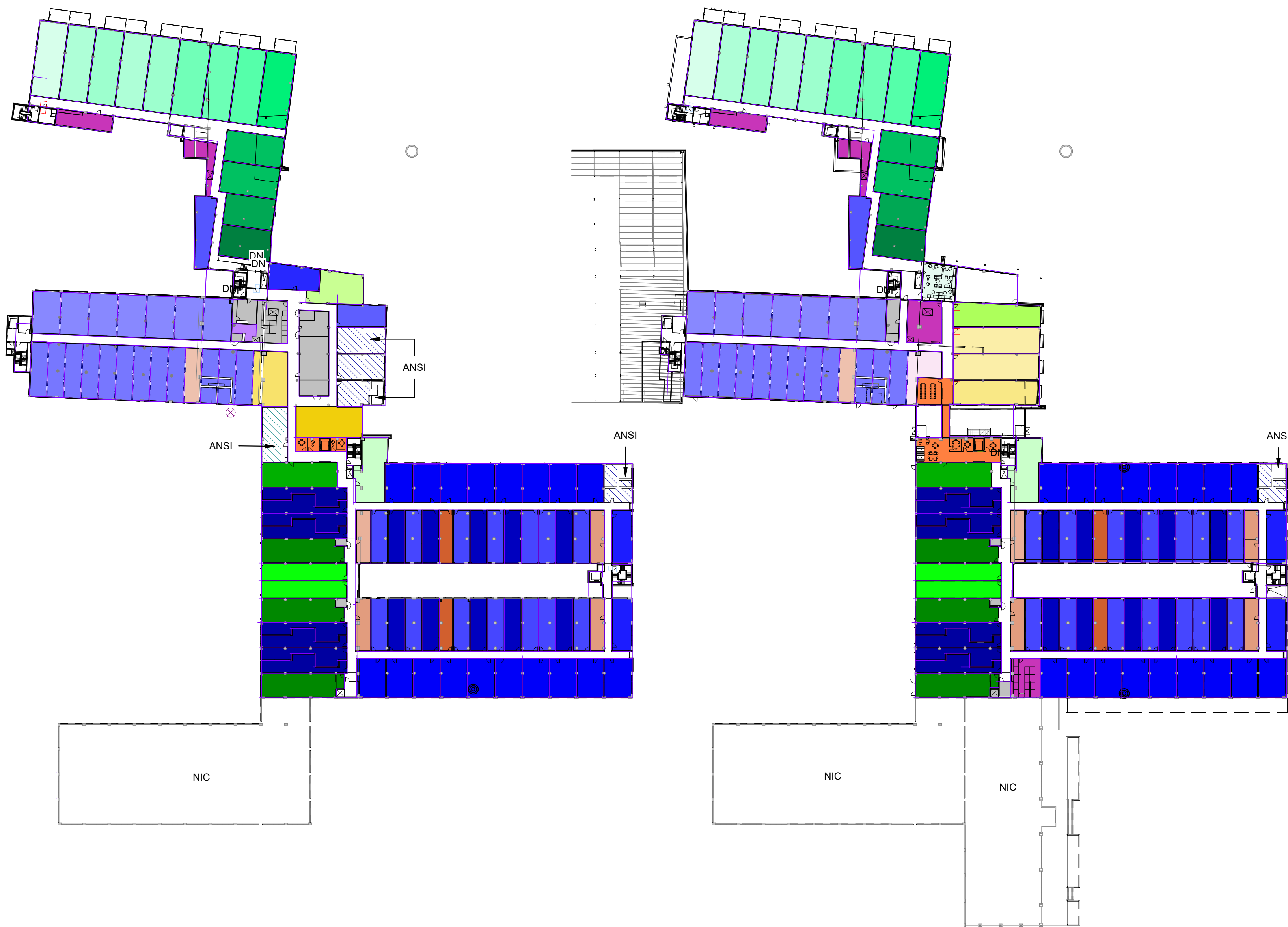
|                         |  |  |    |
|-------------------------|--|--|----|
| Immediate Division Head |  |  | No |
| Information Technology  |  |  |    |
| Other Division Heads    |  |  |    |
| Communication           |  |  |    |
| Legal Review            |  |  |    |



GHAFARI ASSOCIATES © 2023 6/24/2024 8:59:59 AM



3 UNIT MIX - THIRD FLOOR  
AD2-00-01 SCALE: 1" = 60'-0"



4 UNIT MIX - FOURTH FLOOR  
AD2-00-01 SCALE: 1" = 60'-0"

2 UNIT MIX - SECOND FLOOR  
AD2-00-01 SCALE: 1" = 60'-0"



1 UNIT MIX - FIRST FLOOR  
AD2-00-01 SCALE: 1" = 60'-0"

| SHAW WALKER BUILDING UNIT MIX         |                  | 6/5/2024 |        |        |        |        | 1st floor   | 2nd floor    | 3rd floor      | 4th floor            | 5th floor     |                      |       |  |  |  |  |  |  |  |
|---------------------------------------|------------------|----------|--------|--------|--------|--------|-------------|--------------|----------------|----------------------|---------------|----------------------|-------|--|--|--|--|--|--|--|
| UNIT                                  | TYPE             | QTY      | QTY    | QTY    | QTY    | QTY    | TOTAL UNITS | NET SF/ UNIT | GROSS SF/ UNIT | NO OF UNITS PER TYPE | % / UNIT TYPE | % / NO. BEDROOM TYPE |       |  |  |  |  |  |  |  |
| BUILDING 3 - Apartments               |                  |          |        |        |        |        |             |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| ST - A1                               | studio/Junior BR | 2        | 2      | 2      | 2      | 2      | 10          | 403          | 460            | 27                   | 3.06%         | 8.26%                |       |  |  |  |  |  |  |  |
| ST - A2                               | studio/Junior BR | 2        | 3      | 2      | 3      | 2      | 12          | 426          | 480            |                      | 3.67%         |                      |       |  |  |  |  |  |  |  |
| ST - A3                               | studio/Junior BR | 1        | 1      | 1      | 1      | 1      | 5           | 443          | 484            |                      | 1.53%         |                      |       |  |  |  |  |  |  |  |
| 1 BR - B1                             | 1br/1ba          | 8        | 8      | 8      | 8      | 8      | 40          | 588          | 661            | 259                  | 12.23%        | 79.20%               |       |  |  |  |  |  |  |  |
| 1 BR - B2                             | 1br/1ba          | 10       | 10     | 10     | 10     | 10     | 50          | 527          | 562            |                      | 15.29%        |                      |       |  |  |  |  |  |  |  |
| 1 BR - B3                             | 1br/1ba          | 16       | 17     | 18     | 18     | 18     | 87          | 617          | 635            |                      | 26.61%        |                      |       |  |  |  |  |  |  |  |
| 1 BR - B3 ANSI                        | 1br/1ba          | 1        | 1      | 1      | 1      | 1      | 5           | 640          | 660            |                      | 1.53%         |                      |       |  |  |  |  |  |  |  |
| 1 BR - B4                             | 1br/1ba          | 2        | 2      | 2      | 2      | 2      | 10          | 614          | 656            |                      | 3.06%         |                      |       |  |  |  |  |  |  |  |
| 1 BR - B7                             | 1br/1ba          | 13       | 14     | 13     | 14     | 13     | 67          | 510          | 539            |                      | 20.49%        |                      |       |  |  |  |  |  |  |  |
| 2 BR - C1                             | 2br/2ba          | 2        | 3      | 3      | 3      | 3      | 14          | 1,154        | 1,204          | 39                   | 4.28%         | 11.93%               |       |  |  |  |  |  |  |  |
| 2 BR - C2                             | 2br/2ba          | -        | 1      | 1      | 1      | 1      | 4           | 1,159        | 1,201          |                      | 1.22%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C4                             | 2br/2ba          | 2        | 2      | 2      | 2      | 2      | 10          | 888          | 940            |                      | 3.06%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C8                             | 2br/2ba          | 1        | 1      | 1      | 1      | 1      | 5           | 1,030        | 1,095          |                      | 1.53%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C9                             | 2br/2ba          | -        | -      | -      | -      | -      | 3           | 776          | 830            |                      | 0.92%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C13                            | 2br/2ba          | -        | -      | 1      | 1      | 1      | 3           | 848          | 904            |                      | 0.92%         |                      |       |  |  |  |  |  |  |  |
| 3 BR - D1                             | 3br/2.5ba        | -        | -      | 1      | 1      | 1      | 2           | 1,208        | 1,315          | 2                    | 0.61%         | 0.61%                |       |  |  |  |  |  |  |  |
|                                       |                  |          |        |        |        |        | 327         |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| BUILDING 4 - Apartments               |                  |          |        |        |        |        |             |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| 1 BR - B5                             | 1br/1ba          | -        | -      | 1      | 1      | -      | 2           | 740          | 800            | 6                    | 12.50%        | 37.50%               |       |  |  |  |  |  |  |  |
| 1 BR - B8 ANSI                        | 1br/1ba          | -        | -      | -      | 3      | -      | 3           | 742          | 800            |                      | 18.75%        |                      |       |  |  |  |  |  |  |  |
| 1 BR - B9                             | 1br/1ba          | -        | -      | 1      | 1      | -      | 1           | 637          | 684            |                      | 6.25%         |                      |       |  |  |  |  |  |  |  |
| 3 BR - C3                             | 3br/2.5ba        | -        | 1      | 1      | -      | -      | 2           | 1,281        | 1,336          | 6                    | 12.50%        | 37.50%               |       |  |  |  |  |  |  |  |
| 3 BR - C5                             | 3br/2.5ba        | -        | 2      | 2      | -      | -      | 4           | 1,345        | 1,436          |                      | 25.00%        |                      |       |  |  |  |  |  |  |  |
| 2 BR - C6                             | 2br/2ba          | -        | 1      | 1      | -      | -      | 2           | 1,192        | 1,263          | 4                    |               | 25.00%               |       |  |  |  |  |  |  |  |
| 2 BR - C7                             | 2br/2ba          | -        | -      | 1      | 1      | -      | 2           | 922          | 984            |                      | 12.50%        |                      |       |  |  |  |  |  |  |  |
|                                       |                  |          |        |        |        |        | 16          |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| BUILDING 5 - Apartments               |                  |          |        |        |        |        |             |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| ST - A4                               | studio/Junior BR | -        | 1      | 1      | 1      | 1      | 4           | 511          | 537            | 4                    | 4.49%         | 4.49%                |       |  |  |  |  |  |  |  |
| 1 BR - B10 (B7)                       | 1br/1ba          | -        | 6      | 6      | 6      | 5      | 23          | 540          | 582            | 82                   | 25.84%        | 92.13%               |       |  |  |  |  |  |  |  |
| 1 BR - B10 (B2)                       | 1br/1ba          | -        | 6      | 6      | 6      | 5      | 23          | 540          | 582            |                      |               |                      |       |  |  |  |  |  |  |  |
| 1 BR - B11                            | 1br/1ba          | 7        | 7      | 7      | 7      | 7      | 35          | 732          | 783            |                      | 39.33%        |                      |       |  |  |  |  |  |  |  |
| 1 BR - B12                            | 1br/1ba          | -        | 1      | -      | -      | -      | 1           | 704          | 767            |                      | 1.12%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C10                            | 2br/2ba          | -        | -      | -      | -      | 1      | 1           | 958          | 995            | 1                    | 1.12%         | 1.12%                |       |  |  |  |  |  |  |  |
| 3 BR - D2                             | 3br/2.5ba        | -        | -      | 1      | 1      | 1      | -           | 2            | 1,121          | 1,181                | 2             | 2.25%                | 2.25% |  |  |  |  |  |  |  |
|                                       |                  |          |        |        |        |        | 89          |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| BUILDING 6 - Condos                   |                  |          |        |        |        |        |             |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| 1 BR - B20                            | 1br/1ba          | 1        | 1      | 1      | 1      | 1      | 5           | 769          | 808            | 5                    | 7.25%         | 7.25%                |       |  |  |  |  |  |  |  |
| 2 BR - C20                            | 2br/2.5ba        | 1        | 1      | 1      | 1      | 1      | 5           | 776          | 830            | 64                   | 7.25%         | 92.75%               |       |  |  |  |  |  |  |  |
| 2 BR - C21                            | 2br/2.5ba        | 2        | 1      | 1      | 1      | 1      | 6           | 951          | 1,003          |                      | 8.70%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C22                            | 2br/2.5ba        | -        | 2      | 2      | 2      | 2      | 8           | 848          | 904            |                      | 11.59%        |                      |       |  |  |  |  |  |  |  |
| 2 BR - C23                            | 2br/2.5ba        | 1        | 1      | 1      | 1      | 1      | 5           | 1,349        | 1,315          |                      | 7.25%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C24                            | 2br/2.5ba        | 1        | 1      | 1      | 1      | 1      | 5           | 1,261        | 1,322          |                      | 7.25%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C25                            | 2br/2.5ba        | 1        | 1      | 1      | 1      | 1      | 5           | 1,262        | 1,314          |                      | 7.25%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C26                            | 2br/2.5ba        | 1        | 1      | 1      | 1      | 1      | 5           | 1,364        | 1,476          |                      | 7.25%         |                      |       |  |  |  |  |  |  |  |
| 2 BR - C27                            | 2br/2.5ba        | 2        | 2      | 2      | 2      | 2      | 10          | 1,262        | 1,337          |                      | 14.49%        |                      |       |  |  |  |  |  |  |  |
| 2 BR - C28                            | 2br/2.5ba        | 2        | 2      | 2      | 2      | 2      | 10          | 1,262        | 1,337          |                      | 14.49%        |                      |       |  |  |  |  |  |  |  |
| 2 BR - C29                            | 2br/2.5ba        | 1        | 1      | 1      | 1      | 1      | 5           | 1,277        | 1,371          |                      | 7.25%         |                      |       |  |  |  |  |  |  |  |
|                                       |                  |          |        |        |        |        | 69          |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| TOTAL BLDG UNITS                      |                  | 81       | 104    | 108    | 109    | 99     | 501         |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| TOTAL GROSS UNIT SF                   |                  | 45,554   | 60,205 | 64,718 | 62,880 | 55,380 | 288,737     |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Common Areas (corridors, stairs, etc) |                  | 20,226   | 16,203 | 13,877 | 14,003 | 22,468 | 86,777      |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Parking (not included in calc)        |                  | 0        | -      | -      | -      | -      | -           |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Clubhouse                             |                  | -        | -      | -      | -      | 2,597  | 2,597       |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Utility                               |                  | 1,231    | 1,953  | 1,058  | 2,828  | 762    | 7,832       |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Future Restaurant                     |                  | 5,460    | -      | -      | -      | -      | 5,460       |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Future Retail                         |                  | 4,448    | -      | -      | -      | -      | 4,448       |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| Storage                               |                  | 7,387    | 1,531  | 2,355  | 2,849  | 1,082  | 15,202      |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| % Efficiency                          |                  | 74.55%   | 77.27% | 81.79% | 79.61% | 68.61% | 70.24%      |              |                |                      |               |                      |       |  |  |  |  |  |  |  |
| TOTAL GROSS BLDG (W/O...)             |                  | 84,306   | 79,892 | 82,006 | 82,560 | 82,289 | 411,053     |              |                |                      |               |                      |       |  |  |  |  |  |  |  |

ICC A117.1 NOTE

SEE DRAWINGS FOR UNIT LISTED AS ANSI (THESE ARE "TYPE A UNITS"). ALL OTHER UNITS ON ACCESSIBLE LEVELS (SEE THIS SHEET FOR LOCATIONS) ARE CONSIDERED "TYPE B UNITS". BLOCKING SHALL BE INSTALLED IN ALL UNITS FOR FUTURE ADAPTATIONS. GRAB BARS IN TYPE A UNITS CAN BE INSTALLED IN THE FUTURE.

OCCUPANCY TYPE AND UNIT MIX

|           |              |                                |
|-----------|--------------|--------------------------------|
| A1        | C6           | FITNESS                        |
| A2        | C7           | FUTURE RESTAURANT (A2)         |
| A3        | C8           | FUTURE RESTAURANT LOADING (S2) |
| A4        | C9           | FUTURE RETAIL (M)              |
| B1        | C10          | STORAGE (S2)                   |
| B2        | C13 - ANSI   | UTILITY                        |
| B3        | C20          |                                |
| B4        | C21          |                                |
| B5        | C22          |                                |
| B7        | C23          |                                |
| B8 - ANSI | C24          |                                |
| B9        | C25          |                                |
| B10       | C26          |                                |
| B11       | C27          |                                |
| B12       | C28          |                                |
| B20       | C29          |                                |
| C1        | D1           |                                |
| C2        | D2           |                                |
| C3        | BUSINESS (B) |                                |
| C4        | CLUBHOUSE    |                                |
| C5        | COMMON SPACE |                                |
|           | LOUNGE (A2)  |                                |

Parkland Properties  
75 W Walton Ave., Suite A,  
Muskegon, MI 49440  
231-722-7001  
https://parklandmi.com/  
**SHAW WALKER**  
930 WASHINGTON AVE  
MUSKEGON, MI 49441

**GHAFARI**  
37 OTTAWA NW  
SUITE 700  
GRAND RAPIDS, MI 49503-2900 USA  
TEL +1.616.771.0909  
www.ghafari.com

CONSULTANT INFORMATION

REGISTRATION SEAL

|     |          |                          |
|-----|----------|--------------------------|
| A   | 06/24/24 | DOC REL 09 - ADDENDUM A  |
|     | 06/03/24 | DOC REL 07 - IFB         |
|     | 04/22/24 | DOC REL 05 - 85% CD      |
|     | 03/11/24 | DOC REL 04 - 50% CD      |
| REV | DATE     | DOC REL ## - DESCRIPTION |

|                 |         |
|-----------------|---------|
| PROJECT #       | 2300029 |
| PROJECT MANAGER | M.      |



**Resolution No. 2024-73(P)**

**MUSKEGON CITY COMMISSION**

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

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for a new facility has been filed with the City Clerk by Shaw Walker Opportunity Business 2, LLC to construct residential units at 920 Washington Ave. (building 6, floors 1-5) and;

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

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years;

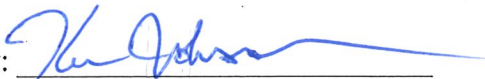
NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for residential units at 920 Washington Ave. (building 6, floors 1-5) by Shaw Walker Opportunity Business 2, LLC be approved.

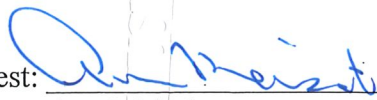
Adopted this 13th day of August, 2024.

**Ayes: Gorman, St.Clair, Johnson, Kilgo, Keener, and German**

**Nays: None**

**Absent: Kochin**

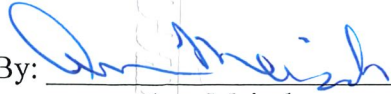
By:   
Ken Johnson  
Mayor

Attest:   
Ann Meisch  
City Clerk



## CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 13, 2024.

By:   
Ann Meisch  
City Clerk

**Resolution No. 2024-73(S)**

**MUSKEGON CITY COMMISSION**

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

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for a new facility has been filed with the City Clerk by Shaw Walker Opportunity Business 1 LLC and Shaw Walker Opportunity Business 2, LLC to construct residential units at 920 Washington Ave. and 965 W. Western Ave. (building 5, floors 1-5) and;

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

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for residential units at 920 Washington Ave. and 965 W. Western Ave. (building 5, floors 1-5) by Shaw Walker Opportunity Business 1 LLC and Shaw Walker Opportunity Business 2, LLC be approved.

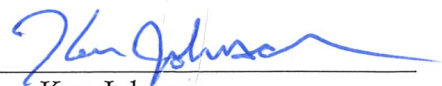
Adopted this 13th day of August, 2024.

**Ayes:** Gorman, St.Clair, Johnson, Kilgo, Keener, and German

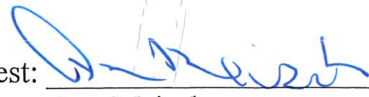
**Nays:** None

**Absent:** Kochin

By: \_\_\_\_\_

  
Ken Johnson  
Mayor

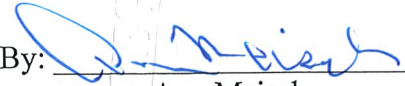
Attest: \_\_\_\_\_

  
Ann Meisch  
City Clerk

# CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 13, 2024.

By: \_\_\_\_\_



Ann Meisch  
City Clerk

**Resolution No. 2024-73(Q)**

**MUSKEGON CITY COMMISSION**

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

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for a new facility has been filed with the City Clerk by Shaw Walker Opportunity Business 2, LLC to construct residential units at 920 Washington Ave. (building 4, floors 2-4) and;

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

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years;

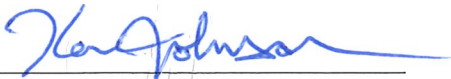
NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for residential units at 920 Washington Ave. (building 4, floors 2-4) by Shaw Walker Opportunity Business 2, LLC be approved.

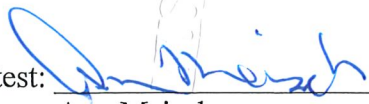
Adopted this 13th day of August, 2024.

**Ayes: Gorman, St.Clair, Johnson, Kilgo, Keener, and German**

**Nays: None**

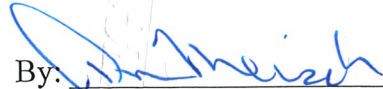
**Absent: Kochin**

By:   
Ken Johnson  
Mayor

Attest:   
Ann Meisch  
City Clerk

## CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 13, 2024.

By:   
Ann Meisch  
City Clerk

**Resolution No. 2024-73(R)**

**MUSKEGON CITY COMMISSION**

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

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for a new facility has been filed with the City Clerk by Shaw Walker Opportunity Business 2, LLC to construct residential units at 920 Washington Ave. (building 3, floors 1-5) and;

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

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years;

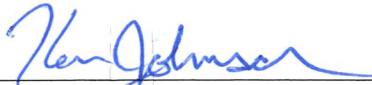
NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for residential units at 920 Washington Ave. (building 3, floors 1-5) by Shaw Walker Opportunity Business 2, LLC be approved.

Adopted this 13th day of August, 2024.

**Ayes: Gorman, St.Clair, Johnson, Kilgo, Keener, and German**

**Nays: None**

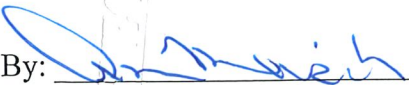
**Absent: Kochin**

By:   
Ken Johnson  
Mayor

Attest:   
Ann Meisch  
City Clerk

## CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 13, 2024.

By: 

Ann Meisch  
City Clerk

**Resolution No. \_\_\_\_\_**

**MUSKEGON CITY COMMISSION**

**RESOLUTION TO APPROVE THE ISSUANCE  
OF NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATES FOR MULTIPLE  
BUILDINGS**

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for rehabilitated facilities have been filed with the City Clerk by Shaw Walker Opportunity Business 1 LLC and Shaw Walker Opportunity Business 2, LLC to construct residential units at 920 Washington Ave. and 965 W. Western Ave. (Buildings 3, 4, 5, and 6) and 965 W. Western Ave (Building 5) and;

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

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificates for residential units at 920 Washington Ave (Buildings 3, 4, 5, and 6) and 965 W. Western Ave (Building 5) by Shaw Walker Opportunity Business 1 LLC and Shaw Walker Opportunity Business 2, LLC be approved.

Adopted this 26th day of November, 2024.

**Ayes:**

**Nays:**

**Absent:**

By: \_\_\_\_\_  
Ken Johnson  
Mayor

Attest: \_\_\_\_\_  
Ann Meisch  
City Clerk



### CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on November 26, 2024.

By: \_\_\_\_\_  
Ann Meisch  
City Clerk

# Application for Neighborhood Enterprise Zone Certificate

Issued under authority of Public Act 147 of 1992, as amended.

| LOCAL GOVERNMENTAL UNIT USE ONLY |                 |
|----------------------------------|-----------------|
| ▶ Application No.                | ▶ Date Received |
| STATE USE ONLY                   |                 |
| ▶ Application No.                | ▶ Date Received |

**Read the instructions before completing the application.** This application must be filed prior to building permit issuance and start of construction except as provided in the instructions on page 3 under Owner/Developer/Applicant Instructions. Initially file completed application and required documents with the clerk of the local governmental unit. The additional documents to complete the application process will be required by the State of Michigan only after the original application is filed with the clerk of the local governmental unit (LGU). This form is also used to file a request for the transfer of an existing NEZ certificate. Please see the instruction sheet.

| PART 1: OWNER/DEVELOPER/APPLICANT INFORMATION (Applicant must complete all fields)                                                                                                                                                                                                                                                                                                         |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                      |                              | Type of NEZ<br><input checked="" type="checkbox"/> OPRA eligible community NEZ <input type="checkbox"/> Workforce Housing NEZ                                                                          |                                                                                                                                                  |                                                    |
| Facility's Street Address<br><b>920 Washington Ave (Bldg No 3, Units 1-8)</b>                                                                                                                                                                                                                                                                                                              |                              | Type of Approval Requested                                                                                                                                                                             |                                                                                                                                                  |                                                    |
| City<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                    | State<br><b>MI</b>           | ZIP Code<br><b>49441</b>                                                                                                                                                                               | <input type="checkbox"/> New Facility <input checked="" type="checkbox"/> Rehabilitated Facility <input type="checkbox"/> Transfer (1 copy only) |                                                    |
| Name of City, Township or Village (taxing authority)<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                    |                              |                                                                                                                                                                                                        | No. of years requested for exemption (6-15; 11-17 for qualified historic building)<br><b>15</b>                                                  |                                                    |
| <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village                                                                                                                                                                                                                                                                                |                              |                                                                                                                                                                                                        | Is the facility owned or rented by occupants?<br><input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented                       |                                                    |
| County<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                  |                              | Type of Property (check one)                                                                                                                                                                           |                                                                                                                                                  |                                                    |
| School District<br><b>Muskegon City School District</b>                                                                                                                                                                                                                                                                                                                                    |                              | <input type="checkbox"/> House <input type="checkbox"/> Duplex <input type="checkbox"/> Condo<br><input type="checkbox"/> Loft <input checked="" type="checkbox"/> Apartment - No. of Units <b>327</b> |                                                                                                                                                  |                                                    |
| Name of LGU that established district<br><b>City of Muskegon</b>                                                                                                                                                                                                                                                                                                                           |                              | Name or Number of Neighborhood Enterprise Zone<br><b>The Watermark</b>                                                                                                                                 |                                                                                                                                                  | Date district was established<br><b>09/13/2016</b> |
| Identify who will complete the work<br><input checked="" type="checkbox"/> Licensed Contractor <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                        |                              | Estimated Project Cost (per unit)<br><b>\$249,772.00</b>                                                                                                                                               |                                                                                                                                                  |                                                    |
| Describe the general nature and extent of the new construction or rehabilitation to be undertaken. For rehabilitation only, include Breakdown of Investment Costs. Use attachments if necessary.<br><b>See attached Exhibit A and B.</b>                                                                                                                                                   |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| Timetable for undertaking and completing the rehabilitation or construction of the facility.                                                                                                                                                                                                                                                                                               |                              | Additional Timetable Information (if applicable)                                                                                                                                                       |                                                                                                                                                  |                                                    |
| Begin Date<br><b>8/30/2024</b>                                                                                                                                                                                                                                                                                                                                                             | End Date<br><b>8/30/2027</b> |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| PART 2: OWNER/DEVELOPER/APPLICANT CERTIFICATION                                                                                                                                                                                                                                                                                                                                            |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| Contact Name<br><b>Jon Rooks</b>                                                                                                                                                                                                                                                                                                                                                           |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| Contact Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                                          |                              | Contact Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                                     |                                                                                                                                                  |                                                    |
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                      |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| Owner/Developer/Applicant Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                        |                              | Owner/Developer/Applicant Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                   |                                                                                                                                                  |                                                    |
| Owner/Developer/Applicant Mailing Address<br><b>75 W. Walton, Suite A</b>                                                                                                                                                                                                                                                                                                                  |                              | City<br><b>Muskegon</b>                                                                                                                                                                                | State<br><b>MI</b>                                                                                                                               | ZIP Code<br><b>49440</b>                           |
| I certify the information contained herein and in the attachments are true and that all are truly descriptive of the residential real property for which this application is being submitted.                                                                                                                                                                                              |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| I certify I am familiar with the provisions of Public Act 147 of 1992, as amended, (MCL 207.771 to 207.787) and to the best of my knowledge, I have complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the LGU and the issuance of Neighborhood Enterprise Zone Certificate by the State Tax Commission. |                              |                                                                                                                                                                                                        |                                                                                                                                                  |                                                    |
| Owner/Developer/Applicant Signature<br>                                                                                                                                                                                                                                                                 |                              | Date<br><b>11/12/2024</b>                                                                                                                                                                              |                                                                                                                                                  |                                                    |

Continue on Page 2

**PART 3: LGU ASSESSOR CERTIFICATION (Assessor of LGU must complete Part 3)**

The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Neighborhood Enterprise Zone Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Neighborhood Enterprise Zone Exemption that would also put the same property on the Neighborhood Enterprise Zone specific tax roll.

☐ By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Neighborhood Enterprise Zone Exemption specific tax roll and not on any other specific tax roll.

Name of LGU

Name of Assessor (First and last name)

Telephone Number

Email Address

*I certify that, to the best of my knowledge, the information contained in Part 3 of this application is complete and accurate.*

Assessor's Signature

Date

**PART 4: LGU ACTION/CERTIFICATION (LGU clerk must complete this section before submitting to the State Tax Commission)**

Action taken by LGU:

☐ Exemption Approved for \_\_\_\_\_ Years (6-15)

☐ Exemption Approved for \_\_\_\_\_ Years  
(11-17 qualified historic building)

☐ Exemption Denied (include Resolution Denying)

Date of resolution approving/denying this application

Clerk's Name (First and Last)

Telephone Number

Email Address

Mailing Address

The State Tax Commission requires the following documents be filed for an administratively complete application:

☐ 1. Original Application

☐ 2. Legal description of the real property with parcel identification number

☐ 3. Resolution approving the zone.

☐ 4. Resolution approving the application.

☐ 5. **REHABILITATION APPLICATIONS ONLY.**

Statement by the assessor showing the taxable value of the rehabilitated facility not including the land, for the tax year immediately preceding the effective date of the rehabilitation.

City

State

ZIP Code

*I certify that I have reviewed this application for complete and accurate information and determined that the subject property is located within a qualified Neighborhood Enterprise Zone.*

*I certify this application meets the requirements as outlined by Public Act 147 of 1992 and hereby request the State Tax Commission issue a Neighborhood Enterprise Zone Certificate.*

Clerk Signature

Date

**For faster service, the LGU should email the completed application and required documents to [PTE@michigan.gov](mailto:PTE@michigan.gov).**

An additional submission option is to mail the completed application and required documents to:

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

**Note:** Additional documentation will be required for further processing of the application and for the issuance of the certificate of exemption. These documents should be sent by email or mail directly to the State of Michigan only after the original application is filed with the LGU clerk and approved by the LGU. See the instruction sheet attached.

Any questions concerning the completion of this application should be directed to the LGU clerk.

**EXHIBIT A**  
**PROPERTY LEGAL DESCRIPTION**

**Address:** 920 Washington Ave (Building No. 3, Units 1-8)

**PIN#:** 61-24-205-467-0001-00

**Parcel Size:** 5.16 Acres

**Legal:** CITY OF MUSKEGON REVISED PLAT 1903 PT OF BLKS 467 AND 468 AND ENTIRE BLK 474 TOGETHER WITH PT OF THE C & O RR R/W IN SD BLK 467 VAC MICHIGAN AVE BET SD BLKS 467 & 474 THE 2 VAC ALLEYS IN SD BLK 474 DESC AS BEG ON THE N R/W LN OF MICHIGAN AVE AT A POINT BEING N 89D 48M 11S E 549.04 FT FROM THE SW COR OF SD BLK 468 TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 111.67 FT ALG SLY LN OF A 5 STY BLDG TH N 02D 23M 08S E 85.09 FT ALG E SIDE OF A 4 IN WALL TH S 87D 48M 59S E 28.01 FT ALG NLY LN OF SD 5 STY BLDG TH N 02D 11M 01S E 21.28 FT ALG SD BLDG TH N 88D 38M 32S W 12.93 FT ALG SD BLDG LN TH N 00D 42M 58S E 57.92 FT ALG SD BLDG LN TH S 88D 25M 41S E 8.43 FT ALG SD BLDG LN TH N 00D 42M 58S E 29.45 FT ALG SD BLDG LN TH N 88D 25M 41S W 0.40 FT ALG SD BLDG LN TH N 01D 34M 19S E 0.30 FT ALG SD BLDG LN TH N 88D 25M 41S W 8.72 FT ALG SD BLDG LN TH N 00D 30M 20S E 24.63 FT TH N 82D 30M 04S W 8.71 FT TH S 00D 30M 20S W 9.53 FT TH N 83D 24M 04S W 13.72 FT ALG SD 5 STY BLDG LN TH N 09D 23M 07S E 9.68 FT ALG SD 5 STY BLDG LN TH N 82D 30M 04S W 112.12 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH N 07D 28M 33S E 75.55 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH S 82D 42M 42S E 474.11 FT ALG THE SLY R/W LN OF WESTERN AVE TH S 00D 01M 06S E 664.21 FT ALG THE W R/W LN OF DIVISION ST TH S 89D 34M 02S W 476.58 FT ALG THE N R/W LN OF WASHINGTON AVE TH N 00D 20M 35S W 414.17 FT ALG THE E R/W LN OF HUDSON ST TH S89D 48M 11S W 1.29 FT ALG THE N R/W LN OF MICHIGAN AVE TO POB CONTAINING 304,686 SF (6.995 AC) EXCEPT CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF BLKS 467 & 474 TOGETHER WITH PART OF VAC HUDSON PART OF MI AVE BOTH OF WHICH ARE BET SD BLKS & PART OF VAC ALLEY IN SD BLK 474 ALL OF A SECOND VAC ALLEY IN SD BLK 474 MORE PARTICULARLY DESC AS COM @ SW COR SD BLK 474 FOR POB TH N 00D 20M 35S W 414.17 FT ALG E LN OF HUDSON ST TH S 89D 48M 11S W 1.29 FT ALG N LN OF MICHIGAN AVE TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 185.29 FT ALG SLY LN OF A 5 STORY BLDG TH S 00D 06M 34S W 231.27 FT ALG W LN OF A 5 STORY BLDG THN 89D 57M 03S E 39.77 FT ALG EXPANSION JOINT BET 5 STORY BLDGS TH S 00D 00M 25S W 182.21 FT ALG W LN OF A 10" BRICK WALL TH S 89D 34M 02S W 221 FT ALG N LN OF WASHINGTON AVE TO POB SUBJ TO DECLARATION OF RESTRICTIVE COVENANT REC'D 3629/083 SBJT TO ELECTRIC LNS ESMT RECORD'D L/P 3630/666 DESC AS A 10FT WIDE STRIP & BEING 5 FT ON EA SIDE OF EA UNDERGROUND ELECTRIC LN AS CONSTRUCTED ON OWNER'S LAND A 30 FT WIDE STRIP OF LAND BEING 15 FT ON EA SIDE OF EA OVERHEAD ELECTRIC LN AS CONSTRUCTED ON OWNERS LAND

**EXHIBIT B**  
**GENERAL NATURE AND EXTENT OF REHABILITATION**

Shaw Walker Opportunity Zone Business 2, LLC (the “**Developer**”) is proposing the redevelopment of Building #3, units 1-8, on a parcel of property located at 920 Washington Ave, Muskegon, MI 49441 that contains a total of approximately 5.16 acres in the City of Muskegon (the “**Property**”). The Property is currently improved with four buildings. Redevelopment of Building #3 includes a complete renovation of the existing approximately 270,785 sf of existing space, into three hundred twenty-seven (327) residential rental units, of which 20 will be offered for income qualified households with an annual household income of not more than 100% area median income (AMI) (the “**Project**”).

Rehabilitation is expected to begin in the Fall of 2024 and is expected to be completed within approximately 36-months. The Project is part of the overall Shaw Walker redevelopment project with an estimated total capital investment of approximately \$175 million. The total capital investment of the Project is estimated to be approximately \$81,675,375.

# DEVELOPMENT BUDGET

**Development Name:** Shaw Walker Redevelopment - Building 3 NEZ  
**City/Township/Village:** City of Muskegon  
**County:** Muskegon  
**Construction Type:** Adaptive redevelopment

## Hard Costs

|                                                                               |             |
|-------------------------------------------------------------------------------|-------------|
| Public Infrastructure (roads, sidewalks, utilities, sewage, etc.)             | \$129,595   |
| Site Improvements (walks, drives, landscaping, fencing, lights, and drainage) | \$237,856   |
| Demolition (Include Lead & Asbestos Abatement)                                | \$1,919,818 |
| Other Environmental Mitigation                                                | \$871,734   |
| Earth Work                                                                    | \$132,147   |
| Site Utilities                                                                | \$280,171   |
| Other: Parking improvements                                                   | \$240,147   |

|                                              | Constructi<br>on | Rehabilitation Renovation |                     |
|----------------------------------------------|------------------|---------------------------|---------------------|
| Structures +                                 | \$0              | \$52,632,658              | \$52,632,658        |
| Parking Structures                           |                  | \$711,669                 | \$711,669           |
| Building Concrete/Masonry                    |                  | \$1,837,696               | \$1,837,696         |
| Carpentry                                    |                  | \$5,104,711               | \$5,104,711         |
| Roofing/Metal/Siding/Insulation/Caulking     |                  | \$2,658,885               | \$2,658,885         |
| Doors/Windows/Glass                          |                  | \$5,069,832               | \$5,069,832         |
| Drywall/Acoustical                           |                  | \$7,759,161               | \$7,759,161         |
| Flooring                                     |                  | \$3,675,392               | \$3,675,392         |
| Cabinets/Countertops/Appliances              |                  | \$2,041,884               | \$2,041,884         |
| Painting/Decorating                          |                  | \$1,633,508               | \$1,633,508         |
| Plumbing/Electrical/Fire Protection          |                  | \$12,887,693              | \$12,887,693        |
| HVAC                                         |                  | \$3,754,539               | \$3,754,539         |
| Accessory Buildings/Garages                  |                  | \$4,900,523               | \$4,900,523         |
| Elevators/Special Equipment                  |                  | \$597,165                 | \$597,165           |
| Tenant Upgrades                              |                  |                           | \$0                 |
| Other: -                                     |                  |                           | \$0                 |
| Builder Overhead/Profit/General Requirements | \$0              | \$ 9,392,668              | \$9,392,668         |
| Permits/Tap Fees/Bond/Cost Certification     | \$0              | \$ 2,858,638              | \$2,858,638         |
| Construction Contingency                     | \$0              | \$ 4,900,523              | \$4,900,523         |
| Other: Personnel/weather/equipment           | \$0              | \$ 5,308,899              | \$5,308,899         |
| <b>Subtotal Hard Costs</b>                   |                  |                           | <b>\$78,904,854</b> |

## Other Eligible Costs

|                                     |                    |
|-------------------------------------|--------------------|
| Machinery & Equipment               | \$10,006           |
| Furniture & Fixtures                | \$1,225,131        |
| Architectural & Engineering         | \$1,429,319        |
| Environmental Studies/Soil Testing  | \$90,055           |
| Survey                              | \$16,010           |
| Other:                              |                    |
| <b>Subtotal Eligible Soft Costs</b> | <b>\$2,770,521</b> |

**Total \$81,675,375**



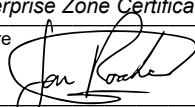


# Application for Neighborhood Enterprise Zone Certificate

Issued under authority of Public Act 147 of 1992, as amended.

| LOCAL GOVERNMENTAL UNIT USE ONLY |                 |
|----------------------------------|-----------------|
| ▶ Application No.                | ▶ Date Received |
| STATE USE ONLY                   |                 |
| ▶ Application No.                | ▶ Date Received |

**Read the instructions before completing the application.** This application must be filed prior to building permit issuance and start of construction except as provided in the instructions on page 3 under Owner/Developer/Applicant Instructions. Initially file completed application and required documents with the clerk of the local governmental unit. The additional documents to complete the application process will be required by the State of Michigan only after the original application is filed with the clerk of the local governmental unit (LGU). This form is also used to file a request for the transfer of an existing NEZ certificate. Please see the instruction sheet.

| PART 1: OWNER/DEVELOPER/APPLICANT INFORMATION (Applicant must complete all fields)                                                                                                                                                                                                                                                                                                         |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                      |                    |                                                                        | Type of NEZ<br><input checked="" type="checkbox"/> OPRA eligible community NEZ <input type="checkbox"/> Workforce Housing NEZ                                                                         |                                                    |
| Facility's Street Address<br><b>920 Washington Ave (Bldg No 4, Floor 2, Units 1-4)</b>                                                                                                                                                                                                                                                                                                     |                    |                                                                        | Type of Approval Requested                                                                                                                                                                            |                                                    |
| City<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                    | State<br><b>MI</b> | ZIP Code<br><b>49441</b>                                               | <input type="checkbox"/> New Facility <input checked="" type="checkbox"/> Rehabilitated Facility <input type="checkbox"/> Transfer (1 copy only)                                                      |                                                    |
| Name of City, Township or Village (taxing authority)<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                    |                    |                                                                        | No. of years requested for exemption (6-15; 11-17 for qualified historic building)<br><b>15</b>                                                                                                       |                                                    |
| <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village                                                                                                                                                                                                                                                                                |                    |                                                                        | Is the facility owned or rented by occupants?<br><input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented                                                                            |                                                    |
| County<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                  |                    |                                                                        | Type of Property (check one)                                                                                                                                                                          |                                                    |
| School District<br><b>Muskegon City School District</b>                                                                                                                                                                                                                                                                                                                                    |                    |                                                                        | <input type="checkbox"/> House <input type="checkbox"/> Duplex <input type="checkbox"/> Condo<br><input type="checkbox"/> Loft <input checked="" type="checkbox"/> Apartment - No. of Units <b>16</b> |                                                    |
| Name of LGU that established district<br><b>City of Muskegon</b>                                                                                                                                                                                                                                                                                                                           |                    | Name or Number of Neighborhood Enterprise Zone<br><b>The Watermark</b> |                                                                                                                                                                                                       | Date district was established<br><b>09/13/2016</b> |
| Identify who will complete the work<br><input checked="" type="checkbox"/> Licensed Contractor <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                        |                    |                                                                        | Estimated Project Cost (per unit)<br><b>\$615,917.00</b>                                                                                                                                              |                                                    |
| Describe the general nature and extent of the new construction or rehabilitation to be undertaken. For rehabilitation only, include Breakdown of Investment Costs. Use attachments if necessary.<br><b>See attached Exhibit A and B.</b>                                                                                                                                                   |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
| Timetable for undertaking and completing the rehabilitation or construction of the facility.                                                                                                                                                                                                                                                                                               |                    |                                                                        | Additional Timetable Information (if applicable)                                                                                                                                                      |                                                    |
| Begin Date<br><b>8/30/2024</b>                                                                                                                                                                                                                                                                                                                                                             |                    | End Date<br><b>8/30/2027</b>                                           |                                                                                                                                                                                                       |                                                    |
| PART 2: OWNER/DEVELOPER/APPLICANT CERTIFICATION                                                                                                                                                                                                                                                                                                                                            |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
| Contact Name<br><b>Jon Rooks</b>                                                                                                                                                                                                                                                                                                                                                           |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
| Contact Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                                          |                    |                                                                        | Contact Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                                    |                                                    |
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                      |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
| Owner/Developer/Applicant Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                        |                    |                                                                        | Owner/Developer/Applicant Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                  |                                                    |
| Owner/Developer/Applicant Mailing Address<br><b>75 W. Walton, Suite A</b>                                                                                                                                                                                                                                                                                                                  |                    |                                                                        | City<br><b>Muskegon</b>                                                                                                                                                                               | State<br><b>MI</b>                                 |
|                                                                                                                                                                                                                                                                                                                                                                                            |                    |                                                                        | ZIP Code<br><b>49440</b>                                                                                                                                                                              |                                                    |
| I certify the information contained herein and in the attachments are true and that all are truly descriptive of the residential real property for which this application is being submitted.                                                                                                                                                                                              |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
| I certify I am familiar with the provisions of Public Act 147 of 1992, as amended, (MCL 207.771 to 207.787) and to the best of my knowledge, I have complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the LGU and the issuance of Neighborhood Enterprise Zone Certificate by the State Tax Commission. |                    |                                                                        |                                                                                                                                                                                                       |                                                    |
| Owner/Developer/Applicant Signature<br>                                                                                                                                                                                                                                                                 |                    |                                                                        | Date<br><b>11/12/2024</b>                                                                                                                                                                             |                                                    |

Continue on Page 2



**PART 3: LGU ASSESSOR CERTIFICATION (Assessor of LGU must complete Part 3)**

The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Neighborhood Enterprise Zone Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Neighborhood Enterprise Zone Exemption that would also put the same property on the Neighborhood Enterprise Zone specific tax roll.

☐ By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Neighborhood Enterprise Zone Exemption specific tax roll and not on any other specific tax roll.

Name of LGU

Name of Assessor (First and last name)

Telephone Number

Email Address

*I certify that, to the best of my knowledge, the information contained in Part 3 of this application is complete and accurate.*

Assessor's Signature

Date

**PART 4: LGU ACTION/CERTIFICATION (LGU clerk must complete this section before submitting to the State Tax Commission)**

Action taken by LGU:

☐ Exemption Approved for \_\_\_\_\_ Years (6-15)

☐ Exemption Approved for \_\_\_\_\_ Years  
(11-17 qualified historic building)

☐ Exemption Denied (include Resolution Denying)

Date of resolution approving/denying this application

Clerk's Name (First and Last)

Telephone Number

Email Address

Mailing Address

The State Tax Commission requires the following documents be filed for an administratively complete application:

☐ 1. Original Application

☐ 2. Legal description of the real property with parcel identification number

☐ 3. Resolution approving the zone.

☐ 4. Resolution approving the application.

☐ 5. **REHABILITATION APPLICATIONS ONLY.**

Statement by the assessor showing the taxable value of the rehabilitated facility not including the land, for the tax year immediately preceding the effective date of the rehabilitation.

City

State

ZIP Code

*I certify that I have reviewed this application for complete and accurate information and determined that the subject property is located within a qualified Neighborhood Enterprise Zone.*

*I certify this application meets the requirements as outlined by Public Act 147 of 1992 and hereby request the State Tax Commission issue a Neighborhood Enterprise Zone Certificate.*

Clerk Signature

Date

**For faster service, the LGU should email the completed application and required documents to [PTE@michigan.gov](mailto:PTE@michigan.gov).**

An additional submission option is to mail the completed application and required documents to:

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

**Note:** Additional documentation will be required for further processing of the application and for the issuance of the certificate of exemption. These documents should be sent by email or mail directly to the State of Michigan only after the original application is filed with the LGU clerk and approved by the LGU. See the instruction sheet attached.

Any questions concerning the completion of this application should be directed to the LGU clerk.

**EXHIBIT A**  
**PROPERTY LEGAL DESCRIPTION**

**Address:** 920 Washington Ave (Building No. 4, Floor 2, Units 1-4)

**PIN#:** 61-24-205-467-0001-00

**Parcel Size:** 5.16 Acres

**Legal:** CITY OF MUSKEGON REVISED PLAT 1903 PT OF BLKS 467 AND 468 AND ENTIRE BLK 474 TOGETHER WITH PT OF THE C & O RR R/W IN SD BLK 467 VAC MICHIGAN AVE BET SD BLKS 467 & 474 THE 2 VAC ALLEYS IN SD BLK 474 DESC AS BEG ON THE N R/W LN OF MICHIGAN AVE AT A POINT BEING N 89D 48M 11S E 549.04 FT FROM THE SW COR OF SD BLK 468 TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 111.67 FT ALG SLY LN OF A 5 STY BLDG TH N 02D 23M 08S E 85.09 FT ALG E SIDE OF A 4 IN WALL TH S 87D 48M 59S E 28.01 FT ALG NLY LN OF SD 5 STY BLDG TH N 02D 11M 01S E 21.28 FT ALG SD BLDG TH N 88D 38M 32S W 12.93 FT ALG SD BLDG LN TH N 00D 42M 58S E 57.92 FT ALG SD BLDG LN TH S 88D 25M 41S E 8.43 FT ALG SD BLDG LN TH N 00D 42M 58S E 29.45 FT ALG SD BLDG LN TH N 88D 25M 41S W 0.40 FT ALG SD BLDG LN TH N 01D 34M 19S E 0.30 FT ALG SD BLDG LN TH N 88D 25M 41S W 8.72 FT ALG SD BLDG LN TH N 00D 30M 20S E 24.63 FT TH N 82D 30M 04S W 8.71 FT TH S 00D 30M 20S W 9.53 FT TH N 83D 24M 04S W 13.72 FT ALG SD 5 STY BLDG LN TH N 09D 23M 07S E 9.68 FT ALG SD 5 STY BLDG LN TH N 82D 30M 04S W 112.12 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH N 07D 28M 33S E 75.55 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH S 82D 42M 42S E 474.11 FT ALG THE SLY R/W LN OF WESTERN AVE TH S 00D 01M 06S E 664.21 FT ALG THE W R/W LN OF DIVISION ST TH S 89D 34M 02S W 476.58 FT ALG THE N R/W LN OF WASHINGTON AVE TH N 00D 20M 35S W 414.17 FT ALG THE E R/W LN OF HUDSON ST TH S89D 48M 11S W 1.29 FT ALG THE N R/W LN OF MICHIGAN AVE TO POB CONTAINING 304,686 SF (6.995 AC) EXCEPT CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF BLKS 467 & 474 TOGETHER WITH PART OF VAC HUDSON PART OF MI AVE BOTH OF WHICH ARE BET SD BLKS & PART OF VAC ALLEY IN SD BLK 474 ALL OF A SECOND VAC ALLEY IN SD BLK 474 MORE PARTICULARLY DESC AS COM @ SW COR SD BLK 474 FOR POB TH N 00D 20M 35S W 414.17 FT ALG E LN OF HUDSON ST TH S 89D 48M 11S W 1.29 FT ALG N LN OF MICHIGAN AVE TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 185.29 FT ALG SLY LN OF A 5 STORY BLDG TH S 00D 06M 34S W 231.27 FT ALG W LN OF A 5 STORY BLDG THN 89D 57M 03S E 39.77 FT ALG EXPANSION JOINT BET 5 STORY BLDGS TH S 00D 00M 25S W 182.21 FT ALG W LN OF A 10" BRICK WALL TH S 89D 34M 02S W 221 FT ALG N LN OF WASHINGTON AVE TO POB SUBJ TO DECLARATION OF RESTRICTIVE COVENANT REC'D 3629/083 SBJT TO ELECTRIC LNS ESMT RECORD'D L/P 3630/666 DESC AS A 10FT WIDE STRIP & BEING 5 FT ON EA SIDE OF EA UNDERGROUND ELECTRIC LN AS CONSTRUCTED ON OWNER'S LAND A 30 FT WIDE STRIP OF LAND BEING 15 FT ON EA SIDE OF EA OVERHEAD ELECTRIC LN AS CONSTRUCTED ON OWNERS LAND

**EXHIBIT B**  
**GENERAL NATURE AND EXTENT OF REHABILITATION**

Shaw Walker Opportunity Zone Business 2, LLC (the “**Developer**”) is proposing the redevelopment of building number 4, floor 2, units one through four, on a parcel of property located at 920 Washington Ave, Muskegon, MI 49441 that contains a total of approximately 5.16 acres in the City of Muskegon (the “**Property**”). The Property is currently improved with four buildings. The Developer is proposing to redevelop floors two through four of building number four (4) located on the Property, comprising approximately of 32,672 sf of existing space, into sixteen (16) residential rental units (the “**Project**”).

Rehabilitation is expected to begin in the Fall of 2024 and is expected to be completed within approximately 36-months. The Project is part of the overall Shaw Walker redevelopment project with an estimated total capital investment of approximately \$175 million. The total capital investment of the Project is estimated to be approximately \$9,854,673.

# DEVELOPMENT BUDGET

**Development Name:** Shaw Walker Redevelopment - Building 4 NEZ  
**City/Township/Village:** City of Muskegon  
**County:** Muskegon  
**Construction Type:** Adaptive redevelopment

## Hard Costs

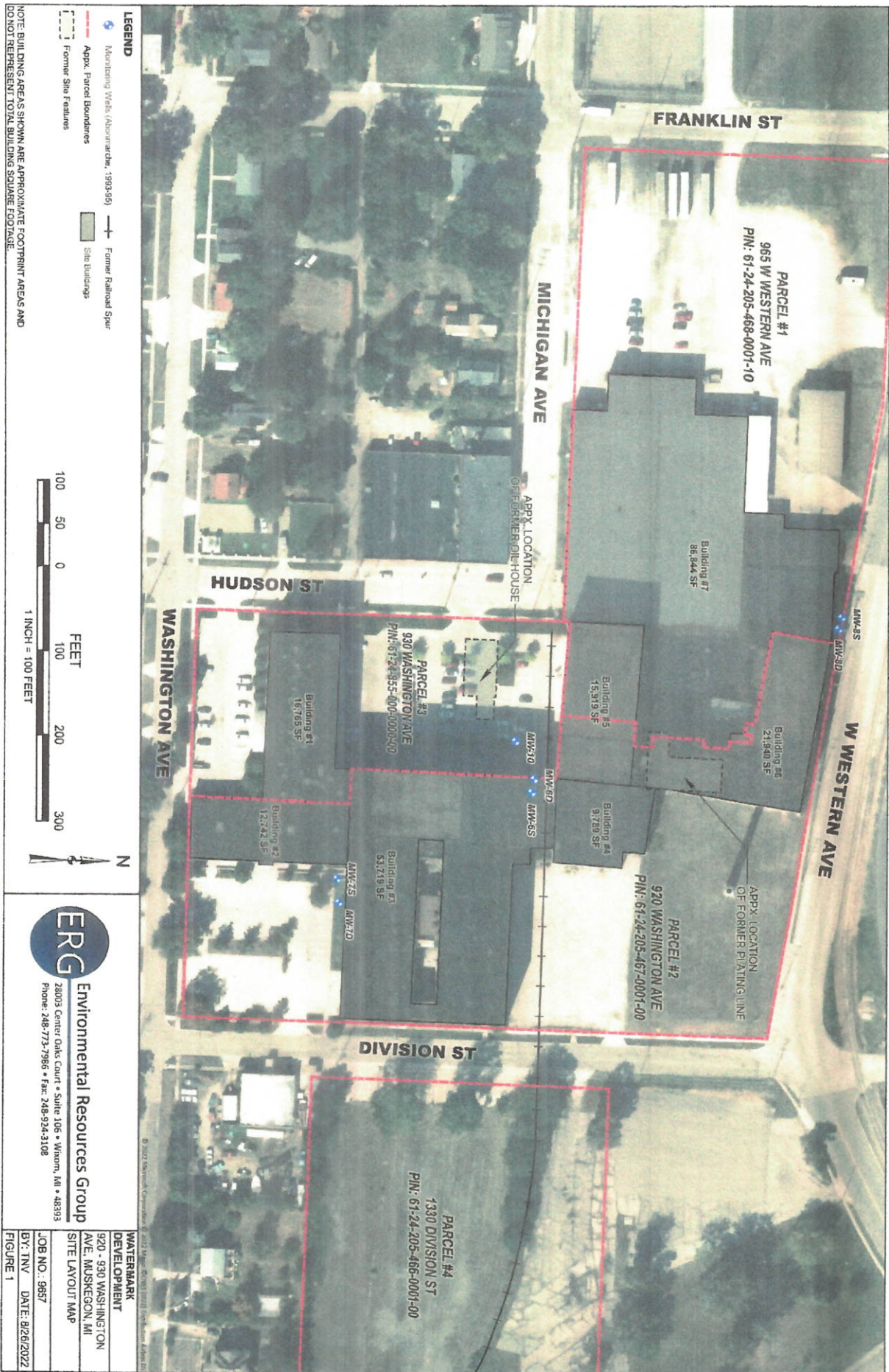
|                                                                               |           |
|-------------------------------------------------------------------------------|-----------|
| Public Infrastructure (roads, sidewalks, utilities, sewage, etc.)             | \$15,636  |
| Site Improvements (walks, drives, landscaping, fencing, lights, and drainage) | \$28,699  |
| Demolition (Include Lead & Asbestos Abatement)                                | \$231,639 |
| Other Environmental Mitigation                                                | \$105,180 |
| Earth Work                                                                    | \$15,944  |
| Site Utilities                                                                | \$33,805  |
| Other: Parking improvements                                                   | \$28,975  |

|                                              | Constructi<br>on | Rehabilitation Renovation |                    |
|----------------------------------------------|------------------|---------------------------|--------------------|
| Structures +                                 | \$0              | \$6,350,478               | \$6,350,478        |
| Parking Structures                           |                  | \$85,868                  | \$85,868           |
| Building Concrete/Masonry                    |                  | \$221,730                 | \$221,730          |
| Carpentry                                    |                  | \$615,917                 | \$615,917          |
| Roofing/Metal/Siding/Insulation/Caulking     |                  | \$320,812                 | \$320,812          |
| Doors/Windows/Glass                          |                  | \$611,709                 | \$611,709          |
| Drywall/Acoustical                           |                  | \$936,194                 | \$936,194          |
| Flooring                                     |                  | \$443,460                 | \$443,460          |
| Cabinets/Countertops/Appliances              |                  | \$246,367                 | \$246,367          |
| Painting/Decorating                          |                  | \$197,093                 | \$197,093          |
| Plumbing/Electrical/Fire Protection          |                  | \$1,554,986               | \$1,554,986        |
| HVAC                                         |                  | \$453,010                 | \$453,010          |
| Accessory Buildings/Garages                  |                  | \$591,280                 | \$591,280          |
| Elevators/Special Equipment                  |                  | \$72,052                  | \$72,052           |
| Tenant Upgrades                              |                  |                           | \$0                |
| Other: -                                     |                  |                           | \$0                |
| Builder Overhead/Profit/General Requirements | \$0              | \$ 1,133,288              | \$1,133,288        |
| Permits/Tap Fees/Bond/Cost Certification     | \$0              | \$ 344,914                | \$344,914          |
| Construction Contingency                     | \$0              | \$ 591,280                | \$591,280          |
| Other: Personnel/weather/equipment           | \$0              | \$ 640,554                | \$640,554          |
| <b>Subtotal Hard Costs</b>                   |                  |                           | <b>\$9,520,393</b> |

## Other Eligible Costs

|                                     |                  |
|-------------------------------------|------------------|
| Machinery & Equipment               | \$1,207          |
| Furniture & Fixtures                | \$147,820        |
| Architectural & Engineering         | \$172,457        |
| Environmental Studies/Soil Testing  | \$10,866         |
| Survey                              | \$1,932          |
| Other:                              |                  |
| <b>Subtotal Eligible Soft Costs</b> | <b>\$334,282</b> |

**Total \$9,854,674**



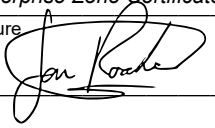


# Application for Neighborhood Enterprise Zone Certificate

Issued under authority of Public Act 147 of 1992, as amended.

| LOCAL GOVERNMENTAL UNIT USE ONLY |                 |
|----------------------------------|-----------------|
| ▶ Application No.                | ▶ Date Received |
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**Read the instructions before completing the application.** This application must be filed prior to building permit issuance and start of construction except as provided in the instructions on page 3 under Owner/Developer/Applicant Instructions. Initially file completed application and required documents with the clerk of the local governmental unit. The additional documents to complete the application process will be required by the State of Michigan only after the original application is filed with the clerk of the local governmental unit (LGU). This form is also used to file a request for the transfer of an existing NEZ certificate. Please see the instruction sheet.

| PART 1: OWNER/DEVELOPER/APPLICANT INFORMATION (Applicant must complete all fields)                                                                                                                                                                                                                                                                                                         |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 1 &amp; 2, LLC</b>                                                                                                                                                                                                                                                                                              |                              | Type of NEZ<br><input checked="" type="checkbox"/> OPRA eligible community NEZ <input type="checkbox"/> Workforce Housing NEZ                                                                                                         |                                                                                                                            |                                                    |
| Facility's Street Address<br><b>965 W Western Ave &amp; 920 Washington Ave, Bldg 5, Unit 89</b>                                                                                                                                                                                                                                                                                            |                              | Type of Approval Requested<br><input type="checkbox"/> New Facility <input checked="" type="checkbox"/> Rehabilitated Facility <input type="checkbox"/> Transfer (1 copy only)                                                        |                                                                                                                            |                                                    |
| City<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                    | State<br><b>MI</b>           | ZIP Code<br><b>49441</b>                                                                                                                                                                                                              | No. of years requested for exemption (6-15; 11-17 for qualified historic building)<br><b>15</b>                            |                                                    |
| Name of City, Township or Village (taxing authority)<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                    |                              |                                                                                                                                                                                                                                       | Is the facility owned or rented by occupants?<br><input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented |                                                    |
| <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village                                                                                                                                                                                                                                                                                |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| County<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                  |                              | Type of Property (check one)<br><input type="checkbox"/> House <input type="checkbox"/> Duplex <input type="checkbox"/> Condo<br><input type="checkbox"/> Loft <input checked="" type="checkbox"/> Apartment - No. of Units <b>89</b> |                                                                                                                            |                                                    |
| School District<br><b>Muskegon City School District</b>                                                                                                                                                                                                                                                                                                                                    |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| Name of LGU that established district<br><b>City of Muskegon</b>                                                                                                                                                                                                                                                                                                                           |                              | Name or Number of Neighborhood Enterprise Zone<br><b>The Watermark</b>                                                                                                                                                                |                                                                                                                            | Date district was established<br><b>09/13/2016</b> |
| Identify who will complete the work<br><input checked="" type="checkbox"/> Licensed Contractor <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                        |                              | Estimated Project Cost (per unit)<br><b>\$243,289.00</b>                                                                                                                                                                              |                                                                                                                            |                                                    |
| Describe the general nature and extent of the new construction or rehabilitation to be undertaken. For rehabilitation only, include Breakdown of Investment Costs. Use attachments if necessary.<br><b>See attached Exhibit A-1, A-2, and B.</b>                                                                                                                                           |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| Timetable for undertaking and completing the rehabilitation or construction of the facility.                                                                                                                                                                                                                                                                                               |                              | Additional Timetable Information (if applicable)                                                                                                                                                                                      |                                                                                                                            |                                                    |
| Begin Date<br><b>8/30/2024</b>                                                                                                                                                                                                                                                                                                                                                             | End Date<br><b>8/30/2027</b> |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| PART 2: OWNER/DEVELOPER/APPLICANT CERTIFICATION                                                                                                                                                                                                                                                                                                                                            |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| Contact Name<br><b>Jon Rooks</b>                                                                                                                                                                                                                                                                                                                                                           |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| Contact Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                                          |                              | Contact Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                                                                    |                                                                                                                            |                                                    |
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                      |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| Owner/Developer/Applicant Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                        |                              | Owner/Developer/Applicant Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                                                  |                                                                                                                            |                                                    |
| Owner/Developer/Applicant Mailing Address<br><b>75 W. Walton, Suite A</b>                                                                                                                                                                                                                                                                                                                  |                              | City<br><b>Muskegon</b>                                                                                                                                                                                                               | State<br><b>MI</b>                                                                                                         | ZIP Code<br><b>49440</b>                           |
| I certify the information contained herein and in the attachments are true and that all are truly descriptive of the residential real property for which this application is being submitted.                                                                                                                                                                                              |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| I certify I am familiar with the provisions of Public Act 147 of 1992, as amended, (MCL 207.771 to 207.787) and to the best of my knowledge, I have complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the LGU and the issuance of Neighborhood Enterprise Zone Certificate by the State Tax Commission. |                              |                                                                                                                                                                                                                                       |                                                                                                                            |                                                    |
| Owner/Developer/Applicant Signature<br>                                                                                                                                                                                                                                                                 |                              | Date<br><b>11/12/2024</b>                                                                                                                                                                                                             |                                                                                                                            |                                                    |

Continue on Page 2

**PART 3: LGU ASSESSOR CERTIFICATION (Assessor of LGU must complete Part 3)**

The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Neighborhood Enterprise Zone Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Neighborhood Enterprise Zone Exemption that would also put the same property on the Neighborhood Enterprise Zone specific tax roll.

☐ By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Neighborhood Enterprise Zone Exemption specific tax roll and not on any other specific tax roll.

Name of LGU

Name of Assessor (First and last name)

Telephone Number

Email Address

*I certify that, to the best of my knowledge, the information contained in Part 3 of this application is complete and accurate.*

Assessor's Signature

Date

**PART 4: LGU ACTION/CERTIFICATION (LGU clerk must complete this section before submitting to the State Tax Commission)**

Action taken by LGU:

☐ Exemption Approved for \_\_\_\_\_ Years (6-15)

☐ Exemption Approved for \_\_\_\_\_ Years  
(11-17 qualified historic building)

☐ Exemption Denied (include Resolution Denying)

Date of resolution approving/denying this application

Clerk's Name (First and Last)

Telephone Number

Email Address

Mailing Address

The State Tax Commission requires the following documents be filed for an administratively complete application:

☐ 1. Original Application

☐ 2. Legal description of the real property with parcel identification number

☐ 3. Resolution approving the zone.

☐ 4. Resolution approving the application.

☐ 5. **REHABILITATION APPLICATIONS ONLY.**

Statement by the assessor showing the taxable value of the rehabilitated facility not including the land, for the tax year immediately preceding the effective date of the rehabilitation.

City

State

ZIP Code

*I certify that I have reviewed this application for complete and accurate information and determined that the subject property is located within a qualified Neighborhood Enterprise Zone.*

*I certify this application meets the requirements as outlined by Public Act 147 of 1992 and hereby request the State Tax Commission issue a Neighborhood Enterprise Zone Certificate.*

Clerk Signature

Date

**For faster service, the LGU should email the completed application and required documents to [PTE@michigan.gov](mailto:PTE@michigan.gov).**

An additional submission option is to mail the completed application and required documents to:

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

**Note:** Additional documentation will be required for further processing of the application and for the issuance of the certificate of exemption. These documents should be sent by email or mail directly to the State of Michigan only after the original application is filed with the LGU clerk and approved by the LGU. See the instruction sheet attached.

Any questions concerning the completion of this application should be directed to the LGU clerk.

**EXHIBIT A-1**  
**PROPERTY LEGAL DESCRIPTION**

**Address:** 965 W Western Ave (Building No. 5, Unit 89)

**PIN#:** 61-24-205-468-0001-10

**Parcel Size:** 4.95 Acres

**Legal:** CITY OF MUSKEGON REVISED PLAT 1903 BLK 468 AND PT OF BLK 467 VAC ALLEY IN BLK 468 PART OF FORMER C & O RAILROAD R/W IN BLK 467 & 468 AND VAC HUDSON ST BET BLK 467 AND 468 AND ALL BEING DESC AS BEG AT THE SW COR OF SAID BLK 468 TH N 00D 19M 25S W 351.64 FT ALG E R/W LN OF FRANKLIN ST TH N 89D 58M 00S E 278.5 FT ALG THE S R/W LN OF WESTERN AVE TH S 82D 42M 42S E 284.66 FT ALG SD R/W LN TH S 07D 28M 33S W 75.55 FT ALG THE WLY LN & EXTENSION TH'OF OF A 5 STORY BRICK BLDG TH S 82D 30M 04S E 112.12 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH S 09D 23M 07S W 9.68 FT ALG SD BLDG LN TH S 83D 24M 04S E 13.72 FT ALG SD BLDG LN TH N 00D 30M 20S E 9.53 FT TH S 82D 30M 04S E 8.71 FT TH S 00D 30M 20S W 24.63 FT TH S 88D 25M 41S E 8.72 FT ALG SD BLDG LN TH S 01D 34M 19S W 0.30 FT ALG SD BLDG LN TH S 88D 25M 41S E 0.40 FT ALG SD BLDG LN TH S 00D 42M 58S W 29.45 FT ALG SD BLDG LN TH N 88D 25M 41S W 8.43 FT ALG SD BLDG LN TH S 00D 42M 58S W 57.92 FT ALG SD BLDG LN TH S 88D 38M 32S E 12.93 FT ALG SD BLDG LN TH S 02D 11M 01S W 21.28 FT ALG SD BLDG LN TH N 87D 48M 59S W 28.01 FT ALG SD BLDG LN TH S 02D 23M 08S W 85.09 FT ALG E SIDE OF A 4 IN WALL TH N 87D 51M 37S W 111.67 FT ALG SLY SIDE OF SD 5 STY BLDG LN TH S 02D 11M 01S W 7.87 FT TH S 89D 48M 11S W 549.04 FT ALG N LN OF MICHIGAN AVE TO POB CONTAINING 217056 SF (4.983 AC) SUBJ TO DECLARATION OF RESTRICTIVE COVENANT RECOR'D 3629/083



**EXHIBIT A-2**  
**PROPERTY LEGAL DESCRIPTION**

**Address:** 920 Washington Ave (Building No. 5, Unit 89)

**PIN#:** 61-24-205-467-0001-00

**Parcel Size:** 5.16 Acres

**Legal:** CITY OF MUSKEGON REVISED PLAT 1903 PT OF BLKS 467 AND 468 AND ENTIRE BLK 474 TOGETHER WITH PT OF THE C & O RR R/W IN SD BLK 467 VAC MICHIGAN AVE BET SD BLKS 467 & 474 THE 2 VAC ALLEYS IN SD BLK 474 DESC AS BEG ON THE N R/W LN OF MICHIGAN AVE AT A POINT BEING N 89D 48M 11S E 549.04 FT FROM THE SW COR OF SD BLK 468 TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 111.67 FT ALG SLY LN OF A 5 STY BLDG TH N 02D 23M 08S E 85.09 FT ALG E SIDE OF A 4 IN WALL TH S 87D 48M 59S E 28.01 FT ALG NLY LN OF SD 5 STY BLDG TH N 02D 11M 01S E 21.28 FT ALG SD BLDG TH N 88D 38M 32S W 12.93 FT ALG SD BLDG LN TH N 00D 42M 58S E 57.92 FT ALG SD BLDG LN TH S 88D 25M 41S E 8.43 FT ALG SD BLDG LN TH N 00D 42M 58S E 29.45 FT ALG SD BLDG LN TH N 88D 25M 41S W 0.40 FT ALG SD BLDG LN TH N 01D 34M 19S E 0.30 FT ALG SD BLDG LN TH N 88D 25M 41S W 8.72 FT ALG SD BLDG LN TH N 00D 30M 20S E 24.63 FT TH N 82D 30M 04S W 8.71 FT TH S 00D 30M 20S W 9.53 FT TH N 83D 24M 04S W 13.72 FT ALG SD 5 STY BLDG LN TH N 09D 23M 07S E 9.68 FT ALG SD 5 STY BLDG LN TH N 82D 30M 04S W 112.12 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH N 07D 28M 33S E 75.55 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH S 82D 42M 42S E 474.11 FT ALG THE SLY R/W LN OF WESTERN AVE TH S 00D 01M 06S E 664.21 FT ALG THE W R/W LN OF DIVISION ST TH S 89D 34M 02S W 476.58 FT ALG THE N R/W LN OF WASHINGTON AVE TH N 00D 20M 35S W 414.17 FT ALG THE E R/W LN OF HUDSON ST TH S89D 48M 11S W 1.29 FT ALG THE N R/W LN OF MICHIGAN AVE TO POB CONTAINING 304,686 SF (6.995 AC) EXCEPT CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF BLKS 467 & 474 TOGETHER WITH PART OF VAC HUDSON PART OF MI AVE BOTH OF WHICH ARE BET SD BLKS & PART OF VAC ALLEY IN SD BLK 474 ALL OF A SECOND VAC ALLEY IN SD BLK 474 MORE PARTICULARLY DESC AS COM @ SW COR SD BLK 474 FOR POB TH N 00D 20M 35S W 414.17 FT ALG E LN OF HUDSON ST TH S 89D 48M 11S W 1.29 FT ALG N LN OF MICHIGAN AVE TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 185.29 FT ALG SLY LN OF A 5 STORY BLDG TH S 00D 06M 34S W 231.27 FT ALG W LN OF A 5 STORY BLDG THN 89D 57M 03S E 39.77 FT ALG EXPANSION JOINT BET 5 STORY BLDGS TH S 00D 00M 25S W 182.21 FT ALG W LN OF A 10" BRICK WALL TH S 89D 34M 02S W 221 FT ALG N LN OF WASHINGTON AVE TO POB SUBJ TO DECLARATION OF RESTRICTIVE COVENANT RECOR'D 3629/083 SBJT TO ELECTRIC LNS ESMT RECORD'D L/P 3630/666 DESC AS A 10FT WIDE STRIP & BEING 5 FT ON EA SIDE OF EA UNDERGROUND ELECTRIC LN AS CONSTRUCTED ON OWNER'S LAND A 30 FT WIDE STRIP OF LAND BEING 15 FT ON EA SIDE OF EA OVERHEAD ELECTRIC LN AS CONSTRUCTED ON OWNERS LAND

**EXHIBIT B**  
**GENERAL NATURE AND EXTENT OF REHABILITATION**

Shaw Walker Opportunity Zone Business 1, LLC and Shaw Walker Opportunity Zone Business 2, LLC (the “**Developers**”) are proposing the redevelopment of a building identified as building number five (5), unit eighty-nine (89), located on two parcels of property located at 965 W Western Ave, Muskegon, MI 49441 and 920 Washington Ave, Muskegon, MI 49441 (the “**Properties**”). The Properties are currently improved with six existing buildings. The Developers are proposing to redevelop all five (5) floors of building number five (5) located on the Properties, comprising approximately of 71,787 sf of existing space, into eighty-nine (89) residential rental units (the “**Project**”).

Rehabilitation is expected to begin in the Fall of 2024 and is expected to be completed within approximately 36-months. The Project is part of the overall Shaw Walker redevelopment project with an estimated total capital investment of approximately \$175 million. The total capital investment of the Project is estimated to be approximately \$21,652,714.

# DEVELOPMENT BUDGET

**Development Name:** Shaw Walker Redevelopment - Building 5 NEZ  
**City/Township/Village:** City of Muskegon  
**County:** Muskegon  
**Construction Type:** Adaptive redevelopment

## Hard Costs

|                                                                               |           |
|-------------------------------------------------------------------------------|-----------|
| Public Infrastructure (roads, sidewalks, utilities, sewage, etc.)             | \$34,357  |
| Site Improvements (walks, drives, landscaping, fencing, lights, and drainage) | \$63,057  |
| Demolition (Include Lead & Asbestos Abatement)                                | \$508,957 |
| Other Environmental Mitigation                                                | \$231,103 |
| Earth Work                                                                    | \$35,033  |
| Site Utilities                                                                | \$74,275  |
| Other: Parking improvements                                                   | \$63,665  |

|                                              | Constructi<br>on | Rehabilitation Renovation |                     |
|----------------------------------------------|------------------|---------------------------|---------------------|
| Structures +                                 | \$0              | \$13,953,286              | \$13,953,286        |
| Parking Structures                           |                  | \$188,668                 | \$188,668           |
| Building Concrete/Masonry                    |                  | \$487,186                 | \$487,186           |
| Carpentry                                    |                  | \$1,353,295               | \$1,353,295         |
| Roofing/Metal/Siding/Insulation/Caulking     |                  | \$704,889                 | \$704,889           |
| Doors/Windows/Glass                          |                  | \$1,344,048               | \$1,344,048         |
| Drywall/Acoustical                           |                  | \$2,057,008               | \$2,057,008         |
| Flooring                                     |                  | \$974,372                 | \$974,372           |
| Cabinets/Countertops/Appliances              |                  | \$541,318                 | \$541,318           |
| Painting/Decorating                          |                  | \$433,054                 | \$433,054           |
| Plumbing/Electrical/Fire Protection          |                  | \$3,416,617               | \$3,416,617         |
| HVAC                                         |                  | \$995,355                 | \$995,355           |
| Accessory Buildings/Garages                  |                  | \$1,299,163               | \$1,299,163         |
| Elevators/Special Equipment                  |                  | \$158,313                 | \$158,313           |
| Tenant Upgrades                              |                  |                           | \$0                 |
| Other: -                                     |                  |                           | \$0                 |
| Builder Overhead/Profit/General Requirements | \$0              | \$ 2,490,062              | \$2,490,062         |
| Permits/Tap Fees/Bond/Cost Certification     | \$0              | \$ 757,845                | \$757,845           |
| Construction Contingency                     | \$0              | \$ 1,299,163              | \$1,299,163         |
| Other: Personnel/weather/equipment           | \$0              | \$ 1,407,426              | \$1,407,426         |
| <b>Subtotal Hard Costs</b>                   |                  |                           | <b>\$20,918,229</b> |

## Other Eligible Costs

|                                     |                  |
|-------------------------------------|------------------|
| Machinery & Equipment               | \$2,653          |
| Furniture & Fixtures                | \$324,791        |
| Architectural & Engineering         | \$378,922        |
| Environmental Studies/Soil Testing  | \$23,874         |
| Survey                              | \$4,244          |
| Other:                              |                  |
| <b>Subtotal Eligible Soft Costs</b> | <b>\$734,484</b> |

**Total \$21,652,714**





# Application for Neighborhood Enterprise Zone Certificate

Issued under authority of Public Act 147 of 1992, as amended.

| LOCAL GOVERNMENTAL UNIT USE ONLY |                 |
|----------------------------------|-----------------|
| ▶ Application No.                | ▶ Date Received |

| STATE USE ONLY    |                 |
|-------------------|-----------------|
| ▶ Application No. | ▶ Date Received |

**Read the instructions before completing the application.** This application must be filed prior to building permit issuance and start of construction except as provided in the instructions on page 3 under Owner/Developer/Applicant Instructions. Initially file completed application and required documents with the clerk of the local governmental unit. The additional documents to complete the application process will be required by the State of Michigan only after the original application is filed with the clerk of the local governmental unit (LGU). This form is also used to file a request for the transfer of an existing NEZ certificate. Please see the instruction sheet.

| PART 1: OWNER/DEVELOPER/APPLICANT INFORMATION (Applicant must complete all fields)                                                                                                                                                                                                                                                                                                                |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                             |                              | Type of NEZ<br><input checked="" type="checkbox"/> OPRA eligible community NEZ <input type="checkbox"/> Workforce Housing NEZ                                                                     |                                                                                                                                                  |
| Facility's Street Address<br><b>920 Washington Ave (Bldg No 6, Unit 104)</b>                                                                                                                                                                                                                                                                                                                      |                              | Type of Approval Requested                                                                                                                                                                        |                                                                                                                                                  |
| City<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                           | State<br><b>MI</b>           | ZIP Code<br><b>49441</b>                                                                                                                                                                          | <input type="checkbox"/> New Facility <input checked="" type="checkbox"/> Rehabilitated Facility <input type="checkbox"/> Transfer (1 copy only) |
| Name of City, Township or Village (taxing authority)<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                           |                              | No. of years requested for exemption (6-15; 11-17 for qualified historic building)<br><b>15</b>                                                                                                   |                                                                                                                                                  |
| <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village                                                                                                                                                                                                                                                                                       |                              | Is the facility owned or rented by occupants?<br><input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented                                                                        |                                                                                                                                                  |
| County<br><b>Muskegon</b>                                                                                                                                                                                                                                                                                                                                                                         |                              | Type of Property (check one)                                                                                                                                                                      |                                                                                                                                                  |
| School District<br><b>Muskegon City School District</b>                                                                                                                                                                                                                                                                                                                                           |                              | <input type="checkbox"/> House <input type="checkbox"/> Duplex <input checked="" type="checkbox"/> Condo<br><input type="checkbox"/> Loft <input type="checkbox"/> Apartment - No. of Units _____ |                                                                                                                                                  |
| Name of LGU that established district<br><b>City of Muskegon</b>                                                                                                                                                                                                                                                                                                                                  |                              | Name or Number of Neighborhood Enterprise Zone<br><b>The Watermark</b>                                                                                                                            | Date district was established<br><b>09/13/2016</b>                                                                                               |
| Identify who will complete the work<br><input checked="" type="checkbox"/> Licensed Contractor <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                               |                              | Estimated Project Cost (per unit)<br><b>\$520,546.00</b>                                                                                                                                          |                                                                                                                                                  |
| Describe the general nature and extent of the new construction or rehabilitation to be undertaken. For rehabilitation only, include Breakdown of Investment Costs. Use attachments if necessary.<br><b>See attached Exhibit A and B.</b>                                                                                                                                                          |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
| Timetable for undertaking and completing the rehabilitation or construction of the facility.                                                                                                                                                                                                                                                                                                      |                              | Additional Timetable Information (if applicable)                                                                                                                                                  |                                                                                                                                                  |
| Begin Date<br><b>8/30/2024</b>                                                                                                                                                                                                                                                                                                                                                                    | End Date<br><b>8/30/2027</b> |                                                                                                                                                                                                   |                                                                                                                                                  |
| PART 2: OWNER/DEVELOPER/APPLICANT CERTIFICATION                                                                                                                                                                                                                                                                                                                                                   |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
| Contact Name<br><b>Jon Rooks</b>                                                                                                                                                                                                                                                                                                                                                                  |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
| Contact Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                                                 |                              | Contact Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                                                |                                                                                                                                                  |
| Owner/Developer/Applicant Name<br><b>Shaw Walker Opportunity Zone Business 2, LLC</b>                                                                                                                                                                                                                                                                                                             |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
| Owner/Developer/Applicant Telephone Number<br><b>(231) 722-7001</b>                                                                                                                                                                                                                                                                                                                               |                              | Owner/Developer/Applicant Email Address<br><b>jon@parklandgr.com; jbelka@wnj.com</b>                                                                                                              |                                                                                                                                                  |
| Owner/Developer/Applicant Mailing Address<br><b>75 W. Walton, Suite A</b>                                                                                                                                                                                                                                                                                                                         |                              | City<br><b>Muskegon</b>                                                                                                                                                                           | State<br><b>MI</b>                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                   |                              | ZIP Code<br><b>49440</b>                                                                                                                                                                          |                                                                                                                                                  |
| <i>I certify the information contained herein and in the attachments are true and that all are truly descriptive of the residential real property for which this application is being submitted.</i>                                                                                                                                                                                              |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
| <i>I certify I am familiar with the provisions of Public Act 147 of 1992, as amended, (MCL 207.771 to 207.787) and to the best of my knowledge, I have complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the LGU and the issuance of Neighborhood Enterprise Zone Certificate by the State Tax Commission.</i> |                              |                                                                                                                                                                                                   |                                                                                                                                                  |
| Owner/Developer/Applicant Signature<br>                                                                                                                                                                                                                                                                        |                              | Date<br><b>11/12/2024</b>                                                                                                                                                                         |                                                                                                                                                  |

Continue on Page 2

**PART 3: LGU ASSESSOR CERTIFICATION (Assessor of LGU must complete Part 3)**

The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Neighborhood Enterprise Zone Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Neighborhood Enterprise Zone Exemption that would also put the same property on the Neighborhood Enterprise Zone specific tax roll.

☐ By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Neighborhood Enterprise Zone Exemption specific tax roll and not on any other specific tax roll.

Name of LGU

Name of Assessor (First and last name)

Telephone Number

Email Address

*I certify that, to the best of my knowledge, the information contained in Part 3 of this application is complete and accurate.*

Assessor's Signature

Date

**PART 4: LGU ACTION/CERTIFICATION (LGU clerk must complete this section before submitting to the State Tax Commission)**

Action taken by LGU:

☐ Exemption Approved for \_\_\_\_\_ Years (6-15)

☐ Exemption Approved for \_\_\_\_\_ Years  
(11-17 qualified historic building)

☐ Exemption Denied (include Resolution Denying)

Date of resolution approving/denying this application

Clerk's Name (First and Last)

Telephone Number

Email Address

Mailing Address

The State Tax Commission requires the following documents be filed for an administratively complete application:

☐ 1. Original Application

☐ 2. Legal description of the real property with parcel identification number

☐ 3. Resolution approving the zone.

☐ 4. Resolution approving the application.

☐ 5. **REHABILITATION APPLICATIONS ONLY.**

Statement by the assessor showing the taxable value of the rehabilitated facility not including the land, for the tax year immediately preceding the effective date of the rehabilitation.

City

State

ZIP Code

*I certify that I have reviewed this application for complete and accurate information and determined that the subject property is located within a qualified Neighborhood Enterprise Zone.*

*I certify this application meets the requirements as outlined by Public Act 147 of 1992 and hereby request the State Tax Commission issue a Neighborhood Enterprise Zone Certificate.*

Clerk Signature

Date

**For faster service, the LGU should email the completed application and required documents to [PTE@michigan.gov](mailto:PTE@michigan.gov).**

An additional submission option is to mail the completed application and required documents to:

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

**Note:** Additional documentation will be required for further processing of the application and for the issuance of the certificate of exemption. These documents should be sent by email or mail directly to the State of Michigan only after the original application is filed with the LGU clerk and approved by the LGU. See the instruction sheet attached.

Any questions concerning the completion of this application should be directed to the LGU clerk.

**EXHIBIT A**  
**PROPERTY LEGAL DESCRIPTION**

**Address:** 920 Washington Ave (Building No. 6, Unit 104)

**PIN#:** 61-24-205-467-0001-00

**Parcel Size:** 5.16 Acres

**Legal:** CITY OF MUSKEGON REVISED PLAT 1903 PT OF BLKS 467 AND 468 AND ENTIRE BLK 474 TOGETHER WITH PT OF THE C & O RR R/W IN SD BLK 467 VAC MICHIGAN AVE BET SD BLKS 467 & 474 THE 2 VAC ALLEYS IN SD BLK 474 DESC AS BEG ON THE N R/W LN OF MICHIGAN AVE AT A POINT BEING N 89D 48M 11S E 549.04 FT FROM THE SW COR OF SD BLK 468 TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 111.67 FT ALG SLY LN OF A 5 STY BLDG TH N 02D 23M 08S E 85.09 FT ALG E SIDE OF A 4 IN WALL TH S 87D 48M 59S E 28.01 FT ALG NLY LN OF SD 5 STY BLDG TH N 02D 11M 01S E 21.28 FT ALG SD BLDG TH N 88D 38M 32S W 12.93 FT ALG SD BLDG LN TH N 00D 42M 58S E 57.92 FT ALG SD BLDG LN TH S 88D 25M 41S E 8.43 FT ALG SD BLDG LN TH N 00D 42M 58S E 29.45 FT ALG SD BLDG LN TH N 88D 25M 41S W 0.40 FT ALG SD BLDG LN TH N 01D 34M 19S E 0.30 FT ALG SD BLDG LN TH N 88D 25M 41S W 8.72 FT ALG SD BLDG LN TH N 00D 30M 20S E 24.63 FT TH N 82D 30M 04S W 8.71 FT TH S 00D 30M 20S W 9.53 FT TH N 83D 24M 04S W 13.72 FT ALG SD 5 STY BLDG LN TH N 09D 23M 07S E 9.68 FT ALG SD 5 STY BLDG LN TH N 82D 30M 04S W 112.12 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH N 07D 28M 33S E 75.55 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH S 82D 42M 42S E 474.11 FT ALG THE SLY R/W LN OF WESTERN AVE TH S 00D 01M 06S E 664.21 FT ALG THE W R/W LN OF DIVISION ST TH S 89D 34M 02S W 476.58 FT ALG THE N R/W LN OF WASHINGTON AVE TH N 00D 20M 35S W 414.17 FT ALG THE E R/W LN OF HUDSON ST TH S89D 48M 11S W 1.29 FT ALG THE N R/W LN OF MICHIGAN AVE TO POB CONTAINING 304,686 SF (6.995 AC) EXCEPT CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF BLKS 467 & 474 TOGETHER WITH PART OF VAC HUDSON PART OF MI AVE BOTH OF WHICH ARE BET SD BLKS & PART OF VAC ALLEY IN SD BLK 474 ALL OF A SECOND VAC ALLEY IN SD BLK 474 MORE PARTICULARLY DESC AS COM @ SW COR SD BLK 474 FOR POB TH N 00D 20M 35S W 414.17 FT ALG E LN OF HUDSON ST TH S 89D 48M 11S W 1.29 FT ALG N LN OF MICHIGAN AVE TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 185.29 FT ALG SLY LN OF A 5 STORY BLDG TH S 00D 06M 34S W 231.27 FT ALG W LN OF A 5 STORY BLDG THN 89D 57M 03S E 39.77 FT ALG EXPANSION JOINT BET 5 STORY BLDGS TH S 00D 00M 25S W 182.21 FT ALG W LN OF A 10" BRICK WALL TH S 89D 34M 02S W 221 FT ALG N LN OF WASHINGTON AVE TO POB SUBJ TO DECLARATION OF RESTRICTIVE COVENANT REC'D 3629/083 SBJT TO ELECTRIC LNS ESMT RECORD'D L/P 3630/666 DESC AS A 10FT WIDE STRIP & BEING 5 FT ON EA SIDE OF EA UNDERGROUND ELECTRIC LN AS CONSTRUCTED ON OWNER'S LAND A 30 FT WIDE STRIP OF LAND BEING 15 FT ON EA SIDE OF EA OVERHEAD ELECTRIC LN AS CONSTRUCTED ON OWNERS LAND

**EXHIBIT B**  
**GENERAL NATURE AND EXTENT OF REHABILITATION**

Shaw Walker Opportunity Zone Business 2, LLC (the “**Developer**”) is proposing the redevelopment of Building #6, Unit 104, on a parcel of property located at 920 Washington Ave, Muskegon, MI 49441 that contains a total of approximately 5.16 acres in the City of Muskegon (the “**Property**”). The Property is currently improved with four buildings. Redevelopment of Building #6 includes a complete renovation of the existing approximately 119,081 sf of existing space, into sixty-nine (69) residential rental units (the “**Project**”).

Rehabilitation is expected to begin in the Fall of 2024 and is expected to be completed within approximately 36-months. The Project is part of the overall Shaw Walker redevelopment project with an estimated total capital investment of approximately \$175 million. The total capital investment of the Project is estimated to be approximately \$35,917,740.



# DEVELOPMENT BUDGET

**Development Name:** Shaw Walker Redevelopment - Building 6 NEZ  
**City/Township/Village:** City of Muskegon  
**County:** Muskegon  
**Construction Type:** Adaptive redevelopment

## Hard Costs

|                                                                               |           |
|-------------------------------------------------------------------------------|-----------|
| Public Infrastructure (roads, sidewalks, utilities, sewage, etc.)             | \$56,991  |
| Site Improvements (walks, drives, landscaping, fencing, lights, and drainage) | \$104,600 |
| Demolition (Include Lead & Asbestos Abatement)                                | \$844,263 |
| Other Environmental Mitigation                                                | \$383,355 |
| Earth Work                                                                    | \$58,113  |
| Site Utilities                                                                | \$123,209 |
| Other: Parking improvements                                                   | \$105,608 |

|                                              | Construction | Rehabilitation Renovation |                     |
|----------------------------------------------|--------------|---------------------------|---------------------|
| Structures +                                 | \$0          | \$23,145,852              | \$23,145,852        |
| Parking Structures                           |              | \$312,965                 | \$312,965           |
| Building Concrete/Masonry                    |              | \$808,149                 | \$808,149           |
| Carpentry                                    |              | \$2,244,859               | \$2,244,859         |
| Roofing/Metal/Siding/Insulation/Caulking     |              | \$1,169,277               | \$1,169,277         |
| Doors/Windows/Glass                          |              | \$2,229,520               | \$2,229,520         |
| Drywall/Acoustical                           |              | \$3,412,185               | \$3,412,185         |
| Flooring                                     |              | \$1,616,298               | \$1,616,298         |
| Cabinets/Countertops/Appliances              |              | \$897,944                 | \$897,944           |
| Painting/Decorating                          |              | \$718,355                 | \$718,355           |
| Plumbing/Electrical/Fire Protection          |              | \$5,667,520               | \$5,667,520         |
| HVAC                                         |              | \$1,651,104               | \$1,651,104         |
| Accessory Buildings/Garages                  |              | \$2,155,064               | \$2,155,064         |
| Elevators/Special Equipment                  |              | \$262,611                 | \$262,611           |
| Tenant Upgrades                              |              |                           | \$0                 |
| Other: -                                     |              |                           | \$0                 |
| Builder Overhead/Profit/General Requirements | \$0          | \$ 4,130,540              | \$4,130,540         |
| Permits/Tap Fees/Bond/Cost Certification     | \$0          | \$ 1,257,121              | \$1,257,121         |
| Construction Contingency                     | \$0          | \$ 2,155,064              | \$2,155,064         |
| Other: Personnel/weather/equipment           | \$0          | \$ 2,334,653              | \$2,334,653         |
| <b>Subtotal Hard Costs</b>                   |              |                           | <b>\$34,699,371</b> |

## Other Eligible Costs

|                                    |           |
|------------------------------------|-----------|
| Machinery & Equipment              | \$4,400   |
| Furniture & Fixtures               | \$538,766 |
| Architectural & Engineering        | \$628,560 |
| Environmental Studies/Soil Testing | \$39,603  |
| Survey                             | \$7,041   |
| Other:                             |           |

**Subtotal Eligible Soft Costs**

**\$1,218,370**

**Total**

**\$35,917,741**







## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                             |     |  |     |   |     |   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-----|---|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Title:</b> Revocation of NEZ Certificate at 307 Terrace Point Circle                                                                     |     |  |     |   |     |   |  |
| <b>Submitted by:</b> Contessa Alexander, Development Analyst                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Department:</b> Economic Development                                                                                                     |     |  |     |   |     |   |  |
| <b>Brief Summary:</b><br>The City of Muskegon is requesting the revocation of the NEZ certificate at 307 Terrace Point Circle as the property owner no longer resides at the address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>The City of Muskegon is initiating the revocation of the NEZ certificate for 307 Terrace Point Circle in accordance with state law, as the property owner no longer resides at the address for which the certificate was issued. City staff have collaborated with the City Assessor's Office regarding the revocation. A letter was sent by the Assessor's Office, and the owner subsequently called to confirm that this is no longer their primary residence. The statutory requirement mandates automatic revocation if the facility is no longer a homestead, as defined by section 7a of the General Property Tax Act (1893 PA 206, MCL 211.7a).<br><br>“(3) The certificate for a homestead facility or new facility is automatically revoked if the homestead facility or new facility is no longer a homestead as that term is defined in section 7a of the general property tax act, 1893 PA 206, MCL 211.7a.” |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types<br><br><b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business - Diverse housing types                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>           | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                             | No  |  | N/A | X |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table> | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                             | No  |  | N/A | X |     |   |  |

**Recommended Motion:**

I move to revoke the Neighborhood Enterprise Zone certificate for 307 Terrace Point Circle as the property no longer qualifies as a homestead under state law, and authorize the Mayor and City Clerk to sign the resolution.

**Approvals:**

|                         |  |  |
|-------------------------|--|--|
| Immediate Division Head |  |  |
| Information Technology  |  |  |
| Other Division Heads    |  |  |
| Communication           |  |  |
| Legal Review            |  |  |

**Guest(s) Invited / Presenting:**

No

# MUSKEGON COUNTY

M I C H I G A N

9/11/2024

Mark/Kim Bartol  
307 Terrace Point Cir  
Muskegon MI 49440

Re: **24-793-000-0021-00/24-946-218-0007-00 Principal Residence Exemption**

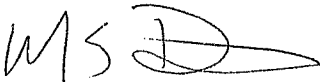
To Mark and Kim,

When looking through our properties with a Neighborhood Enterprise Zone (NEZ) we noticed that your property does not have a Principal Residence Exemption which is required for you to maintain having a NEZ. If this is your principal residence, which means you own and occupy the home and whenever you leave is the place you expect to return, please fill out the attached Principal Residence Exemption form along with the previous years request and a copy of your driver's license.

If you have any questions, please contact myself at 231-724-3473.

Mailing Address:  
Muskegon County Equalization  
173 E Apple Ave Ste 201  
Muskegon MI 49442  
Fax 231-724-1129

Thank you,



Wesley Dault, MAAO  
Sr. Appraiser  
[daultwe@co.muskegon.mi.us](mailto:daultwe@co.muskegon.mi.us)

**Resolution No. \_\_\_\_\_**

**MUSKEGON CITY COMMISSION**

**RESOLUTION TO REVOKE THE NEIGHBORHOOD ENTERPRISE ZONE  
CERTIFICATE # N2018-007**

WHEREAS, the City of Muskegon has established Neighborhood Enterprise Zone (NEZ) districts within the City; and

WHEREAS, the NEZ certificate for 307 Terrace Point Circle was issued for a homestead facility for the parcel # 24-793-000-0021/ 24-946-218-0007-00; and

WHEREAS, the property owner no longer resides at 307 Terrace Point Circle, making it ineligible as a homestead under section 7a of the general property tax act, 1893 PA 206, MCL 211.7a; and

WHEREAS, a letter was sent to the property owner and confirmed the owner's absence from the property;

NOW, THEREFORE, BE IT RESOLVED that the City of Muskegon hereby revokes the Neighborhood Enterprise Zone certificate for 307 Terrace Point Circle.

Adopted this, 26th day of November 2024.

**Ayes:**

**Nays:**

**Absent:**

By: \_\_\_\_\_  
Ken Johnson, Mayor

Attest: \_\_\_\_\_  
Ann Meisch  
City Clerk

## **CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on November 26, 2024.

By: \_\_\_\_\_  
Ann Meisch  
City Clerk





## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                             |     |  |     |   |     |   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-----|---|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Title:</b> Revocation of NEZ Certificate at 308 Terrace Point Circle                                                                     |     |  |     |   |     |   |  |
| <b>Submitted by:</b> Contessa Alexander, Development Analyst                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Department:</b> Economic Development                                                                                                     |     |  |     |   |     |   |  |
| <b>Brief Summary:</b><br><br>The City of Muskegon is requesting the revocation of the NEZ certificate at 308 Terrace Point Circle as the property owner no longer resides at the address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br><br>The City of Muskegon is initiating the revocation of the NEZ certificate for 308 Terrace Point Circle in accordance with state law, as the property owner no longer resides at the address for which the certificate was issued. City staff sent a letter to the owner and later spoke with the owner's wife, who confirmed that the owner is deceased, and she does not reside at 308 Terrace. The statutory requirement mandates automatic revocation if the facility is no longer a homestead, as defined by section 7a of the General Property Tax Act (1893 PA 206, MCL 211.7a).<br><br>“(3) The certificate for a homestead facility or new facility is automatically revoked if the homestead facility or new facility is no longer a homestead as that term is defined in section 7a of the general property tax act, 1893 PA 206, MCL 211.7a.”<br>206, MCL .” |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br>Diverse housing types<br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>           | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                             | No  |  | N/A | X |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table> | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                             | No  |  | N/A | X |     |   |  |

**Recommended Motion:**

I move to revoke the Neighborhood Enterprise Zone certificate for 308 Terrace Point Circle as the property no longer qualifies as a homestead under state law, and authorize the Mayor and City Clerk to sign the resolution.

**Approvals:**

|                         |  |  |
|-------------------------|--|--|
| Immediate Division Head |  |  |
| Information Technology  |  |  |
| Other Division Heads    |  |  |
| Communication           |  |  |
| Legal Review            |  |  |

**Guest(s) Invited / Presenting:**

No

September 19, 2024

John Mahone  
48 Oakdale Rd Nw  
Fort Walton Beach, FL 32547

Dear Mr. Mahone,

This letter is to inform you that your Neighborhood Enterprise Zone (NEZ) Certificate (#2019-039) is at risk. The NEZ certificate, which freezes your property assessment for a specified period based on improvements made to the property, has a key requirement: the property must be the owner's primary residence to qualify for the exemption.

City records indicate that your primary residence is listed in Fort Walton Beach, FL.

As outlined in the State law governing NEZ certificates (P.A. 147 of 1992, Sec. 11(3)):

**"The certificate for a homestead facility or new facility is automatically revoked if the homestead facility or new facility is no longer a homestead as that term is defined in section 7a of the General Property Tax Act, 1893 PA 206, MCL 211.7a."**

Additionally, the State defines "homestead" in P.A. 147 of 1992, Sec. 2(i) as follows:

**"An existing structure, purchased by or transferred to an owner after December 31, 1996, that has as its primary purpose residential housing consisting of 1 or 2 units, one of which is occupied by an owner as his or her principal residence and that is located within a subdivision platted pursuant to state law before January 1, 1968."**

Next Steps:

To retain your NEZ certificate, you must provide evidence that 308 Terrace Point is your primary residence. Please submit the following documents to the City Treasurer's Office by October 15, 2024:

A copy of your Michigan driver's license or state ID showing your primary residence address as 308 Terrace Point.

A recent utility bill for 308 Terrace Point in your name.

Proof of your Primary Residence Exemption (PRE) status for the property.

If we do not receive the requested documentation by the specified date, your NEZ certificate may be automatically revoked.

Please contact us at (231) 724-4141 if you have any questions or require further clarification.

Sincerely,

Contessa Alexander  
Development Analyst

cc: City Treasurer's Office

**Resolution No. \_\_\_\_\_**

**MUSKEGON CITY COMMISSION**

**RESOLUTION TO REVOKE THE NEIGHBORHOOD ENTERPRISE ZONE  
CERTIFICATE #**

WHEREAS, the City of Muskegon has established Neighborhood Enterprise Zone (NEZ) districts within the City; and

WHEREAS, the NEZ certificate for 308 Terrace Point Circle was issued for a homestead facility for the parcel # 61-24-793-000-0052-00; and

WHEREAS, the property owner no longer resides at 308 Terrace Point Circle, making it ineligible as a homestead under section 7a of the general property tax act, 1893 PA 206, MCL 211.7a; and

WHEREAS, a letter was sent to the property owner and confirmed the owner's absence from the property;

NOW, THEREFORE, BE IT RESOLVED that the City of Muskegon hereby revokes the Neighborhood Enterprise Zone certificate for 308 Terrace Point Circle.

Adopted this, 26th day of November 2024.

**Ayes:**

**Nays:**

**Absent:**

By: \_\_\_\_\_  
Ken Johnson, Mayor

Attest: \_\_\_\_\_  
Ann Meisch  
City Clerk

## **CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on November 26, 2024.

By: \_\_\_\_\_  
Ann Meisch  
City Clerk



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |     |                                     |     |                          |                          |                          |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|-----|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Title:</b> Muskegon Historic District Monument Conservation Project - City Contribution and Contract Award                                                                                                                               |     |                                     |     |                          |                          |                          |                          |
| <b>Submitted by:</b> Jamie Pesch, Planner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Department:</b> Planning                                                                                                                                                                                                                 |     |                                     |     |                          |                          |                          |                          |
| <b>Brief Summary:</b><br>Staff is requesting authorization to increase the City contribution and enter into a contract with The Tradesmen Group LLC in the amount of \$110,278 to complete recommended conservation work on the five Hackley Park monuments, the McKinley monument, and the Kearny monument.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                             |     |                                     |     |                          |                          |                          |                          |
| <b>Detailed Summary &amp; Background:</b><br>At the January 10, 2023 meeting, Commission approved the submittal of a grant application to the State Historic Preservation Office (SHPO) for monument conservation work at Hackley Park with a \$15,000 local match funded through the Public Art Maintenance fund. The City was awarded a \$55,000 Certified Local Government (CLG) grant and the Commission approved the grant agreement and increased the local contribution to \$50,000 at the August 22, 2023 meeting.<br><br>One bid proposal was received from The Tradesmen Group LLC and staff is recommending award of the services based on their experience with similar projects, and proposed timeframe for completion of the conservation work. Their \$110,278 bid includes the grant-eligible conservation work for the five monuments within Hackley Park as well as work on the McKinley monument and the Kearny monument as they are of similar age and condition, but not eligible for grant funds (McKinley is privately owned, and Kearny is outside the designated historic district boundary).<br><br>With articulated or boom lifts and project cost increases, it is requested that the City contribution, including match, be increased to \$70,278. This amount is available in the Public Art Maintenance fund and is not currently allocated. |                                                                                                                                                                                                                                             |     |                                     |     |                          |                          |                          |                          |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 1: Destination Community & Quality of Life                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                             |     |                                     |     |                          |                          |                          |                          |
| <b>Amount Requested:</b><br>\$70,278                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td><input checked="" type="checkbox"/></td><td>No</td><td><input type="checkbox"/></td><td>N/A</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table> | Yes | <input checked="" type="checkbox"/> | No  | <input type="checkbox"/> | N/A                      | <input type="checkbox"/> | <input type="checkbox"/> |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/>                                                                                                                                                                                                         | No  | <input type="checkbox"/>            | N/A | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Budget Amendment Needed:</b>                                                                                                                                                                                                             |     |                                     |     |                          |                          |                          |                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                     |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----|--------------------------|--------------------------|-------------------------------------|----------------------|-------------------------------------|-----|--------------------------|--------------------------|--|--------------|--------------------------|--|-------------------------------------------------|--|--|--|
| 101-901-801-092120                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     | <table border="1"><tr><td>Yes</td><td><input checked="" type="checkbox"/></td><td>No</td><td><input type="checkbox"/></td><td>N/A</td><td><input type="checkbox"/></td></tr></table> |                                     |     |                          | Yes                      | <input checked="" type="checkbox"/> | No                   | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |                          |  |              |                          |  |                                                 |  |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | No                                                                                                                                                                                   | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
| <b>Recommended Motion:</b><br>I move to approve the increased City contribution and authorize staff to enter into a contract with The Tradesmen Group, LLC. in the amount of \$110,278 to complete recommended conservation work on the five Hackley Park monuments, the McKinley monument, and the Kearny monument.                                                                                                                                                     |                                     |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division Head</td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Information Technology</td><td><input type="checkbox"/></td><td></td></tr><tr><td>Other Division Heads</td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Communication</td><td><input type="checkbox"/></td><td></td></tr><tr><td>Legal Review</td><td><input type="checkbox"/></td><td></td></tr></table> |                                     | Immediate Division Head                                                                                                                                                              | <input checked="" type="checkbox"/> |     | Information Technology   | <input type="checkbox"/> |                                     | Other Division Heads | <input checked="" type="checkbox"/> |     | Communication            | <input type="checkbox"/> |  | Legal Review | <input type="checkbox"/> |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |  |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
| Information Technology                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
| Communication                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>            |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |
| Legal Review                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>            |                                                                                                                                                                                      |                                     |     |                          |                          |                                     |                      |                                     |     |                          |                          |  |              |                          |  |                                                 |  |  |  |





## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Title:</b> Taste of Muskegon Transition Agreement - LAB Events |
| <b>Submitted by:</b> Kyle Karczewski, Parks and Recreation Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Department:</b> DPW- Parks                                     |
| <b>Brief Summary:</b><br>LAB Events has requested the transition of ownership of Taste of Muskegon from the City of Muskegon Parks & Recreation Department. An agreement to outline that transition is included for consideration and approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                   |
| <b>Detailed Summary &amp; Background:</b><br>Taste of Muskegon is entering its 19th year. Prior to becoming a City Event in 2018, the festival was part of the Downtown Muskegon Now group. Taste of Muskegon is a 2-day food and beverage festival taking place in and around Hackley Park. Around 30 Muskegon-area restaurants and food vendors line streets where they sell sample-sized portions of their menu items for patrons to "taste" in hopes of drawing people into their businesses regularly. Expenses are between \$90,000-\$100,000 a year and revenues have generally been around \$140,000-\$150,000. Taste of Muskegon does not pay any of its committee members.<br><br>When the City started running this event, it ran out of the Clerk's office where the 1-2 Event Planners were housed at the time. The event moved with the Event Planners to Parks & Recreation in 2023 when they transferred departments. Neither of the staff members' time or salaries for organizing and executing the event are reflected in the event's budget. The Recreation Coordinators spend over 25% of their working hours planning this event. A transition would be a drastic improvement in the capacity for the Parks & Recreation department to provide recreation programs for the community.<br><br>The LAB team has requested \$25,000 for seed money for this event. This request is due to the high level of standard the event has, to build up the infrastructure for the events to maintain and continue at this level and for a safety net for a rainout. The request is only for the first year and not an ongoing funding source. The contract states that if LAB fails to produce the event the City of Muskegon would be reimbursed at a rate of \$12,500 per year for the first 2 years and all assets would be surrendered. A budget amendment will be needed to reflect a reduced budget for Taste this FY, as the DDA had \$90,000 budgeted and only \$25,000 is necessary. The requested funding would be from Taste of Muskegon profits that DDA holds and not out of the City operations budget. |                                                                   |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Enhanced Parks and Recreation Department and Services, Events and activities<br><br><b>Goal/Action Item:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                   |

2027 Goal 1: Destination Community & Quality of Life - Parks and Recreation Department and Services

**Amount Requested:**

\$25,000.00

**Budgeted Item:**

|     |   |    |  |     |  |  |
|-----|---|----|--|-----|--|--|
| Yes | x | No |  | N/A |  |  |
|-----|---|----|--|-----|--|--|

**Fund(s) or Account(s):**

394-780-801 DDA

**Budget Amendment Needed:**

|     |  |    |   |     |  |  |
|-----|--|----|---|-----|--|--|
| Yes |  | No | x | N/A |  |  |
|-----|--|----|---|-----|--|--|

**Recommended Motion:**

Authorize staff to enter into the included agreement with LAB events for the rights to Taste of Muskegon.

**Approvals:**

|                         |   |  |
|-------------------------|---|--|
| Immediate Division Head | x |  |
| Information Technology  |   |  |
| Other Division Heads    |   |  |
| Communication           |   |  |
| Legal Review            | x |  |

**Guest(s) Invited / Presenting:**

No

## EVENT ASSIGNMENT AGREEMENT

This Assignment Agreement (“Agreement”) is effective as of the date of last signature (“Effective Date”) and made by and between LABEVENTS, INC. (“LabEvents”), a non-profit corporation, of 1644 Division St. Muskegon, MI 49441, and the City of Muskegon (the “City”), a municipal corporation of 933 Terrace St, Muskegon, MI 49440 (collectively referred to as the “Parties”) with regard to the following facts and circumstances.

### Background

A. Whereas, City is the owner and operator of a large scale event known as Taste of Muskegon (“Taste” or the “Event”);

B. Whereas, LabEvents desires to acquire ownership and operation of the Event and related assets from the City;

C. Whereas, City agrees to transfer and assign all rights, title, and interest in the Event to LabEvents, and LabEvents agrees to accept such transfer and assignment, on the terms and conditions set forth herein.

NOW, THEREFORE, based on these recitals and the mutual promises set forth herein, the parties agree as follows:

1. **Consultation Period.** From the Effective Date until August 31, 2025 (the “Consultation Period”), the Parties agree to cooperate fully to ensure a smooth and efficient transfer of the Event. LabEvents shall take operational control of the Event on December 1, 2024. During the Consultation Period, City will provide information, documents, and access to its decision-making process for various aspects of the Event, including but not limited to board meetings, operational procedures, logistics, vendor and exhibitor contracts, sponsorship agreements, marketing and promotion strategies, attendee data, financial records, and any other relevant documentation. City will provide LabEvents with access to all necessary resources and information and City staff will be reasonably available to meet with LabEvents as needed. The Parties will work collaboratively to address any issues that arise.

2. **Consideration.** City agrees to provide a one-time payment of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to LabEvents on or before December 1, 2024, to support the initial startup costs incurred by LabEvents and in exchange for the Assets identified on **Schedule A**. If City resumes control of the Event as further described in Paragraph 3, LabEvents is obligated to reimburse the full amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) and return the assets identified in **Schedule A** to City at no additional cost. However, the reimbursement amount will be reduced by Twelve Thousand Five Hundred Dollars (\$12,500.00) after each of the following events: Taste 2025 and Taste 2026. In addition, the City agrees to waive the Special Event Application fee and Hackley Park use fee for each of the following events: Taste 2025 and Taste 2026.

3. **Event Reclamation.** City may, for good cause, terminate this Agreement any time before July 1, 2026, on not less than thirty (30) days written notice to LabEvents sent by certified

mail to LabEvents. If City terminates this Agreement for good cause, LabEvents shall reimburse the City and return all assets related to the operation of the Event as further described in Paragraph 2. “Good cause” is limited to:

- a. LabEvents failure to maintain a general footprint for the Event as identified on **Schedule B** which contains the basic elements shown on Schedule B. As long as the general elements are present, the boundaries of the Event and locations of certain items may change from time to time, subject to the City’s Special Event Policy in place at such a time.
- b. LabEvents failure to maintain at least 25 food vendors at each Taste.
- c. LabEvents failure to comply with all requirements of law and all ordinances, regulations or orders of any state, municipal, or other public authority affecting the Event.

4. **Option to Purchase.** If at any time prior to July 1, 2028, LabEvents desires to stop producing the Event, including if LabEvents seeks to sell the Event, City shall have a Right of First Refusal (“ROFR”) to assume operations of the Event, at the City’s sole discretion, and purchase all assets related to the operation of the Event(s) for One Dollar (\$1.00). LabEvents shall provide written notice to City of its intention to stop producing the Event. City shall have sixty (60) days to exercise its ROFR an assume operational control and purchase the related assets by providing written notice to LabEvents. If City fails to exercise its ROFR within such 60-day period, then LabEvents may cease production of the Event(s) and/or sell the related assets to a third party.

5. **LabEvents Representations and Warranties.** LabEvents represents and warrants to City the following:

- a. LabEvents has full capacity, power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement and that this Agreement is binding upon LabEvents and is enforceable against such LabEvents in accordance with the terms of this Agreement. LabEvents’ representations, warranties, and obligations in this Agreement shall survive the signing of this Agreement until July 1, 2028.
- b. To the Knowledge of LabEvents, there are no Actions pending or, to the Knowledge of the LabEvents, threatened, against LabEvents before or by any Person. To the Knowledge of LabEvents, there are no existing facts or circumstances that would be reasonably expected to give rise to any such Actions.

6. **Liabilities.** LabEvents shall not assume nor be bound by any duties, responsibilities, obligations, debts, or liabilities of any kind or nature, known, unknown, contingent or otherwise (collectively, “Liabilities”) of City except for (i) those Liabilities arising as result of LabEvents’ ownership and operation of the Event at and after the Effective Date or (ii) the breach or inaccuracy of any representation, warranty or agreement of LabEvents in this Agreement (the “Assumed Liabilities”) provided, however, that LabEvents shall not assume any Liabilities of the Event that arise out of or relates to (i) the breach or inaccuracy of any representation, warranty or agreement of City in this Agreement (ii) those Liabilities arising as a result of the City’s ownership and operation of the Event prior to the Effective Date, or (iii) any time prior to the Effective Date.

LabEvents shall assume and hereby agrees to pay, perform and discharge when due any and all Assumed Liabilities.

7. **Notices.** Any notices required to be made under this Agreement shall be made in writing to the address of the appropriate party as set forth below. All such notices shall be deemed to have been duly given and received upon the transmission of an e-mail when sent by e-mail to the other party; three (3) business days after mailing by certified mail return receipt requested; or upon delivery by courier or personal delivery service. Parties may alter or modify their notice address by delivery of written notice pursuant to the terms of this Agreement.

To City: City of Muskegon  
Attn: City Manager  
933 Terrace Street  
Muskegon, MI 49440

With a copy to: Parmenter Law  
601 Terrace Street  
Muskegon, Michigan 49440  
Attention: John Schrier  
E-mail: [john@parmenterlaw.com](mailto:john@parmenterlaw.com)

To LabEvents: LabEvents  
1644 Division St  
Muskegon, MI 49441  
  
Attention: Allen Serio  
E-mail: [allenserio@gmail.com](mailto:allenserio@gmail.com)

With a copy to: JAJ Consulting, PC  
PO Box 482  
Muskegon, Michigan 49443  
Attention: Jeffery Jacobson  
E-mail: [jajlaw@outlook.com](mailto:jajlaw@outlook.com)

8. **Assignment.** LabEvents shall not assign this Agreement without City's prior consent, which consent may be withheld or granted in City's sole and absolute discretion.

9. **Contract.** It is further understood and acknowledged that the terms of this Agreement are contractual, and not a mere recital, that there are no agreements, understandings, or representations made by any party to this Agreement or persons acting on their behalf, to induce the undersigned to enter into this Agreement, except as expressly referenced or incorporated within this Agreement. This Agreement will be governed by the laws of the State of Michigan.

10. **Entire Agreement; Amendment.** The Parties agree that this Agreement contains the entire agreement and understanding of the Parties, and that there are no additional promises or terms of agreement between the Parties other than those written in this Agreement. Any

amendment, modification, or waiver of any provision is valid only if it is in writing and signed by the Parties. This Agreement supersedes any prior verbal or written understandings or agreements of the Parties. The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the respective Parties and their successors and assigns.

11. **Severability.** If any part of this Agreement for any reason is invalid, such invalidity shall not affect the validity of any of the remaining portions hereof, which shall in all respects continue in full force and effect as if this Agreement had been executed without the invalid portion.

12. **Counterparts.** This Agreement may be executed in counterparts, and each set of duly delivered identical counterparts which includes all signatories, shall be deemed to be one original document. Electronic copies and/or electronic signatures shall be considered valid and enforceable.

13. **Headings.** The headings contained herein are for the convenience of the parties and are not to be used in construing this Agreement.

**LABEVENTS, INC.,**  
a Michigan Non-Profit Corporation

**City of Muskegon**

By: \_\_\_\_\_  
Name:  
Title:  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Ken Johnson  
Title: Mayor  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Ann Meisch  
Title: Clerk  
Date: \_\_\_\_\_

## Schedule A

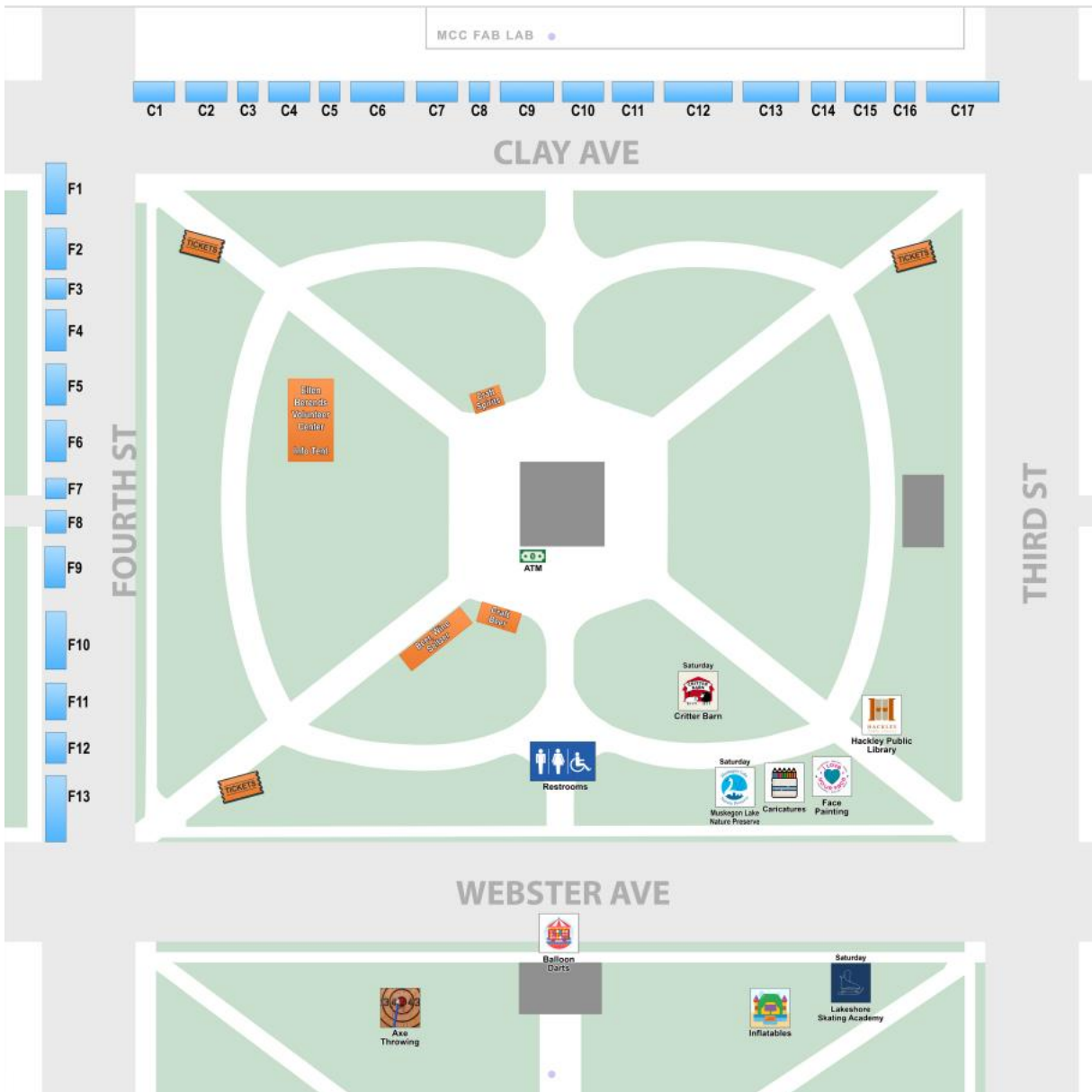
### Asset List

|                                                                   |
|-------------------------------------------------------------------|
| <b>Physical Assets</b>                                            |
| Storage Semi Trailer                                              |
| Taste of Muskegon merchandise                                     |
| Taste of Muskegon T-Shirts (vol / committee / etc)                |
| Pink Barricades                                                   |
| Green Fencing                                                     |
| 20x40 High Top Tent                                               |
| PVC Map Frames & Legs                                             |
| Garbage Bags                                                      |
| All Taste Related Banners / Signage                               |
| Terra-cycling Box                                                 |
| Unused Wrist Bands & Tickets                                      |
| Totes of Supplies for Tents (spirits / kids zone / banding / etc) |
| Totes of Other Supplies (judging / volunteer)                     |
| Misc Totes                                                        |
| Storage Shelving                                                  |
| Wooden A-Frame Signs                                              |
| Wonderland Bourbon / Vodka / Gin                                  |
| Aluminum Steps for Trailer                                        |
| PVC tubing & T-posts                                              |
| String Lights                                                     |
| Eurmax Standard 10x10 w Sidewalls                                 |
| Bin of Tent Spare Parts                                           |
|                                                                   |
| <b>Digital Assets</b>                                             |
| Domain name(s)                                                    |
| Admin access to social media accounts                             |
| Website hosting takeover/transfer                                 |
| Logos / digital artwork                                           |

|                                                                                    |
|------------------------------------------------------------------------------------|
| Contact lists for vendors, suppliers, media partners, related businesses           |
| Access/transfer of website accounts (ie: Volunteer systems, advertising platforms) |
| Files and templates used for event planning and production                         |



**Schedule B**  
**Event(s) Footprint**  
**TASTE OF MUSKEGON MAP**





## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                     |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|--|------------------------|---|-----|----------------------|--|--|--------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                   | <b>Title:</b> School Resource Officer Agreement with High School and Middle School                                                          |     |  |                        |   |     |                      |  |  |                                                  |
| <b>Submitted by:</b> Timothy Kozal, Public Safety Director                                                                                                                                                                                                                          | <b>Department:</b> Public Safety                                                                                                            |     |  |                        |   |     |                      |  |  |                                                  |
| <b>Brief Summary:</b><br>School Resource Officer Agreement with High School and Middle School                                                                                                                                                                                       |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |
| <b>Detailed Summary &amp; Background:</b><br>Please review and approve the School Resource Officer Agreement proposed for the employment of one Muskegon Police Department officer at both the middle and high school for the 2024-2025 school year.                                |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br>Foster strong ties among government and community agencies<br><br><b><u>Goal/Action Item:</u></b><br>2027 GOAL 3: COMMUNITY CONNECTION - Strong ties among government and community agencies |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                     | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>           | Yes |  | No                     |   | N/A | X                    |  |  |                                                  |
| Yes                                                                                                                                                                                                                                                                                 |                                                                                                                                             | No  |  | N/A                    | X |     |                      |  |  |                                                  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table> | Yes |  | No                     |   | N/A | X                    |  |  |                                                  |
| Yes                                                                                                                                                                                                                                                                                 |                                                                                                                                             | No  |  | N/A                    | X |     |                      |  |  |                                                  |
| <b>Recommended Motion:</b><br>I move to approve the School Resource Officer Agreements between the City of Muskegon and Muskegon Public Schools for the 2024-2025 school year and authorize the Mayor to sign.                                                                      |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division Head</td><td>X</td><td></td></tr><tr><td>Information Technology</td><td></td><td></td></tr><tr><td>Other Division Heads</td><td></td><td></td></tr></table>                                                          | Immediate Division Head                                                                                                                     | X   |  | Information Technology |   |     | Other Division Heads |  |  | <b>Guest(s) Invited / Presenting:</b><br><br>Yes |
| Immediate Division Head                                                                                                                                                                                                                                                             | X                                                                                                                                           |     |  |                        |   |     |                      |  |  |                                                  |
| Information Technology                                                                                                                                                                                                                                                              |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |
| Other Division Heads                                                                                                                                                                                                                                                                |                                                                                                                                             |     |  |                        |   |     |                      |  |  |                                                  |

|               |  |  |  |
|---------------|--|--|--|
| Communication |  |  |  |
| Legal Review  |  |  |  |

# COMMUNITY OFFICER (SRO) & MUSKEGON PUBLIC SCHOOLS

(Commission Action No.)

## **AGREEMENT** **2024-2025**

This Agreement is effective **August 1, 2024** through **June 30, 2025**, between the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and Muskegon Public Schools, of 1458 Fifth St., Muskegon, Michigan, 49441 ("MPS"), with reference to the following facts:

### **Background**

A. City and MPS have determined that it is in each of their best interests to continue police services at the Muskegon High School ("MHS"). The purpose of this agreement is to establish the City's placement of a School Resource Officer (SRO) in the district.

B. City has agreed to provide a police officer to be on patrol at MHS. The position is to be filled by a Michigan Commission on Law Enforcement Standards (MCOLES) certified law enforcement officer. At all times the officer assigned to work at MHS shall be a City police officer and, as such an employee of the City. Duties will be decided between mutual parties. It is agreed that a component of the role is to help establish a positive, safe learning environment at MHS and develop positive relationships with the student body. SROs are not be responsible for requests to resolve routine discipline problems involving students.

C. MPS has agreed to pay the City a flat rate of 25% of the officer's total wage and benefit compensation. The Community Officer/SRO will report to the MHS School principal.

It is therefore agreed:

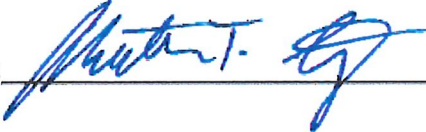
1. **Community/School Resource Officer.** City shall provide a police officer to be on patrol at MHS during the published academic calendar year, commencing **August 26, 2024** (which shall not include any published vacation days or summer school sessions, i.e. Christmas break, mid-winter break, Thanksgiving break, Professional Development days, Good Friday, or Memorial Day). The officer shall be present at MHS during hours which are mutually agreeable between the City and MPS.

2. **Payment.** MPS shall pay **\$3,084.54** on the first of **EACH MONTH**, as invoiced, commencing **September 1, 2024** through **June 1, 2025**. Total payment will not exceed **\$30,845.40**. The invoice should specify the breakdown of Salary and Fringe Benefits, not to exceed 25% of the actual costs.

3. **Term: Termination.** The term of this Agreement shall be for one year from **August 1, 2024** through **June 30, 2025**, and may be renewed annually by mutual agreement. This Agreement may be terminated before the end of its term by subsequent written agreement, which shall be signed by both parties.

4. **Venue.** The parties agree that for purposes of any dispute in connection with this agreement, the Muskegon County Court shall have exclusive jurisdiction and venue.

**Muskegon Public Schools**

By: 

Name: Matthew Cortez

Title: Superintendent of Schools

Date: 10/22/24

**City of Muskegon**

By: 

Name: Kenneth Johnson

Title: Mayor

Date: Oct. 29, 2024

# SCHOOL RESOURCE OFFICER & MUSKEGON PUBLIC SCHOOLS

(Commission Action No.)

## **AGREEMENT** **2024-2025**

This Agreement is effective **August 1, 2024** through **June 30, 2025**, between the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and Muskegon Public Schools, of 1458 Fifth St., Muskegon, Michigan, 49441 ("MPS"), with reference to the following facts:

### **Background**

A. City and MPS have determined that it is in each of their best interests to provide police services at the Muskegon Middle School ("MMS"). The purpose of this agreement is to establish the City's placement of a School Resource Officer (SRO) in the district through the support of the 2023 School Resource Officer Grant Program

B. City has agreed to provide a School Resource Officer to be on patrol at MMS. The position is to be filled by a Michigan Commission on Law Enforcement Standards (MCOLES) certified law enforcement officer. At all times the officer assigned to work at MMS shall be a City Police Officer and, as such an employee of the City. Duties will be decided between mutual parties. It is agreed that a component of the role is to help establish a positive, safe learning environment at MMS and develop positive relationships with the student body. SROs are not be responsible for requests to resolve routine discipline problems involving students.

C. MPS has agreed to pay the City a flat rate according to nine (9) months of service. The community officer will report to the Muskegon Middle School Principal.

It is therefore agreed:

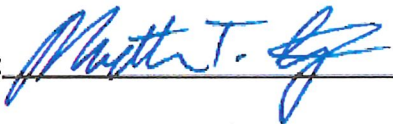
1. **School Resource Officer.** City shall provide a police officer to be on patrol at MMS during the published academic calendar year, commencing **August 26, 2024** (which shall not include any published vacation days or summer school sessions, i.e. Christmas break, mid-winter break, Thanksgiving break, Professional Development days, Good Friday, or Memorial Day). The officer shall be present at MMS during hours which are mutually agreeable between the City and MPS.

2. **Payment.** MPS shall pay **\$6,043.70** on the first of **EACH MONTH**, as invoiced, commencing **September 1, 2024** through **June 1, 2025**. Total payment will not exceed **\$60,437.00** (based on 5 year officer). The invoice should specify the breakdown of Salary, Benefits and SRO-specific training, not to exceed 50% of the actual costs.

3. **Term: Termination.** The term of this Agreement shall be for one year from **August 1, 2024** through **June 30, 2025**, and may be renewed annually by mutual agreement. This Agreement may be terminated before the end of its term by subsequent written agreement, which shall be signed by both parties.

4. **Venue.** The parties agree that for purposes of any dispute in connection with this agreement, the Muskegon County Court shall have exclusive jurisdiction and venue.

**Muskegon Public Schools**

By: 

Name: Matthew Cortez

Title: Superintendent of Schools

Date: 10/24/24

**City of Muskegon**

By: 

Name: Kenneth Johnson

Title: Mayor

Date: Oct. 29, 2024



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                               |                                     |  |             |                                     |     |                                                 |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--|-------------|-------------------------------------|-----|-------------------------------------------------|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> Amendment to the Professional Services Agreement between SAFEBuilt Michigan, LLC                                                                                |                                     |  |             |                                     |     |                                                 |  |
| <b>Submitted by:</b> Timothy Kozal, Public Safety Director                                                                                                                                                                                                                                                                                                                                                                      | <b>Department:</b> Public Safety                                                                                                                                              |                                     |  |             |                                     |     |                                                 |  |
| <b>Brief Summary:</b><br>The Director of Public Safety requests a one-year extension of the Professional Service Agreement between the City of Muskegon and SAFEBuilt Michigan, LLC to provide building and inspection services.                                                                                                                                                                                                |                                                                                                                                                                               |                                     |  |             |                                     |     |                                                 |  |
| <b>Detailed Summary &amp; Background:</b><br>The current Professional Services Agreement between the City of Muskegon and SAFEBuilt Michigan, LLC began December 1, 2016, and ends on December 31, 2024. This amendment would include a one-year extension to the agreement, an increase in fees recouped by the City of Muskegon from 18% to 20% and an increase in rent paid to the City of Muskegon at \$4,972.50 per month. |                                                                                                                                                                               |                                     |  |             |                                     |     |                                                 |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br><br><b>Goal/Action Item:</b><br>2027 Goal 1: Destination Community & Quality of Life                                                                                                                                                                                                                                                            |                                                                                                                                                                               |                                     |  |             |                                     |     |                                                 |  |
| <b>Amount Requested:</b><br>0                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td><td></td></tr></table>           | Yes                                 |  | No          |                                     | N/A | <input checked="" type="checkbox"/>             |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                               | No                                  |  | N/A         | <input checked="" type="checkbox"/> |     |                                                 |  |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td><td></td></tr></table> | Yes                                 |  | No          |                                     | N/A | <input checked="" type="checkbox"/>             |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                               | No                                  |  | N/A         | <input checked="" type="checkbox"/> |     |                                                 |  |
| <b>Recommended Motion:</b><br>I move to authorize the amendment to the Professional Services Agreement between the City of Muskegon and SAFEBuilt Michigan, LLC ending on December 31, 2025, and authorize staff to sign.                                                                                                                                                                                                       |                                                                                                                                                                               |                                     |  |             |                                     |     |                                                 |  |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division Head</td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Information</td><td><input type="checkbox"/></td><td></td></tr></table>                                                                                                                                                                                                               | Immediate Division Head                                                                                                                                                       | <input checked="" type="checkbox"/> |  | Information | <input type="checkbox"/>            |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/>                                                                                                                                           |                                     |  |             |                                     |     |                                                 |  |
| Information                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |  |



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**FIRST AMENDMENT OF  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN CITY OF MUSKEGON, MICHIGAN  
AND SAFEbuilt MICHIGAN, LLC**

**THIS FIRST AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT** is made effective as of the date of the last signature below by and between City of Muskegon, Michigan (Municipality) and SAFEbuilt Michigan, LLC, a wholly owned subsidiary of SAFEbuilt, LLC, (Consultant). Municipality and Consultant shall be jointly referred to as the "Parties".

This Amendment shall be effective on the latest date fully executed by both Parties.

**RECITALS AND REPRESENTATIONS**

WHEREAS, Parties entered into a Professional Services Agreement (Agreement), by which both Parties established the terms and conditions for service delivery on December 1, 2016; and

Parties hereto now desire to amend the Agreement as set forth herein; and

**NOW, THEREFORE**, in consideration of the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree as follows:

1. The above recitals are acknowledged as true and correct and are incorporated herein.
2. Agreement, Exhibit B, Fee Schedule, Section 1, Building Department Related Fees are hereby updated to 80% of all adopted building department fees.
3. A project is defined on the basis of an individual parcel ID number. Permit fees for work performed on each parcel shall be aggregated over the life of the project and the aggregated amount used to determine the fee split, below.
4. The following tiered fee split language is hereby added to both Section 1 and 2.

For projects over \$100,000,000 up to \$199,000,000 in valuation SAFEbuilt will reduce the percentage of fee split from 80% of fees to 75% of fees associated with the project

For projects over \$200,000,000 up to \$299,000,000 in valuation SAFEbuilt will reduce the percentage of fee split from 75% of fees to 70% of fees associated with the project

For projects over \$300,000,000 up to \$399,000,000 in valuation SAFEbuilt will reduce the percentage of fee split from 70% of fees to 65% of fees associated with the project

For projects over \$400,000,000 up to \$499,000,000 in valuation SAFEbuilt will reduce the percentage of fee split from 65% of fees to 60% of fees associated with the project

For projects over \$500,000,000 in valuation SAFEbuilt will reduce the percentage of fee split from 60% of fees to 50% of fees associated with the project

5. Agreement, Exhibit D: Lease Agreement is hereby updated to reflect an updated square footage of 3250sqft at \$1.53 per sqft per month.
6. All other conditions and terms of the original Agreement not specifically amended herein, shall remain in full force and effect.
7. For the avoidance of doubt, Section 3, above, impacts only the percentage of the permit fee split. Hourly rates for additional/other services, including those for the Rental Program, the Dangerous Building Program and for code enforcement remain unchanged and will be charged in addition to the percentage of the permit fee.
8. The term of the Agreement is extended to and including December 31, 2025.

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

SAFEbuilt Michigan, LLC

City of Muskegon, Michigan

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Gary Amato

Name: \_\_\_\_\_

Title: Chief Administrative Officer

Title: \_\_\_\_\_

Date: June 14, 2024

Date: \_\_\_\_\_



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--|-------------|-------------------------------------|-----|-------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Title:</b> 2025 Special Event Policy                                                                                                                              |                                     |  |             |                                     |     |                                                 |
| <b>Submitted by:</b> Jacqui Erny, Admin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Department:</b> DPW- Parks and Recreation                                                                                                                         |                                     |  |             |                                     |     |                                                 |
| <b>Brief Summary:</b><br>Staff is seeking a proposed change to the Special Event Policy which would allow only one event at Pere Marquette at a time.                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |
| <b>Detailed Summary &amp; Background:</b><br>Included is the Special Event Policy with the proposed change. A new paragraph has been added to state: Only one event will be allowed at Pere Marquette on any given date. If more than one event applies before February 1 for the same event date, the organizer who has held their event on the date the longest will be able to claim the date. If more than one event applies after February 1 for the same event date, the organizer who applied first will be considered first for that date. |                                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Improved access to the waterfront, Enhanced Parks and Recreation Department and Services, Events and activities<br><br><b>Goal/Action Item:</b><br>2027 Goal 1: Destination Community & Quality of Life - Parks and Recreation Department and Services                                                                                                                                                                                                             |                                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td></tr></table>           | Yes                                 |  | No          |                                     | N/A | <input checked="" type="checkbox"/>             |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                      | No                                  |  | N/A         | <input checked="" type="checkbox"/> |     |                                                 |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td></tr></table> | Yes                                 |  | No          |                                     | N/A | <input checked="" type="checkbox"/>             |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                      | No                                  |  | N/A         | <input checked="" type="checkbox"/> |     |                                                 |
| <b>Recommended Motion:</b><br>I move to approve the addition to the Special Event Policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division Head</td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Information</td><td></td><td></td></tr></table>                                                                                                                                                                                                                                                                                                                                                          | Immediate Division Head                                                                                                                                              | <input checked="" type="checkbox"/> |  | Information |                                     |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>                                                                                                                                  |                                     |  |             |                                     |     |                                                 |
| Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                      |                                     |  |             |                                     |     |                                                 |

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## CITY OF MUSKEGON SPECIAL EVENT POLICY

The City of Muskegon has many parks and facilities available for use. A Special Event Application is required for any public event held on City property or requiring City services. While there are several City departments involved in the special event process, this policy centralizes the administration of special events with the Department of Public Works. Email [specialevents@shorelinecity.com](mailto:specialevents@shorelinecity.com) or call (231) 724-6907 for any questions.



**For events where alcohol is served, applicants must also obtain approval from the State of Michigan Liquor Control Commission and the Muskegon Police Department (231-724-6750), in addition to completing the Special Event Application.** Liquor license approval is a separate process from the Special Event Application, with its own fees and regulations. The final authority for signing special liquor licenses is with the Public Safety Director. For State of Michigan liquor license regulations and information, please visit the State of Michigan's website at [www.michigan.gov/lara](http://www.michigan.gov/lara).

### SPECIAL EVENT APPLICATION PROCEDURE

#### I. Special Event Application ("Application") Submission & Fee Schedule

All Applications shall be filed with the Department of Public Works at least forty-five (45) days prior to the event. The non-refundable Application fee must be paid at the time the Application is submitted.

|                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                              |
| <b>\$100 fee for applications submitted 60 days or more prior to the event date</b>                                                                                          |
| <b>\$250 fee for applications submitted 46-59 days prior to the event date</b>                                                                                               |
| <b>Applications submitted less than 45 days prior to the event date will not be accepted; first time events at Pere Marquette must apply 75 days prior to the event date</b> |

Application and parade event fees may be waived for Veteran's groups. In addition, the City's recognized Neighborhood Associations are entitled to two Application fee waivers, event fee waivers and picnic table deliveries per year in addition to National Night Out festivities, provided that the Application is submitted to the Department of Public Works at least 45 days in advance of the event date. Up to two application fees may be waived for a non-profit organization in its lifetime. The non-profit must serve City of Muskegon residents to qualify.

The Application shall be submitted on the appropriate form. **The Application fee must be paid at the time of Application submission or the Application will not be considered.** The *City of Muskegon Request for Special Event Application* form can be found on the City's website at [www.muskegon-mi.gov](http://www.muskegon-mi.gov), or you may email [specialevents@shorelinecity.com](mailto:specialevents@shorelinecity.com) or call (231) 724-6907 to have one mailed, or visit the Department of Public works at 1350 E Keating Ave, Monday – Friday from 8:00 am. Until 4:300 p.m. excluding holidays.

**Block Parties.** The City has a separate Block Party Policy and Application. Contact the Department of Public Works at [specialevents@shorelinecity.com](mailto:specialevents@shorelinecity.com) or 231-724-6907 for further information about block parties.

**4th of July weekend.** Margaret Drake Elliott Park is not available for special events on the 4<sup>th</sup> of July, including the entire weekend if July 4 falls on a Friday, Saturday, or Sunday. The park is reserved for picnicking during this holiday.

Reserving event dates for multiple years. As long as prior year event fees are paid in full, established events may reserve their event date(s) and location for future years. A completed special event application must be received by February 1 of each year in order to hold the date(s) and location.

## **II. Event Requirements**

All Special Event permittees must adhere to the following rules and regulations. Failure to do so may result in the applicant having any conditional approvals revoked, being held responsible for any damages and/or denial of future event Applications.

(a) **Public Safety Personnel.** While the presence of public safety personnel (police/fire/medical) may not be required at all special events, it shall be the discretion of the Public Safety Director if city police and/or fire officials may be required. The applicant/organization will be responsible for payment of public safety personnel services. See Fee Schedule (Section IV) for fee estimates. If an event is cancelled with less than 72 hours' notice, the applicant/organization will be responsible for paying two hours' pay per officer, per union contract requirements. Applicants are not allowed to provide their own public safety staff (police/fire/medical) without prior approval of the City of Muskegon's Public Safety Director.

(b) **Liability Insurance.** The applicant must provide proof of liability insurance in the amount of \$1,000,000 naming the City of Muskegon as an additional insured. You may use an insurance agent of your choice. An acceptable certificate of insurance must be submitted no later than 10 days before the event date. Please inform your insurance agent that the wording on the certificate must read:

*"The City of Muskegon, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof; it is understood and agreed that by naming the City of Muskegon as additional insured, coverage afforded is considered to be primary and any other insurance the City of Muskegon may have in effect shall be considered secondary and/or excess."*

(c) **Restroom Facilities.** All outdoor events shall provide adequate restroom facilities (i.e. portable toilets) including handicapped-accessible facilities per ADA requirements. Restroom placement shall not impede sidewalk traffic.

(d) **Digging & Staking.** Digging or staking into paved areas, including roadways, sidewalks, and public parking areas, is not permitted. Digging or staking into non-paved ground shall be cleared through Miss Dig in order to avoid damage to underground utilities. The Applicant Organization is responsible for contacting Miss Dig (1-800-482-7171, or dial 811) a minimum of 5 *working days* prior to event set-up. The applicant will also be responsible for paying an electrician to locate underground utility lines and a City employee to location irrigation/water lines, if required. A penalty of \$100 will be charged for an unapproved staking and the Applicant Organization will be responsible for the cost of any damages to underground utilities, including irrigation lines, caused by digging or staking.

(e) **Electrical and Water Hook-up** The applicant must adapt to electrical power available on-site, or provide their own generator. When using City electrical panels, the applicant shall read the meter before and after the event, and report those numbers to the City's special event coordinator upon request. City fire hydrants may be used as a water source for a fee (see Fee Schedule - Section IV) for cost. It is the responsibility of the applicant to provide acceptable hoses for potable water usage, which meet Health Department requirements.

(f) **Inspections.** The event location is subject to all building, plumbing, mechanical, electrical, and fire codes. It is the permittee's responsibility to schedule an inspection by any and all required inspectors and pay the required inspection fee(s). The City's building inspection department (SAFEbuilt), requires an inspection of assembly tents that are 400 sq ft or greater. See Fee Schedule (Section IV) for costs. For events having multiple tents, contact the City's Building Official for inspection fees.

(g) **Food Vendors. Food trucks/trailers.** All food trucks or trailers must be inspected and approved by the Fire Marshal at least 2 weeks prior to participation in a special event. A current, completed and approved Muskegon County, Grand Rapids FD, Holland FD, Grand Haven DPS or Kalamazoo County inspection will be accepted. Contact the Fire Marshal for an inspection at (231) 724-6793.

**Food vendor tents.** All vendors cooking in a tent must have tar paper on the ground in their whole footprint. Food tent vendors are required to have at a minimum: a 3A-40 BC ABC-type fire extinguisher and a Class-K type fire extinguisher for any deep-frying equipment or when oil and/or grease is used/produced during food preparation. These extinguishers must have a current inspection tag from a third-party vendor. Additional extinguishers and requirements may be required and enforced by the inspecting Fire Official. Food vendors using a tent are subject to site inspection that shall be performed after the tent and all equipment are in place and operational.

(h) **Camping/Campgrounds.** Approval must be given by the City Commission to have camping at your event at least 60 days before the event. The Department of Public Works will submit the request to the City Commission. Events that include overnight camping or a campground area also require a permit from the Muskegon County Health Department and Department of Environment, Great Lakes and Energy. To obtain information about this permit, call (231) 724-6208. A copy of an approved permit must be provided to the City.

(i) **Event Set-up and Tear-down.** For events utilizing any public roadway, no tents, booths, vendors, or equipment shall be set up in the roadway prior to 6:00 p.m. the day before the event. All signs, tents, booths, vendors, and equipment must be removed from the roadway prior to 6:00 a.m. the day after the event.

(j) **Site Clean-up and Trash Disposal.** The Applicant shall be responsible for clean-up of City facilities after the event. This includes the removal of trash from the site (do not leave full trash cans on site). Applicants shall provide their own Dumpster. The City shall have the right to enforce cleanup measures, including but not limited to entry and cleaning of property by City personnel with costs charged to the owner, occupant, or applicant. City staff may require a walk-through after the event to ensure satisfactory clean-up.

(k) **Merchandise Sales.** Sales of all merchandise for Special Events must be out of the public right-of-way, unless prior authorization is received.

(l) **Events Using Water.** Events utilizing a body of water such as Muskegon Lake and/or Lake Michigan require Coast Guard (414-747-7100) and/or Department of Natural Resources (269-685-6851) special event approval.

(m) **Pyrotechnics.** Events utilizing any kind of pyrotechnics must contact the Fire Marshal (231-724-6793) and must also obtain the appropriate permits from the City Clerk's Office (231-724-6705).

(n) **Compliance with all regulations.** Special Event applicants/organizations are responsible to ensure that all applicable laws and ordinances are followed. Failure to comply with all city ordinances, rules and regulations may result in the denial of future special event requests.

### **III. Special Event Application Processing**

(a) **Application Intake.** Department of Public Works Office staff shall be responsible for intake of Special Event Applications and dissemination to appropriate City staff for review and approval. The Application fee must be submitted with the Application. Liquor license Applications shall be filed with the Public Safety Director.

(b) **Event Approval.** The City will issue a conditional approval or denial no later than 30 days after the Application date whenever possible. Preliminary approval may be given to allow the applicant to advertise the event, with final details to be worked out with staff. An approval letter will be issued, listing conditions of approval. First time events at Pere Marquette must be approved by the City Commission; the entire approval process could take up to 60 days.



(c) **Application Denial.** If City staff reviews an Application and denies same, it shall be stated in writing the reasons for the denial. An appeal of that decision may be made to the City Commission, whose decision shall be final.

(d) **Unpaid Invoices Due the City.** Any past due fees/invoices owed to the City will result in denial of the event Application and/or future Special Event requests until paid in full.

(e) **Meetings with Staff.** City staff will meet with applicants to discuss event details if needed. Contact the City's special event coordinator in the Department of Public Works to request a meeting. There may also be instances when City staff may require a meeting with the applicant. Failure to attend a requested meeting may result in denial of the Application.

(f) **Street Closures/Barricading.** Requests for City road closings/barricading require approval of the Public Safety Director and the DPW Superintendent. DPW Office staff will forward requests to the appropriate personnel once the Application and fee are submitted. The applicant is responsible for all associated costs, which may include barricades, public safety services, etc. There is an additional \$50 fee for each block closed beyond 2 blocks. City Commission approval may be required in some cases. If a street closure is approved for an event, the Applicant must provide written notification to all businesses and residences located along the affected street(s) and one block surrounding event footprint at least 10 days prior to the event date. Changes to street closures requested within 30 days of the event date will incur a \$50 fee. *No route and/or road closure changes will be allowed within 14 days of an event.*

(f)(1) **Time Restrictions** Streets shall not be closed prior to 6:00 p.m. the day before the event and must be open by 6:00 a.m. the day following the conclusion of the event.

(f)(2) **Parking along event routes.** The applicant shall be responsible for posting "No Parking" signs along the closed streets of an event route at least **48 hours** in advance of the event date. The City's Department of Public Works may have No Parking signs available for use. However, the applicant/organization must attach 5 1/2" by 8 1/2" addendums to the signs noting the name of the event and date and time the parking restrictions will be in effect.

(g) **Runs/Walks.** For races, runs, walks, or parades, the applicant must submit a map with the Application, showing the proposed route. In addition, if any streets will be closed or partially closed, the applicant must provide written notification to all residents and businesses along the route as stated above in paragraphs (f) and (f)(1). The City's special event coordinator can provide the names and addresses of affected homes and businesses to be notified. The applicant is responsible for any public safety and/or DPW costs for street closures (barricades, police presence at intersections if needed, etc). Western Ave from Shoreline Dr to 8th St will not be closed for a walk or run.

(g)(1) **Use of Lakeshore Trail bike path.** For events utilizing the Lakeshore Trail bike path, there is a trail use fee that will be billed upon completion of the event (see Fee Schedule) to help cover trail maintenance expenses. In addition, any events using the path must post signage at trail entry points on the day of the event, notifying users that there is an event occurring on the trail. Signs may be generic, such as "EVENT ON BIKE PATH TODAY" (organizations using the path for events may share signs to reduce costs). The City's Parks Supervisor can assist you in locating sign placement locations.

(h) **Pere Marquette Events** Only one event will be allowed at Pere Marquette on any given date. If more than one event applies before February 1 for the same event date, the organizer who has held their event on the date the longest will be able to claim the date. If more than one event applies after February 1 for the same event date, the organizer who applied first will be considered first for that date.

(i) **Site Plan.** The City may require submittal of a site plan showing the event grounds and the location of tents, vendors, portable toilets, and other structures.

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**IV. Special Event Fee Schedule (Use of City Equipment, Labor Charges, Liquor Licenses, Inspections, Park use fees)**

| ITEM / SERVICE                                                                                                                                                                | RENTAL FEE (plus labor if necessary)                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 55-gallon metal trash can or Cardboard Bins (cardboard delivered for free)                                                                                                    | \$10.00 each                                                                                                           |
| Plastic trash bags (1 case)                                                                                                                                                   | \$40.00 per case or actual cost                                                                                        |
| Standard Traffic Cone                                                                                                                                                         | \$1.00 each                                                                                                            |
| Tall "Grab" Cone                                                                                                                                                              | \$3.00 each                                                                                                            |
| Fire hydrant use (installation & removal of hydrant tree, water testing, and water usage)                                                                                     | \$100.00 flat rate per hydrant                                                                                         |
| DPW/Parks personnel labor costs (Transportation of Barricades/Cones/tables, etc)                                                                                              | \$60.00/hour (\$120/hour for Sundays and holidays)<br>Truck/ trailer rental may also be charged                        |
| <b>PUBLIC SAFETY SERVICES / FEES</b>                                                                                                                                          |                                                                                                                        |
| NOTE: Liquor License fees are lowest when applied for at least 45 days in advance of the event date.<br><b>Liquor licenses will not be issued within 15 days of an event.</b> |                                                                                                                        |
| Special liquor license (non-profit)/New event                                                                                                                                 | \$150.00 (if applied for at least 45 days in advance of event)                                                         |
| Special liquor license (non-profit)/Return event Organization located outside City of Muskegon                                                                                | \$125.00 (if applied for at least 45 days in advance of event)                                                         |
| Special liquor license/Return event, in-City rate                                                                                                                             | \$ 75.00 (if applied for at least 45 days in advance of event)                                                         |
| Special liquor license (all) within 15-44 days of event                                                                                                                       | \$250.00                                                                                                               |
| Liquor license/Temporary authorization - existing business/club                                                                                                               | \$40.00 (\$60 if within 15-44 days of event)                                                                           |
| Public safety labor charges (police/fire/medical)                                                                                                                             | \$60.00 per hour (time and ½)                                                                                          |
| Public safety labor charges (police/fire/medical)                                                                                                                             | \$120.00 per hour (triple time/holidays)                                                                               |
| <b>INSPECTIONS</b>                                                                                                                                                            |                                                                                                                        |
| Inspection of assembly tent                                                                                                                                                   | \$50.00 (if multiple tents, contact building official for fees)                                                        |
| Electrical or plumbing inspections                                                                                                                                            | Contact the building inspection department to see if these are required                                                |
| Fire Department inspection of food trucks                                                                                                                                     | Included with application fee                                                                                          |
| <b>PARK USE FEES</b>                                                                                                                                                          |                                                                                                                        |
| Hackley Park exclusive use fee with Liquor License                                                                                                                            | \$500/day                                                                                                              |
| Hackley Park use fee per quadrant                                                                                                                                             | \$50/day per quadrant                                                                                                  |
| Harbour Towne Beach user fee                                                                                                                                                  | \$1500.00 per event                                                                                                    |
| <b>Pere Marquette Park user fees--Costs are per day</b>                                                                                                                       |                                                                                                                        |
| Zone 1                                                                                                                                                                        | \$400 weekdays; \$600 Sat, Sun, and Holidays                                                                           |
| Zone 2                                                                                                                                                                        | \$300 weekdays; \$450 Sat, Sun, and Holidays                                                                           |
| Zone 3                                                                                                                                                                        | \$200 weekdays; \$300 Sat, Sun, and Holidays                                                                           |
| Zone 4                                                                                                                                                                        | \$100 weekdays; \$150 Sat, Sun, and Holidays                                                                           |
| Events with a Liquor License                                                                                                                                                  | \$1,500 per day                                                                                                        |
| Parking spaces for event use                                                                                                                                                  | \$15 per parking space reserved per day (max 15 spaces) and each vehicle must have Beach Parking pass                  |
| Exclusive use fee of Ovals parking lot area                                                                                                                                   | \$1,000 per day and each vehicle must have Beach Parking pass                                                          |
| Exclusive use fee of smaller parking lots near Pere Marquette (Margaret Drake Elliott Lot, smaller lot near ovals, and lot near the roundabout.)                              | \$400 per day and each vehicle must have a Beach Parking Pass                                                          |
| Camping at Pere Marquette Park                                                                                                                                                | \$20 per night per camper or tent*                                                                                     |
|                                                                                                                                                                               | *The City Commission may opt to collect a percentage of camping revenue for larger events in lieu of the \$20 per unit |



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|------------------------|--|-----|----------------------|---|--|-------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                       | <b>Title:</b> Sale of 1451 Leahy                                                                                                                                                                                                                                                                                                                                                   |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Submitted by:</b> Samantha Pulos, Code Coordinator                                                                                                                                                                                                                                                                                                                                                   | <b>Department:</b> Planning                                                                                                                                                                                                                                                                                                                                                        |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Brief Summary:</b><br>Staff is requesting approval of a Purchase Agreement for 1451 Leahy.                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Detailed Summary &amp; Background:</b><br>1451 Leahy was constructed through the agreement with Dave Dusendang to construct infill housing with ARPA funding. The offer is full listing price (\$129,900) with \$0 seller concessions.                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Create an environment that effectively attracts new residents and retains existing residents by filling existing employment gaps, attracting new and diverse businesses to the city, and expanding access to a variety of high-quality housing options in Muskegon. Diverse housing types.                              |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Amount Requested:</b><br>n/a                                                                                                                                                                                                                                                                                                                                                                         | <b>Budgeted Item:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Yes</td> <td style="width: 25%;"></td> <td style="width: 25%;">No</td> <td style="width: 25%;"></td> <td style="width: 25%;">N/A</td> <td style="width: 25%;"></td> <td style="width: 25%;">x</td> <td style="width: 25%;"></td> </tr> </table>           | Yes |  | No                     |  | N/A |                      | x |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                    | No  |  | N/A                    |  | x   |                      |   |  |                                                 |
| <b>Fund(s) or Account(s):</b><br>n/a                                                                                                                                                                                                                                                                                                                                                                    | <b>Budget Amendment Needed:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Yes</td> <td style="width: 25%;"></td> <td style="width: 25%;">No</td> <td style="width: 25%;"></td> <td style="width: 25%;">N/A</td> <td style="width: 25%;"></td> <td style="width: 25%;">x</td> <td style="width: 25%;"></td> </tr> </table> | Yes |  | No                     |  | N/A |                      | x |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                    | No  |  | N/A                    |  | x   |                      |   |  |                                                 |
| <b>Recommended Motion:</b><br>To approve the Purchase Agreement for 1451 Leahy.                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
| <b>Approvals:</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 20%;"></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td style="text-align: center;">x</td> <td></td> </tr> </table> | Immediate Division Head                                                                                                                                                                                                                                                                                                                                                            | x   |  | Information Technology |  |     | Other Division Heads | x |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                 | x                                                                                                                                                                                                                                                                                                                                                                                  |     |  |                        |  |     |                      |   |  |                                                 |
| Information Technology                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                    |     |  |                        |  |     |                      |   |  |                                                 |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                                                                    | x                                                                                                                                                                                                                                                                                                                                                                                  |     |  |                        |  |     |                      |   |  |                                                 |

|               |  |  |  |
|---------------|--|--|--|
| Communication |  |  |  |
| Legal Review  |  |  |  |

# WEST MICHIGAN REGIONAL PURCHASE AGREEMENT

DATE: 11/02/2024, 9:30pm (time) MLS # 24041970 # \_\_\_\_\_  
 SELLING OFFICE: Lighthouse Realty Ludington BROKER LIC.#: 6505346692 REALTOR® PHONE: 231-690-6801  
 LISTING OFFICE: West Urban Realty LLC REALTOR® PHONE: 616-717-1220

- Effective Date:** This Agreement is effective on the date of Seller's acceptance of Buyer's offer or Buyer's acceptance of any counteroffer, as the case may be, and this date shall hereafter be referred to as the "Effective Date". Further, any reference to "days" in this Agreement refers to calendar days. The first calendar day begins at 12:01 a.m. on the day after the Effective Date. Any reference to "time" refers to local time.
- Agency Disclosure:** The Undersigned Buyer and Seller each acknowledge that they have read and signed the *Disclosure Regarding Real Estate Agency Relationships*. The selling licensee is acting as (choose one):  
☐ Agent/Subagent of Seller ☒ Buyer's Agent ☐ Dual Agent (with written, informed consent of both Buyer and Seller)  
☐ Transaction Coordinator  
 Primary Selling Agent Name: Michelle Hernandez Sarto Email: MichelleSellsTheMitten@gmail.com Lic.#: 6501400824  
 Alternate Selling Agent Name: Email: Lic.#:
- Seller's Disclosure Statement:** (This paragraph applies to sales of one-to-four family residential units.)  
☒ Buyer has received the *Seller's Disclosure Statement*, dated 08/09/2024.  
☐ Buyer has not received the *Seller's Disclosure Statement*. Buyer may terminate this Agreement, in writing, any time prior to receipt of the *Seller's Disclosure Statement*. Once Buyer has received the *Seller's Disclosure Statement*, Buyer may terminate this Agreement, in writing, within 72 hours of receipt if the disclosure was received in person, or within 120 hours if received by registered mail. Exceptions:  
☐ Seller is exempt from the requirements of the Seller Disclosure Act.
- Lead-Based Paint Addendum:** Transactions involving homes built prior to 1978 require a written disclosure which is hereby attached and will be an integral part of this Agreement.
- Property Description:** Buyer offers to buy the property located in the ☒ City ☐ Village ☐ Township of Muskegon, County of Muskegon, Michigan, commonly known as (insert mailing address: street/city/state/zip code) 1451 Leahy St, Muskegon, MI 49442 with the following legal description and tax parcel ID numbers:  
 CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 14 EXC N 34.12 FT ALSO N 4 FT LOT 13 BLK 274

PP# 6124205274001401

**The following paragraph applies only if the Premises include unplatted land:**  
 Seller agrees to grant Buyer at closing the right to make (insert number) all division(s) under Section 108(2), (3), and (4) of the Michigan Land Division Act. (If no number is inserted, the right to make divisions under the sections referenced above stays with any remainder of the parent parcel retained by Seller. If a number is inserted, Seller retains all available divisions in excess of the number stated; however, Seller and/or REALTOR® do not warrant that the number of divisions stated is actually available.) If this sale will create a new division, Seller's obligations under this Agreement are contingent on Seller's receipt of municipal approval on or before of the proposed division to create the Premises.

6. **Purchase Price:** Buyer offers to buy the Property for the sum of \$ 129900.00 U.S. Dollars  
 one hundred twenty-nine thousand nine hundred

7. **Seller Concessions**, if any: NO CONCESSIONS REQUESTED

8. **Terms:** The Terms of Purchase will be as indicated by "X" below: (Other unmarked terms of purchase do not apply.)  
 SOURCE OF FUNDS TO CLOSE: Buyer represents that the funds necessary to close this transaction on the terms specified below are currently available to Buyer in cash or an equally liquid equivalent.

If the Property's value stated in an appraisal obtained by Buyer or Buyer's lender is less than the Purchase Price, Buyer shall within three (3) days after receipt of the appraisal: 1) renegotiate with the Seller, 2) terminate the transaction, in which case Buyer shall receive a refund of Buyer's Earnest Money Deposit, or 3) proceed to close the transaction at the agreed Purchase Price.

- ☒ **CASH.** The full Purchase Price upon execution and delivery of Warranty Deed. Buyer Agrees to provide Buyer Agent/Dual Agent verification of funds within five (5) days after the Effective Date, and consents to the disclosure of such information to Seller and/or Seller's Agent. If verification of funds is not received within 5 days after the Effective Date, Seller may terminate this Agreement at any time before verification of funds is received by giving written notice to Buyer. Any appraisal required by Buyer shall be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement.
- ☒ **NEW MORTGAGE.** The full Purchase Price upon execution and delivery of Warranty Deed, contingent upon Buyer's ability to obtain a CONVENTIONAL type 30 (year) mortgage in the amount of 20 % of the Purchase Price bearing interest at a rate not to exceed TBD % per annum (rate at time of loan application), on or before the date the sale is to be closed. Buyer agrees to apply for a mortgage loan, and pay all fees and costs customarily charged by Buyer's lender to process the application, within 3 days after the Effective Date, not to impair Buyers' credit after the date such loan is offered. ☐ Seller ☐ Buyer will agree to pay an amount not to exceed \$ NEW CONSTRUCT representing repairs required as a condition of financing. Buyer ☒ agrees ☐ does not agree to authorize Buyer's Agent/Dual Agent to obtain information from



Buyer's Initials



Seller's Initials

Buyer's lender regarding Buyer's financing, and consents to the disclosure of this information to Seller and/or Seller's Agent.  
Exceptions:

☐ SELLER FINANCING (choose one of the following): ☐ CONTRACT or ☐ PURCHASE MONEY MORTGAGE

**In the case of Seller financing,** Buyer agrees to provide Seller with a credit report within 72 hours after the Effective Date. If the credit report is unacceptable to Seller, Seller shall have the right to terminate this offer within 48 hours of Seller's receipt, or if Buyer fails to provide said credit report to Seller within the time frame allotted, Seller shall have the right to terminate this offer within 48 hours. Seller is advised to seek professional advice regarding the credit report.

\$\_\_\_\_\_ upon execution and delivery of a \_\_\_\_\_ form (name or type of form and revision date), a copy of which is attached, wherein the balance of \$ \_\_\_\_\_ will be payable in monthly installments of \$ \_\_\_\_\_ or more including interest at \_\_\_\_\_ % per annum, interest to start on date of closing, and first payment to become due thirty (30) days after date of closing. The entire unpaid balance will become due and payable \_\_\_\_\_ months after closing. Any appraisal required by Buyer shall be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement. Exceptions:

☐ EQUITY (choose one of the following): ☐ Formal Assumption or ☐ Informal Assumption  
Upon execution and delivery of: ☐ Warranty Deed subject to existing mortgage OR ☐ Assignment of Vendee Interest in Land Contract, Buyer to pay the difference (approximately \$ \_\_\_\_\_) between the Purchase Price above provided and the unpaid balance (approximately \$ \_\_\_\_\_) upon said mortgage or land contract, which Buyer agrees to assume and pay. Buyer agrees to reimburse Seller for accumulated funds held in escrow, if any, for payment of future taxes and insurance premiums, etc. Any appraisal required by Buyer shall be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement. Exceptions:

☒ OTHER: \*BUYER HAS CLOSING ON HOME 11/4/24 : BUYER WILL PAY CASH AND OBTAIN A CONVENTIONAL LOAN FOR THE DIFFERENCE.  
BUYER IS PRE-Qualified for purchase.

9. **Contingencies:** Buyer's obligation to consummate this transaction (choose one):

☒ IS NOT CONTINGENT - is not contingent upon the sale or exchange of any other property by Buyer.  
☐ IS CONTINGENT UPON CLOSING - is contingent upon closing of an existing sale or exchange of Buyer's property located at:

A copy of Buyer's agreement to sell or exchange that property is being delivered to Seller along with this offer. If the existing sale or exchange terminates for any reason, Buyer will immediately notify Seller, and either party may terminate this Agreement in writing, within 3 days of Buyer's notice to Seller. If either party terminates, Buyer shall receive a refund of any applicable Earnest Money Deposit.

☐ IS CONTINGENT UPON THE SALE AND CLOSING - is contingent upon the execution of a binding agreement and the closing of a sale or exchange of Buyer's property located at \_\_\_\_\_ on or before \_\_\_\_\_. Seller will have the right to continue to market Seller's Property until Buyer enters into a binding agreement to sell or exchange Buyer's property and delivers a copy thereof to Seller. During such marketing period, Seller may enter into a binding contract for sale to another purchaser on such price and terms as the Seller deems appropriate. In such event, this Agreement will automatically terminate, Buyer will be notified promptly, and Buyer's Earnest Money Deposit will be refunded. Exceptions:

10. **Fixtures & Improvements:** The following is not intended to be an all-inclusive list of items included with the Property. All improvements and appurtenances are included in the Purchase Price, if now in or on the Property, unless rented, including the following: all buildings; landscaping; attached smart home devices; attached security systems; lighting fixtures and their shades and bulbs; ceiling fans; hardware for draperies and curtains; window shades and blinds; built-in kitchen appliances, including garbage disposal and drop-in ranges; wall to wall carpeting, if attached; all attached mirrors; all attached TV mounting brackets; all attached shelving; attached work benches; stationary laundry tubs; water softener; water heater; incinerator; sump pump; water pump and pressure tank; heating and air conditioning equipment (window units excluded); attached humidifiers; heating units, including add-on heating stoves and heating stoves connected by flue pipe; fireplace screens, inserts, and grates; fireplace doors, if attached; liquid heating and cooking fuel tanks; TV antenna and complete rotor equipment; satellite dish and necessary accessories and complete rotor equipment; all support equipment for inground pools; screens and storm windows and doors; awnings; installed basketball backboard, pole and goal; mailbox; flagpole(s); fencing, invisible inground fencing and all related equipment, including collars; detached storage buildings; underground sprinkling, including the pump; installed outdoor grills; all plantings and bulbs; garage door opener and control(s); and any and all items and fixtures permanently affixed to the Property; **and also includes:**

All New construction and attached implements at the property.

**but does not include:**

\_\_\_\_\_

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Date Time

11. **Heating and Cooking Fuels:** Liquid heating and cooking fuels in tanks are included in the sale and will transfer to Buyer at time of possession unless usage is metered (in which case it is not included in the sale). Sellers are responsible for maintaining heating and cooking liquid fuels at an operational level and shall not permit fuels to fall below 10% in the tank(s) at the time of possession, except that the tank(s) may be empty only if now empty. Further, Seller is precluded from removing fuel from tank(s) other than what is expended through normal use. Exceptions:

N/A; mini-split with heat pump.

12. **Assessments (choose one):**

**If the Property is subject to any assessments,**

☒ Seller shall pay the entire balance of any such assessments that are due and payable on or before the day of closing (regardless of any installment arrangements), except for any fees that are required for future connection to public utilities.

☐ Seller shall pay all installments of such assessments that become due and payable on or before day of closing. Buyer shall assume and pay all other installments of such assessments.

Seller has an ongoing obligation through the Closing to disclose to the Buyer any known pending assessments, including, but not limited to, any mandatory utility connection requirements, and/or benefit charges, and condominium special assessments, that have not been previously disclosed in writing to Buyer.

13. **Property Taxes:** Seller will be responsible for any taxes billed prior to those addressed below. Buyer will be responsible for all taxes billed after those addressed below.

Buyer is also advised that the state equalized value of the Property, principal residence exemption information and other real property tax information is available from the appropriate local assessor's office. Buyer should not assume that Buyer's future tax bills on the Property will be the same as Seller's present tax bills. Under Michigan law, real property tax obligations can change significantly when property is transferred.

☐ No proration. (Choose one):

☐ Buyer ☐ Seller will pay taxes billed summer \_\_\_\_\_ (year);  
☐ Buyer ☐ Seller will pay taxes billed winter \_\_\_\_\_ (year);

☒ Calendar Year Proration (all taxes billed or to be billed in the year of the closing). Calendar year tax levies will be estimated, if necessary, using the taxable value and the millage rate(s) in effect on the day of closing, broken down to a per diem tax payment and prorated to the date of closing with Seller paying for January 1 through the day before closing.

☐ Fiscal Year Proration - Taxes will be prorated as though they are paid in (choose one): ☐ advance. ☐ arrears.

Fiscal Year will be assumed to cover a 12-month period from date billed, and taxes will be prorated to the date of closing. Fiscal year tax levies will be estimated, if necessary, using the taxable value and millage rate(s) in effect on the day of closing, broken down to a per diem tax payment and prorated to the date of closing with Seller paying through the day before closing. Exceptions:

14. **Well/Septic:** Within ten (10) days after the Effective Date, (choose one) ☐ Seller or ☐ Buyer will arrange for, at their own expense, an inspection of the primary well used for human consumption (including a water quality test for coliform bacteria and nitrates) and septic systems in use on the Property. The inspection will be performed by a qualified inspector in a manner that meets county (or other local governmental authority, if applicable) protocol.

If any report discloses a condition unsatisfactory to Buyer, or doesn't meet county standards that are a condition of sale, Buyer may, within three (3) days after Buyer has received the report, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller to correct those unsatisfactory conditions. If Buyer fails to make a written proposal within the above referenced time period, then Buyer will be deemed to have accepted the well/septic as-is. Seller will respond in writing within three (3) days to Buyer's request. If Seller fails to respond or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's proposal, Buyer will have three (3) days to provide written notice of termination of this Agreement and receive a refund of any applicable Earnest Money Deposit. If Buyer fails to terminate the contract, Buyer will proceed to closing according to the terms and conditions of this Agreement.

Other:

N/A : City water and Sewer

15. **Inspections & Investigations:**

**Inspections:** Buyer, or someone selected by Buyer, has the right to inspect the buildings, premises, components and systems, at Buyer's expense. Any damage, misuse, abuse, or neglect of any portion of the Property or premises as a result of inspections will be Buyer's responsibility and expense.

**Investigations:** It is Buyer's responsibility to investigate (i) whether the Property complies with applicable codes and local ordinances and whether the Property is zoned for Buyer's intended use; (ii) whether Buyer can obtain a homeowner's insurance policy for the Property at price and terms acceptable to Buyer; (iii) and whether or not the Property is in a flood zone.

All inspections and investigations will be completed within N/A days after the Effective Date. If the results of Buyer's inspections and investigations are not acceptable to Buyer, Buyer may, within the above referenced period, either (a) terminate this Agreement by written notice to Seller and receive a refund of Buyer's Earnest Money Deposit, or (b) make a written proposal to Seller to correct those unsatisfactory conditions, which proposal must be in the form of a proposed addendum and must be signed by Buyer in order for it to be effective. If Buyer fails to make a written proposal within the above referenced time period, then Buyer will be deemed to have

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 Date

9:30pm  
 Time



accepted the Property as-is. Seller may negotiate with Buyer, or by written notice to Buyer, accept Buyer's proposal or terminate this Agreement. If Seller fails to respond, or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's proposal, Buyer shall have three (3) days to provide written notice of termination of this Agreement and receive a refund of any applicable Earnest Money Deposit. If Buyer fails to terminate this Agreement within said three (3) day period, Buyer will be deemed to accept the Inspections & Investigations and will proceed to closing according to the terms and conditions of this Agreement.

☒ Buyer has waived all rights under this Inspections & Investigations paragraph.

Exceptions:

Buyer will need a copy of the certificate of Occupancy.

16. **Municipal Compliances:** Seller will arrange and pay for current certificates of occupancy, sidewalk compliance, and smoke detector ordinances, if applicable.

17. **Title Insurance:** Seller agrees to convey marketable title to the Property subject to conditions, limitations, reservation of oil, gas and other mineral rights, existing zoning ordinances, and building and use restrictions and easements of record. An **expanded coverage** ALTA Homeowner's Policy of Title Insurance in the amount of the Purchase Price shall be ordered by Seller and furnished to Buyer at Seller's expense, and a commitment to issue a policy insuring marketable title vested in Buyer, including a real estate tax status report, will be made available to Buyer within **ten (10) days** after the Effective Date. If Buyer so chooses, or if an expanded policy is not applicable, then a **standard** ALTA Owners' Policy of Title Insurance shall be provided.

If Buyer objects to any conditions, Buyer may, within three (3) days of receipt of the Title Commitment, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller to correct those unsatisfactory conditions. If Buyer fails to make a written proposal within the above referenced time period, then Buyer will be deemed to have accepted the Title Commitment as-is. Seller may negotiate with Buyer, or by written notice to Buyer, accept Buyer's proposal or terminate this Agreement. If Seller fails to respond, or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's proposal, Buyer shall have three (3) days to provide written notice of termination of this Agreement and shall receive a refund of any applicable Earnest Money Deposit. If Buyer fails to terminate this Agreement within said three (3) day period, Buyer will be deemed to accept the Title Commitment as-is and will proceed to closing according to the terms and conditions of this Agreement. Exceptions:

18. **Property Survey:** Broker advises that Buyer should have a survey performed to satisfy Buyer as to the boundaries of the Property and the location of improvements thereon.

☐ Buyer or ☐ Seller (choose one) shall within ten (10) days of the Effective Date, order, at their expense, a boundary survey with iron corner stakes showing the location of the boundaries, improvements and easements in connection with the Property. Upon receipt of the survey, Buyer will have three (3) days to review the survey. If the survey shows any condition, in Buyer's sole discretion, which would interfere with Buyer's intended use of the Property, the marketability of the title, or zoning non-compliance, then Buyer may, within said three (3) day period, terminate this Agreement, in writing, and Buyer will receive a full refund of Buyer's Earnest Money Deposit.

☒ No survey. Buyer has waived all rights under this paragraph.

When closing occurs, Buyer shall be deemed to have accepted the boundaries of the Property and the location of such improvements thereon. Exceptions:

If seller does have survey, Buyer would greatly appreciate a copy.;Buyer would like the corners of the property staked for identification purpose

19. **Home Protection Plan:** Buyer and Seller have been informed that home protection plans may be available. Such plans may provide additional protection and benefit to the parties. Exceptions:

The builder's one-year warranty starts from the day of Certificate of Occupancy. NEW CONSTRUCTION; NO ADDITIONAL WARRANTY REQUESTED.

20. **Prorations:** Rent; association dues/fees, if any; insurance, if assigned; interest on any existing land contract, mortgage or lien assumed by Buyer; will all be adjusted to the date of closing. For the purposes of calculating prorations, it is presumed that Seller owns the Property through the day before closing.

21. **Closing:** If agreeable to Buyer and Seller, the sale will be closed as soon as closing documents are ready, but not later than 11/27/2024. An additional period of fifteen (15) days will be allowed for closing to accommodate the correction of title defects or survey problems which can be readily corrected, or for delays in obtaining any lender required inspections/repairs. During this additional period, the closing will be held within 5 days after all parties have been notified that all necessary documents have been prepared. Buyer and Seller will each pay their title company closing fee, if applicable, **except in the case of VA financing where Seller will pay the entire closing fee.** Exceptions:

22. **Pre-Closing Walk-Through:** Buyer (choose one) ☒ reserves ☐ waives the right to conduct a final walk-through of the Property within three (3) days of the scheduled closing date. The purpose of the walk-through is to determine that the Property is in a substantially similar condition as of the Effective Date, any contractually agreed upon items have been fulfilled, and that any included personal property is still located at the Property. Buyer shall immediately report to Seller any objections to these conditions and Buyer's requested corrective action.

23. **Possession:** Seller will maintain the Property in its present condition until the completion of the closing of the sale. Possession to be delivered to Buyer, subject to rights of present tenants, if any.

☒ At the completion of the closing of the sale.

☐ At \_\_\_\_\_ ☐ a.m. ☐ p.m. on the \_\_\_\_\_ day **after** completion of the closing of the sale, during which time Seller will have the privilege to occupy the Property and hereby agrees to pay Buyer \$\_\_\_\_\_ as an occupancy fee for this period payable at closing, WITHOUT PRORATION. Payment shall be made in the form of cash or certified funds.

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Subject Property Address/Description

11/02/2024  
Date

9:30pm  
Time



For purposes of determining possession, the transaction will be considered closed once all necessary documents have been signed and received by escrow agent and funds have been received by the escrow agent.

If Seller fails to deliver possession to Buyer on the agreed date, Seller shall become a tenant at sufferance and shall pay to Buyer as liquidated damages \$ VACANT N/A per day plus all of the Buyer's actual reasonable attorney's fees incurred in removing the Seller from the Property.

If Seller occupies the Property after closing, Seller will pay all utilities during such occupancy. Seller shall also be responsible for snow removal and/or landscape maintenance. Buyer will maintain the structure and mechanical systems at the Property. However, any repairs or replacements necessitated by Seller's misuse, abuse, or neglect of any portion of the Property will be Seller's responsibility and expense.

On the agreed delivery date, Seller shall deliver the Property free of trash and debris and in broom-clean condition, shall remove all personal property (unless otherwise stated in this or an additional written agreement), shall make arrangements for final payment on all utilities, and shall deliver all keys to Buyer.

In the event of possession by Seller after close, Buyer and Seller ☐ agree ☐ do not agree to sign the West Michigan Regional Temporary Occupancy Addendum to the Purchase Agreement. If signed, that Addendum shall become an integral part of this Agreement.

Exceptions:

N/A : VACANT PROPERTY NEW CONSTRUCTION

24. **Earnest Money Deposit:** For valuable consideration, Buyer gives Seller until 11/04/2024 (time) on 11/04/2024 (date), to deliver the written acceptance of this offer and agrees that this offer, when accepted by Seller, will constitute a binding Agreement between Buyer and Seller. An Earnest Money Deposit in the amount of \$ WAIVED shall be submitted to WAIVED FOR QUICK CASH CLOSING. (insert name of broker, title company, other) within 72 hours of the Effective Date of this Agreement, and shall be applied against the Purchase Price. If the Earnest Money Deposit is not received within 72 hours of the Effective Date or is returned for insufficient funds, Seller may terminate this Agreement until such time as the Earnest Money Deposit is received. If Seller terminates this Agreement under this provision, Seller waives any claim to the Earnest Money Deposit. If the sale is not closed due to a failure to satisfy a contingency for a reason other than the fault of Buyer, the Buyer is entitled to a refund of the Earnest Money Deposit. If the sale is not closed as provided in this Agreement and Buyer and Seller do not agree to the disposition of the Earnest Money Deposit, then Buyer and Seller agree that the Broker holding the Earnest Money Deposit may notify Buyer and Seller, in writing, of Broker's intended disposition of the Earnest Money Deposit. If Buyer and Seller do not object to such disposition in writing within fifteen (15) days after the date of Broker's notice, they will be deemed to have agreed to Broker's proposed disposition; if either Buyer or Seller object and no mutually agreeable disposition can be negotiated, Broker may deposit the funds by interpleader with a court of proper jurisdiction or await further actions by Buyer and Seller. In the event of litigation involving the deposit, in whole or in part, either the Seller or the Buyer that is not the prevailing party, as determined by the court, will reimburse the other for reasonable attorneys' fees and expenses incurred in connection with the litigation, and will reimburse the Broker for any reasonable attorneys' fees and expenses incurred in connection with any interpleader action instituted. If the entity holding the Earnest Money Deposit is not the Broker, then to the extent that the terms of any escrow agreement conflict with this paragraph, then the terms and conditions of the escrow agreement shall control.
25. **Professional Advice:** Broker hereby advises Buyer and Seller to seek legal, tax, environmental and other appropriate professional advice relating to this transaction. Broker does not make any representations or warranties with respect to the advisability of, or the legal effect of this transaction. Buyer further acknowledges that REALTOR® above named in the Agreement hereby recommends to Buyer that an attorney be retained by Buyer to pass upon the marketability of the title and to ascertain that the required details of the sale are adhered to before the transaction is consummated. Buyer agrees that Buyer is not relying on any representation or statement made by Seller or any real estate salesperson (whether intentionally or negligently) regarding any aspect of the Property or this sale transaction, except as may be expressly set forth in this Agreement, a written amendment to this Agreement, or a disclosure statement separately signed by Seller.
26. **Disclosure of Information:** Buyer and Seller acknowledge and agree that the Purchase Price, terms, and other details with respect to this transaction (when closed) are not confidential, will be disclosed to REALTORS® who participate in the applicable Multiple Listing Service, and may otherwise be used and/or published by that Multiple Listing Service in the ordinary course of its business.
27. **Other Provisions:**  
NEW CONSTRUCTION: BUYER TO WAIVE ALL INSPECTIONS. BUYER TO PAY A \$495.LIGHTHOUSE REALTY BROKER ADMIN FEE AT CLOSE OF SALE. SELLER TO PAY 3% BUYER AGENCY FEE AS CONFIRMED IN BROKER COMPENSATION DOCUMENT. BUYER TO PURCHASE ALL APPLIANCES. BUYER TO COMPLY WITH ARP ATTACHMENT FOR GROUNDCOVER (LANDSCAPE) IN 12 MONTHS FROM PURCHASE. BUYER TO PROVIDE DISABILITY DOCUMENT AND FINANCIALS REQUESTED IN ARP APPLICATION.
28. **Mergers and Integrations:** This Agreement is the final expression of the complete agreement of Buyer and Seller, and there are no oral agreements existing between Buyer and Seller relating to this transaction. This Agreement may be amended only in writing signed by Buyer and Seller and attached to this Agreement.
29. **Fax/Electronic Distribution and Electronic Signatures:** Buyer and Seller agree that any signed copy of this Agreement, and any amendments or addendums related to this transaction, transmitted by facsimile or other electronic means shall be competent evidence of its contents to the same effect as an original signed copy. Buyer and Seller further agree that an electronic signature is the legal equivalent of a manual or handwritten signature, and consent to use of electronic signatures. Buyer and Seller agree that any notice(s) required or permitted under this Agreement may also be transmitted by facsimile or other electronic means.

1451 Leahy St, Muskegon, MI 49442  
Subject Property Address/Description

11/02/2024  
Date

9:30pm  
Time

30. **Wire Fraud:** Seller and Buyer are advised that wire fraud is an increasingly common problem. If you receive any electronic communication directing you to transfer funds or provide nonpublic personal information (such as social security numbers, drivers' license numbers, wire instructions, bank account numbers, etc.), **even if that electronic communication appears to be from the Broker, Title Company, or Lender, DO NOT** reply until you have verified the authenticity of the email by direct communication with Broker, Title Company, or Lender. **DO NOT** use telephone numbers provided in the email. Such requests may be part of a scheme to steal funds or use your identity.

31. **Buyer's Approval and Acknowledgment:** Buyer approves the terms of this offer and acknowledges receipt of a copy of this offer.

Buyer 1 Address 224 E Melendy St, Ludington, MI 49431 X 

Erica Organ  
dotloop verified  
11/03/24 8:57 PM EST  
MOTL-AU08-LK24-EZB

**Buyer**  
Buyer 1 Phone: (Res.) 231-852-4317 (Bus.) \_\_\_\_\_ Erica Organ  
Print name as you want it to appear on documents.  
Buyer 2 Address \_\_\_\_\_ X \_\_\_\_\_ **Buyer**  
Buyer 2 Phone: (Res.) \_\_\_\_\_ (Bus.) \_\_\_\_\_  
Print name as you want it to appear on documents.

32. **Seller's Response:** The above offer is approved: ☐ As written. ☒ As written except:  
The seller will provide a quit claim deed VS a warranty deed. The buyer acknowledges they have signed and will abide by the city of Muskegon's addendum for the builder's warranty and landscaping requirements. The home must be owner occupied. The sale of the home must be approved by city of Muskegon's city council

Counteroffer, if any, expires \_\_\_\_\_, at \_\_\_\_\_ (time). Seller has the right to withdraw this counteroffer and to accept other offers until Seller or Seller's Agent has received notice of Buyer's acceptance.

33. **Certification of Previous Disclosure Statement:** Seller certifies to Buyer that the Property is currently in the same condition as disclosed in the Seller's Disclosure Statement dated \_\_\_\_\_ (choose one): ☐ Yes ☐ No.  
Seller agrees to inform Buyer in writing of any changes in the content of the disclosure statement prior to closing.

34. **Notice to Seller:** Seller understands that consummation of the sale or transfer of the Property described in this Agreement will not relieve Seller of any liability that Seller may have under the mortgages to which the Property is subject, unless otherwise agreed to by the lender or required by law or regulation. Buyer and Seller are advised that a Notice to Seller & Buyer of Underlying Mortgage form is available from the respective agents via the West Michigan REALTOR® Boards.

35. **Listing Office Address:** \_\_\_\_\_ Listing Broker License # \_\_\_\_\_  
**Listing Agent Name:** Brent Cox Listing Agent License # \_\_\_\_\_

36. **Seller's Approval and Acknowledgment:** Seller approves the terms of this Agreement and acknowledges receipt of a copy. If Seller's response occurs after Buyer's offer expires, then Seller's response is considered a counteroffer and Buyer's acceptance is required below.

X (Seller's Signature, Date, Time): 

Sam Pulos  
dotloop verified  
11/04/24 2:44 PM EST  
PKZK-BORM-NHEJ-RQNV

 \_\_\_\_\_  
CITY OF MUSKEGON Is Seller a U.S. Citizen or Resident Alien? ☐ Yes ☐ No\*  
Print name as you want it to appear on documents.

X (Seller's Signature, Date, Time): \_\_\_\_\_  
Is Seller a U.S. Citizen or Resident Alien? ☐ Yes ☐ No\*  
Print name as you want it to appear on documents.

Seller's Address: \_\_\_\_\_ Seller's Phone (Res.) \_\_\_\_\_ (Bus.) \_\_\_\_\_  
\* If Seller(s) is not a U.S. Citizen or Resident Alien, there may be tax implications and Buyer and Seller are advised to seek professional advice.

37. **Buyer's Receipt/Acceptance:** Buyer acknowledges receipt of Seller's response to Buyer's offer. In the event Seller's response constitutes a counteroffer, Buyer accepts said counteroffer. All other terms and conditions in the offer remain unchanged.

X (Buyer's Signature, Date, Time): \_\_\_\_\_  
X (Buyer's Signature, Date, Time): \_\_\_\_\_

38. **Seller's Receipt:** Seller acknowledges receipt of Buyer's acceptance of counteroffer.

X (Seller's Signature, Date, Time): 

Sam Pulos  
dotloop verified  
11/04/24 2:44 PM EST  
ELUH-JHQ2-VGVR-EQOD

 \_\_\_\_\_  
X (Seller's Signature, Date, Time): \_\_\_\_\_

1451 Leahy St, Muskegon, MI 49442 11/02/2024 9:30pm  
Subject Property Address/Description Date Time



\$129,900

1451 Leahy St, Muskegon, MI 49442

2  
beds

1  
baths

672  
sqft

Contact agent

Est.: \$823/mo Get pre-qualified

Single Family Residence

Built in 2024

4,356 sqft lot

\$129,600 Zestimate®

\$193/sqft

\$-- HOA

What's special

Come see this quality built new home its ready to move into its close to highways and all the activities that Muskegon has to offer. This home must be owner occupied

97 days on Zillow | 188 views | 8 saves

Zillow last checked: 3 hours ago

Listing updated: November 04, 2024 at 01:14pm

Listed by: Brent T Cox 616-717-1220, West Urban Realty LLC 616-717-1220

Source: MichRIC, MLS#: 24041970



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-------------|---|-----|-------------------------------------------------|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                          | <b>Title:</b> Sale of 1325 Terrace                                                                                                                                                                                                                                                                                                                   |     |  |             |   |     |                                                 |  |
| <b>Submitted by:</b> Samantha Pulos, Code Coordinator                                                                                                                                                                                                                                                                                                                      | <b>Department:</b> Planning                                                                                                                                                                                                                                                                                                                          |     |  |             |   |     |                                                 |  |
| <b>Brief Summary:</b><br>Staff is requesting approval of a Purchase Agreement for 1325 Terrace.                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
| <b>Detailed Summary &amp; Background:</b><br>1325 Terrace was constructed through an agreement with Dave Dusendang to construct infill housing with ARPA funding. The offer is for \$159,434, which is above the listing price of \$149,900. The seller will contribute \$8,994 of the purchase price towards buyers' closing costs, pre-paid and discount points.         |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Create an environment that effectively attracts new residents and retains existing residents by filling existing employment gaps, attracting new and diverse businesses to the city, and expanding access to a variety of high-quality housing options in Muskegon. Diverse housing types. |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
| <b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
| <b>Amount Requested:</b><br>n/a                                                                                                                                                                                                                                                                                                                                            | <b>Budgeted Item:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"></td> <td style="width: 15%;">No</td> <td style="width: 15%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;">x</td> <td style="width: 15%;"></td> </tr> </table>           | Yes |  | No          |   | N/A | x                                               |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                      | No  |  | N/A         | x |     |                                                 |  |
| <b>Fund(s) or Account(s):</b><br>n/a                                                                                                                                                                                                                                                                                                                                       | <b>Budget Amendment Needed:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"></td> <td style="width: 15%;">No</td> <td style="width: 15%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;">x</td> <td style="width: 15%;"></td> </tr> </table> | Yes |  | No          |   | N/A | x                                               |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                      | No  |  | N/A         | x |     |                                                 |  |
| <b>Recommended Motion:</b><br>To approve the Purchase Agreement for 1325 Terrace.                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
| <b>Approvals:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 30%;"></td> </tr> <tr> <td>Information</td> <td></td> <td></td> </tr> </table>                                                                      | Immediate Division Head                                                                                                                                                                                                                                                                                                                              | x   |  | Information |   |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                    | x                                                                                                                                                                                                                                                                                                                                                    |     |  |             |   |     |                                                 |  |
| Information                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |

|                      |   |  |
|----------------------|---|--|
| Technology           |   |  |
| Other Division Heads | x |  |
| Communication        |   |  |
| Legal Review         |   |  |



# WEST MICHIGAN REGIONAL PURCHASE AGREEMENT

DATE: 11/08/2024, (time) \_\_\_\_\_ MLS # 24058023 # \_\_\_\_\_  
 SELLING OFFICE: Five Star Real Estate Leaders BROKER LIC.#: 6505276328 REALTOR® PHONE: 616-638-1627  
 LISTING OFFICE: West Urban Realty LLC REALTOR® PHONE: 616-717-1220

1. **Effective Date:** This Agreement is effective on the date of Seller's acceptance of Buyer's offer or Buyer's acceptance of any counteroffer, as the case may be, and this date shall hereafter be referred to as the "Effective Date". Further, any reference to "days" in this Agreement refers to calendar days. The first calendar day begins at 12:01 a.m. on the day after the Effective Date. Any reference to "time" refers to local time.

2. **Agency Disclosure:** The Undersigned Buyer and Seller each acknowledge that they have read and signed the *Disclosure Regarding Real Estate Agency Relationships*. The selling licensee is acting as (choose one):

☐ Agent/Subagent of Seller ☒ Buyer's Agent ☐ Dual Agent (with written, informed consent of both Buyer and Seller)  
☐ Transaction Coordinator

Primary Selling Agent Name: Patti Styburski Email: pattistyburski1@gmail.com Lic.#: 6505276328

Alternate Selling Agent Name: Randy Styburski Email: randystyburski@gmail.com Lic.#: 6501401845

3. **Seller's Disclosure Statement:** (This paragraph applies to sales of one-to-four family residential units.)

☐ Buyer has received the *Seller's Disclosure Statement*, dated \_\_\_\_\_.  
☒ Buyer has not received the *Seller's Disclosure Statement*. Buyer may terminate this Agreement, in writing, any time prior to receipt of the *Seller's Disclosure Statement*. Once Buyer has received the *Seller's Disclosure Statement*, Buyer may terminate this Agreement, in writing, within 72 hours of receipt if the disclosure was received in person, or within 120 hours if received by registered mail. Exceptions: \_\_\_\_\_ This is a Build.  
☐ Seller is exempt from the requirements of the Seller Disclosure Act.

4. **Lead-Based Paint Addendum:** Transactions involving homes built prior to 1978 require a written disclosure which is hereby attached and will be an integral part of this Agreement.

5. **Property Description:** Buyer offers to buy the property located in the ☒ City ☐ Village ☐ Township of Muskegon,  
 County of Muskegon, Michigan, commonly known as (insert mailing address: street/city/state/zip code)  
1325 Terrace St, Muskegon, MI 49442

with the following legal description and tax parcel ID numbers:

The East 86 feet of lot 10 Block 258 1903 revised Plat of the city of Muskegon Muskegon County Michigan

PP# 24-205-258-0010-00

**The following paragraph applies only if the Premises include unplatted land:**

Seller agrees to grant Buyer at closing the right to make (insert number) N/A division(s) under Section 108(2), (3), and (4) of the Michigan Land Division Act. (If no number is inserted, the right to make divisions under the sections referenced above stays with any remainder of the parent parcel retained by Seller. If a number is inserted, Seller retains all available divisions in excess of the number stated; however, Seller and/or REALTOR® do not warrant that the number of divisions stated is actually available.) If this sale will create a new division, Seller's obligations under this Agreement are contingent on Seller's receipt of municipal approval on or before \_\_\_\_\_, of the proposed division to create the Premises.

6. **Purchase Price:** Buyer offers to buy the Property for the sum of \$ 158,894.00  
One Hundred Fifty Eight Thousand Eight Hundred Ninty Four U.S. Dollars

7. **Seller Concessions**, if any: Seller to please pay \$8,994.00 towards buyers closing costs, points, and prepaids.

8. **Terms:** The Terms of Purchase will be as indicated by "X" below: (Other unmarked terms of purchase do not apply.)

**SOURCE OF FUNDS TO CLOSE:** Buyer represents that the funds necessary to close this transaction on the terms specified below are currently available to Buyer in cash or an equally liquid equivalent.

If the Property's value stated in an appraisal obtained by Buyer or Buyer's lender is less than the Purchase Price, Buyer shall within three (3) days after receipt of the appraisal: 1) renegotiate with the Seller, 2) terminate the transaction, in which case Buyer shall receive a refund of Buyer's Earnest Money Deposit, or 3) proceed to close the transaction at the agreed Purchase Price.

☐ **CASH.** The full Purchase Price upon execution and delivery of Warranty Deed. Buyer Agrees to provide Buyer Agent/Dual Agent verification of funds within five (5) days after the Effective Date, and consents to the disclosure of such information to Seller and/or Seller's Agent. If verification of funds is not received within 5 days after the Effective Date, Seller may terminate this Agreement at any time before verification of funds is received by giving written notice to Buyer. Any appraisal required by Buyer shall be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement.

☒ **NEW MORTGAGE.** The full Purchase Price upon execution and delivery of Warranty Deed, contingent upon Buyer's ability to obtain a VA type 30 (year) mortgage in the amount of 0 % of the Purchase Price bearing interest at a rate not to exceed 7.263 % per annum (rate at time of loan application), on or before the date the sale is to be closed. Buyer agrees to apply for a mortgage loan, and pay all fees and costs customarily charged by Buyer's lender to process the application, within \_\_\_\_\_ days after the Effective Date, not to impair Buyers' credit after the date such loan is offered. ☐ Seller ☐ Buyer will agree to pay an amount not to exceed \$ \_\_\_\_\_ representing repairs required as a condition of financing. Buyer ☐ agrees ☐ does not agree to authorize Buyer's Agent/Dual Agent to obtain information from

Buyer's lender regarding Buyer's financing, and consents to the disclosure of this information to Seller and/or Seller's Agent.  
Exceptions:

☐ SELLER FINANCING (choose one of the following): ☐ CONTRACT or ☐ PURCHASE MONEY MORTGAGE

**In the case of Seller financing,** Buyer agrees to provide Seller with a credit report within 72 hours after the Effective Date. If the credit report is unacceptable to Seller, Seller shall have the right to terminate this offer within 48 hours of Seller's receipt, or if Buyer fails to provide said credit report to Seller within the time frame allotted, Seller shall have the right to terminate this offer within 48 hours. Seller is advised to seek professional advice regarding the credit report.

\$\_\_\_\_\_ upon execution and delivery of a \_\_\_\_\_ form (name or type of form and revision date), a copy of which is attached, wherein the balance of \$\_\_\_\_\_ will be payable in monthly installments of \$\_\_\_\_\_ or more including interest at \_\_\_\_\_ % per annum, interest to start on date of closing, and first payment to become due thirty (30) days after date of closing. The entire unpaid balance will become due and payable \_\_\_\_\_ months after closing. Any appraisal required by Buyer shall be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement. Exceptions:

☐ EQUITY (choose one of the following): ☐ Formal Assumption or ☐ Informal Assumption  
Upon execution and delivery of: ☐ Warranty Deed subject to existing mortgage OR ☐ Assignment of Vendee Interest in Land Contract, Buyer to pay the difference (approximately \$\_\_\_\_\_ ) between the Purchase Price above provided and the unpaid balance (approximately \$\_\_\_\_\_ ) upon said mortgage or land contract, which Buyer agrees to assume and pay. Buyer agrees to reimburse Seller for accumulated funds held in escrow, if any, for payment of future taxes and insurance premiums, etc. Any appraisal required by Buyer shall be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement. Exceptions:

☐ OTHER: \_\_\_\_\_  
\_\_\_\_\_

9. **Contingencies:** Buyer's obligation to consummate this transaction (choose one):

- ☐ IS NOT CONTINGENT - is not contingent upon the sale or exchange of any other property by Buyer.
- ☐ IS CONTINGENT UPON CLOSING - is contingent upon closing of an existing sale or exchange of Buyer's property located at:

A copy of Buyer's agreement to sell or exchange that property is being delivered to Seller along with this offer. If the existing sale or exchange terminates for any reason, Buyer will immediately notify Seller, and either party may terminate this Agreement in writing, within 3 days of Buyer's notice to Seller. If either party terminates, Buyer shall receive a refund of any applicable Earnest Money Deposit.

☒ IS CONTINGENT UPON THE SALE AND CLOSING - is contingent upon the execution of a binding agreement and the closing of a sale or exchange of Buyer's property located at \_\_\_\_\_ 3226 Cochrane Norton Shores, MI 49444  
\_\_\_\_\_ on or before \_\_\_\_\_ 12/9/2024 . Seller will have the right to continue to market Seller's Property until Buyer enters into a binding agreement to sell or exchange Buyer's property and delivers a copy thereof to Seller. During such marketing period, Seller may enter into a binding contract for sale to another purchaser on such price and terms as the Seller deems appropriate. In such event, this Agreement will automatically terminate, Buyer will be notified promptly, and Buyer's Earnest Money Deposit will be refunded. Exceptions:

10. **Fixtures & Improvements:** The following is not intended to be an all-inclusive list of items included with the Property. All improvements and appurtenances are included in the Purchase Price, if now in or on the Property, unless rented, including the following: all buildings; landscaping; attached smart home devices; attached security systems; lighting fixtures and their shades and bulbs; ceiling fans; hardware for draperies and curtains; window shades and blinds; built-in kitchen appliances, including garbage disposal and drop-in ranges; wall to wall carpeting, if attached; all attached mirrors; all attached TV mounting brackets; all attached shelving; attached work benches; stationary laundry tubs; water softener; water heater; incinerator; sump pump; water pump and pressure tank; heating and air conditioning equipment (window units excluded); attached humidifiers; heating units, including add-on heating stoves and heating stoves connected by flue pipe; fireplace screens, inserts, and grates; fireplace doors, if attached; liquid heating and cooking fuel tanks; TV antenna and complete rotor equipment; satellite dish and necessary accessories and complete rotor equipment; all support equipment for inground pools; screens and storm windows and doors; awnings; installed basketball backboard, pole and goal; mailbox; flagpole(s); fencing, invisible inground fencing and all related equipment, including collars; detached storage buildings; underground sprinkling, including the pump; installed outdoor grills; all plantings and bulbs; garage door opener and control(s); and any and all items and fixtures permanently affixed to the Property; **and also includes:**

\_\_\_\_\_  
but does not include:

\_\_\_\_\_  
\_\_\_\_\_

1325 Terrace St, Muskegon, MI 49442  
Subject Property Address/Description

11/08/2024  
Date Time

**11. Heating and Cooking Fuels:** Liquid heating and cooking fuels in tanks are included in the sale and will transfer to Buyer at time of possession unless usage is metered (in which case it is not included in the sale). Sellers are responsible for maintaining heating and cooking liquid fuels at an operational level and shall not permit fuels to fall below 10% in the tank(s) at the time of possession, except that the tank(s) may be empty only if now empty. Further, Seller is precluded from removing fuel from tank(s) other than what is expended through normal use. Exceptions:

Natural Gas

**12. Assessments (choose one):**

**If the Property is subject to any assessments,**

☒ Seller shall pay the entire balance of any such assessments that are due and payable on or before the day of closing (regardless of any installment arrangements), except for any fees that are required for future connection to public utilities.

☐ Seller shall pay all installments of such assessments that become due and payable on or before day of closing. Buyer shall assume and pay all other installments of such assessments.

Seller has an ongoing obligation through the Closing to disclose to the Buyer any known pending assessments, including, but not limited to, any mandatory utility connection requirements, and/or benefit charges, and condominium special assessments, that have not been previously disclosed in writing to Buyer.

**13. Property Taxes:** Seller will be responsible for any taxes billed prior to those addressed below. Buyer will be responsible for all taxes billed after those addressed below.

Buyer is also advised that the state equalized value of the Property, principal residence exemption information and other real property tax information is available from the appropriate local assessor's office. Buyer should not assume that Buyer's future tax bills on the Property will be the same as Seller's present tax bills. Under Michigan law, real property tax obligations can change significantly when property is transferred.

☐ No proration. (Choose one):

☐ Buyer ☐ Seller will pay taxes billed summer \_\_\_\_\_ (year);  
☐ Buyer ☐ Seller will pay taxes billed winter \_\_\_\_\_ (year);

☒ Calendar Year Proration (all taxes billed or to be billed in the year of the closing). Calendar year tax levies will be estimated, if necessary, using the taxable value and the millage rate(s) in effect on the day of closing, broken down to a per diem tax payment and prorated to the date of closing with Seller paying for January 1 through the day before closing.

☐ Fiscal Year Proration - Taxes will be prorated as though they are paid in (choose one): ☐ advance. ☐ arrears.

Fiscal Year will be assumed to cover a 12-month period from date billed, and taxes will be prorated to the date of closing. Fiscal year tax levies will be estimated, if necessary, using the taxable value and millage rate(s) in effect on the day of closing, broken down to a per diem tax payment and prorated to the date of closing with Seller paying through the day before closing. Exceptions:

**14. Well/Septic:** Within ten (10) days after the Effective Date, (choose one) ☐ Seller or ☐ Buyer will arrange for, at their own expense, an inspection of the primary well used for human consumption (including a water quality test for coliform bacteria and nitrates) and septic systems in use on the Property. The inspection will be performed by a qualified inspector in a manner that meets county (or other local governmental authority, if applicable) protocol.

If any report discloses a condition unsatisfactory to Buyer, or doesn't meet county standards that are a condition of sale, Buyer may, within three (3) days after Buyer has received the report, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller to correct those unsatisfactory conditions. If Buyer fails to make a written proposal within the above referenced time period, then Buyer will be deemed to have accepted the well/septic as-is. Seller will respond in writing within three (3) days to Buyer's request. If Seller fails to respond or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's proposal, Buyer will have three (3) days to provide written notice of termination of this Agreement and receive a refund of any applicable Earnest Money Deposit. If Buyer fails to terminate the contract, Buyer will proceed to closing according to the terms and conditions of this Agreement.

Other:

City water and city sewer

**15. Inspections & Investigations:**

**Inspections:** Buyer, or someone selected by Buyer, has the right to inspect the buildings, premises, components and systems, at Buyer's expense. Any damage, misuse, abuse, or neglect of any portion of the Property or premises as a result of inspections will be Buyer's responsibility and expense.

**Investigations:** It is Buyer's responsibility to investigate (i) whether the Property complies with applicable codes and local ordinances and whether the Property is zoned for Buyer's intended use; (ii) whether Buyer can obtain a homeowner's insurance policy for the Property at price and terms acceptable to Buyer; (iii) and whether or not the Property is in a flood zone.

All inspections and investigations will be completed within \_\_\_\_\_ days after the Effective Date. If the results of Buyer's inspections and investigations are not acceptable to Buyer, Buyer may, within the above referenced period, either (a) terminate this Agreement by written notice to Seller and receive a refund of Buyer's Earnest Money Deposit, or (b) make a written proposal to Seller to correct those unsatisfactory conditions, which proposal must be in the form of a proposed addendum and must be signed by Buyer in order for it to be effective. If Buyer fails to make a written proposal within the above referenced time period, then Buyer will be deemed to have

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accepted the Property as-is. Seller may negotiate with Buyer, or by written notice to Buyer, accept Buyer's proposal or terminate this Agreement. If Seller fails to respond, or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's proposal, Buyer shall have three (3) days to provide written notice of termination of this Agreement and receive a refund of any applicable Earnest Money Deposit. If Buyer fails to terminate this Agreement within said three (3) day period, Buyer will be deemed to accept the Inspections & Investigations and will proceed to closing according to the terms and conditions of this Agreement.

☐ Buyer has waived all rights under this Inspections & Investigations paragraph.

Exceptions:

16. **Municipal Compliances:** Seller will arrange and pay for current certificates of occupancy, sidewalk compliance, and smoke detector ordinances, if applicable.

17. **Title Insurance:** Seller agrees to convey marketable title to the Property subject to conditions, limitations, reservation of oil, gas and other mineral rights, existing zoning ordinances, and building and use restrictions and easements of record. An **expanded coverage** ALTA Homeowner's Policy of Title Insurance in the amount of the Purchase Price shall be ordered by Seller and furnished to Buyer at Seller's expense, and a commitment to issue a policy insuring marketable title vested in Buyer, including a real estate tax status report, will be made available to Buyer within **ten (10) days** after the Effective Date. If Buyer so chooses, or if an expanded policy is not applicable, then a **standard** ALTA Owners' Policy of Title Insurance shall be provided.

If Buyer objects to any conditions, Buyer may, within three (3) days of receipt of the Title Commitment, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller to correct those unsatisfactory conditions. If Buyer fails to make a written proposal within the above referenced time period, then Buyer will be deemed to have accepted the Title Commitment as-is. Seller may negotiate with Buyer, or by written notice to Buyer, accept Buyer's proposal or terminate this Agreement. If Seller fails to respond, or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's proposal, Buyer shall have three (3) days to provide written notice of termination of this Agreement and shall receive a refund of any applicable Earnest Money Deposit. If Buyer fails to terminate this Agreement within said three (3) day period, Buyer will be deemed to accept the Title Commitment as-is and will proceed to closing according to the terms and conditions of this Agreement. Exceptions:

Buyers side to be prepared by and closed with Star Title.

18. **Property Survey:** Broker advises that Buyer should have a survey performed to satisfy Buyer as to the boundaries of the Property and the location of improvements thereon.

☐ Buyer or ☐ Seller (choose one) shall within ten (10) days of the Effective Date, order, at their expense, a boundary survey with iron corner stakes showing the location of the boundaries, improvements and easements in connection with the Property. Upon receipt of the survey, Buyer will have three (3) days to review the survey. If the survey shows any condition, in Buyer's sole discretion, which would interfere with Buyer's intended use of the Property, the marketability of the title, or zoning non-compliance, then Buyer may, within said three (3) day period, terminate this Agreement, in writing, and Buyer will receive a full refund of Buyer's Earnest Money Deposit.

☒ No survey. Buyer has waived all rights under this paragraph.

When closing occurs, Buyer shall be deemed to have accepted the boundaries of the Property and the location of such improvements thereon. Exceptions:

Seller to provide any existing copy.

19. **Home Protection Plan:** Buyer and Seller have been informed that home protection plans may be available. Such plans may provide additional protection and benefit to the parties. Exceptions:

20. **Prorations:** Rent; association dues/fees, if any; insurance, if assigned; interest on any existing land contract, mortgage or lien assumed by Buyer; will all be adjusted to the date of closing. For the purposes of calculating prorations, it is presumed that Seller owns the Property through the day before closing.

21. **Closing:** If agreeable to Buyer and Seller, the sale will be closed as soon as closing documents are ready, but not later than 12/13/2024. An additional period of fifteen (15) days will be allowed for closing to accommodate the correction of title defects or survey problems which can be readily corrected, or for delays in obtaining any lender required inspections/repairs. During this additional period, the closing will be held within 5 days after all parties have been notified that all necessary documents have been prepared. Buyer and Seller will each pay their title company closing fee, if applicable, **except in the case of VA financing where Seller will pay the entire closing fee.** Exceptions:

22. **Pre-Closing Walk-Through:** Buyer (choose one) ☒ reserves ☐ waives the right to conduct a final walk-through of the Property within three (3) days of the scheduled closing date. The purpose of the walk-through is to determine that the Property is in a substantially similar condition as of the Effective Date, any contractually agreed upon items have been fulfilled, and that any included personal property is still located at the Property. Buyer shall immediately report to Seller any objections to these conditions and Buyer's requested corrective action.

23. **Possession:** Seller will maintain the Property in its present condition until the completion of the closing of the sale. Possession to be delivered to Buyer, subject to rights of present tenants, if any.

☒ At the completion of the closing of the sale.

☐ At                      ☐ a.m. ☐ p.m. on the                      day **after** completion of the closing of the sale, during which time Seller will have the privilege to occupy the Property and hereby agrees to pay Buyer \$                      as an occupancy fee for this period payable at closing, WITHOUT PRORATION. Payment shall be made in the form of cash or certified funds.

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For purposes of determining possession, the transaction will be considered closed once all necessary documents have been signed and received by escrow agent and funds have been received by the escrow agent.

If Seller fails to deliver possession to Buyer on the agreed date, Seller shall become a tenant at sufferance and shall pay to Buyer as liquidated damages \$ 350.00 per day plus all of the Buyer's actual reasonable attorney's fees incurred in removing the Seller from the Property.

If Seller occupies the Property after closing, Seller will pay all utilities during such occupancy. Seller shall also be responsible for snow removal and/or landscape maintenance. Buyer will maintain the structure and mechanical systems at the Property. However, any repairs or replacements necessitated by Seller's misuse, abuse, or neglect of any portion of the Property will be Seller's responsibility and expense.

On the agreed delivery date, Seller shall deliver the Property free of trash and debris and in broom-clean condition, shall remove all personal property (unless otherwise stated in this or an additional written agreement), shall make arrangements for final payment on all utilities, and shall deliver all keys to Buyer.

In the event of possession by Seller after close, Buyer and Seller ☐ agree ☐ do not agree to sign the West Michigan Regional *Temporary Occupancy Addendum* to the Purchase Agreement. If signed, that Addendum shall become an integral part of this Agreement.

Exceptions:

**24. Earnest Money Deposit:** For valuable consideration, Buyer gives Seller until 6:00p.m. (time) on 11/08/2024 (date), to deliver the written acceptance of this offer and agrees that this offer, when accepted by Seller, will constitute a binding Agreement between Buyer and Seller. An Earnest Money Deposit in the amount of \$ 500.00 shall be submitted to Five Star Real Estate (insert name of broker, title company, other) within 72 hours of the Effective Date of this Agreement, and shall be applied against the Purchase Price. If the Earnest Money Deposit is not received within 72 hours of the Effective Date or is returned for insufficient funds, Seller may terminate this Agreement until such time as the Earnest Money Deposit is received. If Seller terminates this Agreement under this provision, Seller waives any claim to the Earnest Money Deposit. If the sale is not closed due to a failure to satisfy a contingency for a reason other than the fault of Buyer, the Buyer is entitled to a refund of the Earnest Money Deposit. If the sale is not closed as provided in this Agreement and Buyer and Seller do not agree to the disposition of the Earnest Money Deposit, then Buyer and Seller agree that the Broker holding the Earnest Money Deposit may notify Buyer and Seller, in writing, of Broker's intended disposition of the Earnest Money Deposit. If Buyer and Seller do not object to such disposition in writing within fifteen (15) days after the date of Broker's notice, they will be deemed to have agreed to Broker's proposed disposition; if either Buyer or Seller object and no mutually agreeable disposition can be negotiated, Broker may deposit the funds by interpleader with a court of proper jurisdiction or await further actions by Buyer and Seller. In the event of litigation involving the deposit, in whole or in part, either the Seller or the Buyer that is not the prevailing party, as determined by the court, will reimburse the other for reasonable attorneys' fees and expenses incurred in connection with the litigation, and will reimburse the Broker for any reasonable attorneys' fees and expenses incurred in connection with any interpleader action instituted. If the entity holding the Earnest Money Deposit is not the Broker, then to the extent that the terms of any escrow agreement conflict with this paragraph, then the terms and conditions of the escrow agreement shall control.

**25. Professional Advice:** Broker hereby advises Buyer and Seller to seek legal, tax, environmental and other appropriate professional advice relating to this transaction. Broker does not make any representations or warranties with respect to the advisability of, or the legal effect of this transaction. Buyer further acknowledges that REALTOR® above named in the Agreement hereby recommends to Buyer that an attorney be retained by Buyer to pass upon the marketability of the title and to ascertain that the required details of the sale are adhered to before the transaction is consummated. Buyer agrees that Buyer is not relying on any representation or statement made by Seller or any real estate salesperson (whether intentionally or negligently) regarding any aspect of the Property or this sale transaction, except as may be expressly set forth in this Agreement, a written amendment to this Agreement, or a disclosure statement separately signed by Seller.

**26. Disclosure of Information:** Buyer and Seller acknowledge and agree that the Purchase Price, terms, and other details with respect to this transaction (when closed) are not confidential, will be disclosed to REALTORS® who participate in the applicable Multiple Listing Service, and may otherwise be used and/or published by that Multiple Listing Service in the ordinary course of its business.

**27. Other Provisions:**

Commissions: Seller to pay, on buyer's behalf, a total of 3.00% of the sales price or \$- 0 -for the Buyer Broker's fee. This fee includes any commission offerings from the Listing Broker.

**28. Mergers and Integrations:** This Agreement is the final expression of the complete agreement of Buyer and Seller, and there are no oral agreements existing between Buyer and Seller relating to this transaction. This Agreement may be amended only in writing signed by Buyer and Seller and attached to this Agreement.

**29. Fax/Electronic Distribution and Electronic Signatures:** Buyer and Seller agree that any signed copy of this Agreement, and any amendments or addendums related to this transaction, transmitted by facsimile or other electronic means shall be competent evidence of its contents to the same effect as an original signed copy. Buyer and Seller further agree that an electronic signature is the legal equivalent of a manual or handwritten signature, and consent to use of electronic signatures. Buyer and Seller agree that any notice(s) required or permitted under this Agreement may also be transmitted by facsimile or other electronic means.

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30. **Wire Fraud:** Seller and Buyer are advised that wire fraud is an increasingly common problem. If you receive any electronic communication directing you to transfer funds or provide nonpublic personal information (such as social security numbers, drivers' license numbers, wire instructions, bank account numbers, etc.), **even if that electronic communication appears to be from the Broker, Title Company, or Lender, DO NOT** reply until you have verified the authenticity of the email by direct communication with Broker, Title Company, or Lender. **DO NOT** use telephone numbers provided in the email. Such requests may be part of a scheme to steal funds or use your identity.

31. **Buyer's Approval and Acknowledgment:** Buyer approves the terms of this offer and acknowledges receipt of a copy of this offer.

Buyer 1 Address \_\_\_\_\_ X   Buyer  
Buyer 1 Phone: (Res.) \_\_\_\_\_ (Bus.) \_\_\_\_\_ Booker Butler  
Print name as you want it to appear on documents.  
Buyer 2 Address \_\_\_\_\_ X \_\_\_\_\_ Buyer  
Buyer 2 Phone: (Res.) \_\_\_\_\_ (Bus.) \_\_\_\_\_  
Print name as you want it to appear on documents.

32. **Seller's Response:** The above offer is approved: ☐ As written. ☒ As written except:

The seller will provide a quit claim deed VS a warranty deed. The buyer acknowledges they have signed and will abide by the city of Muskegon's addendum for the builder's warranty and landscaping requirements. The home must be owner occupied. The sale of the home must be approved by city of Muskegon's city council. The sale price to be 159,434.00

Counteroffer, if any, expires \_\_\_\_\_, at \_\_\_\_\_ (time). Seller has the right to withdraw this counteroffer and to accept other offers until Seller or Seller's Agent has received notice of Buyer's acceptance.

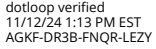
33. **Certification of Previous Disclosure Statement:** Seller certifies to Buyer that the Property is currently in the same condition as disclosed in the Seller's Disclosure Statement dated \_\_\_\_\_ (choose one): ☐ Yes ☐ No.  
Seller agrees to inform Buyer in writing of any changes in the content of the disclosure statement prior to closing.

34. **Notice to Seller:** Seller understands that consummation of the sale or transfer of the Property described in this Agreement will not relieve Seller of any liability that Seller may have under the mortgages to which the Property is subject, unless otherwise agreed to by the lender or required by law or regulation. Buyer and Seller are advised that a Notice to Seller & Buyer of Underlying Mortgage form is available from the respective agents via the West Michigan REALTOR® Boards.

35. **Listing Office Address:** \_\_\_\_\_ Listing Broker License # \_\_\_\_\_

**Listing Agent Name:** \_\_\_\_\_ Listing Agent License # \_\_\_\_\_

36. **Seller's Approval and Acknowledgment:** Seller approves the terms of this Agreement and acknowledges receipt of a copy. If Seller's response occurs after Buyer's offer expires, then Seller's response is considered a counteroffer and Buyer's acceptance is required below.

X (Seller's Signature, Date, Time):   \_\_\_\_\_  
Is Seller a U.S. Citizen or Resident Alien? ☐ Yes ☐ No\*  
Print name as you want it to appear on documents.

X (Seller's Signature, Date, Time): \_\_\_\_\_  
Is Seller a U.S. Citizen or Resident Alien? ☐ Yes ☐ No\*  
Print name as you want it to appear on documents.

Seller's Address: \_\_\_\_\_ Seller's Phone (Res.) \_\_\_\_\_ (Bus.) \_\_\_\_\_

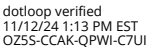
\* If Seller(s) is not a U.S. Citizen or Resident Alien, there may be tax implications and Buyer and Seller are advised to seek professional advice.

37. **Buyer's Receipt/Acceptance:** Buyer acknowledges receipt of Seller's response to Buyer's offer. In the event Seller's response constitutes a counteroffer, Buyer accepts said counteroffer. All other terms and conditions in the offer remain unchanged.

X (Buyer's Signature, Date, Time): \_\_\_\_\_

X (Buyer's Signature, Date, Time): \_\_\_\_\_

38. **Seller's Receipt:** Seller acknowledges receipt of Buyer's acceptance of counteroffer.

X (Seller's Signature, Date, Time):   \_\_\_\_\_

X (Seller's Signature, Date, Time): \_\_\_\_\_

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**\$149,900**  
1325 Terrace St, Muskegon, MI 49442

**2** beds  
**1** baths  
**816** sqft

Contact agent

Est.: \$950/mo Get pre-qualified

|                         |               |                |
|-------------------------|---------------|----------------|
| Single Family Residence | Built in 2024 | 4,791 sqft lot |
| \$149,900 Zestimate®    | \$184/sqft    | \$-- HOA       |

What's special

12 days on Zillow | 645 views | 30 saves

Zillow last checked: 3 hours ago  
Listing updated: November 12, 2024 at 08:29pm  
Listed by: Brent T Cox 616-717-1220, West Urban Realty LLC 616-717-1220  
Source: MichRIC, MLS#: 24058023





## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Title:</b> Background Investigation Services Bid |
| <b>Submitted by:</b> Timothy Kozal, Public Safety Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Department:</b> Public Safety                    |
| <b>Brief Summary:</b><br>Staff is seeking to authorize the award of Background Investigation Services to Fias Investigations, LLC for pre-employment background checks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                     |
| <b>Detailed Summary &amp; Background:</b><br>The City of Muskegon Police Department performs background checks as part of the City's pre-employment process for both sworn and civilian employees. A background check is processed prior to a candidate being selected for hire. This includes, but is not limited to inquiring about one's criminal, employment and credit history. Currently, the Neighborhood Police Unit officers perform all background checks needed for employment at the City of Muskegon. This task has become time-consuming for full-time officers to complete and has taken away from their duties as neighborhood officers. The City of Muskegon Police Department is recommending outsourcing this task to a private company for various reasons including: <ul style="list-style-type: none"><li>• <b>Reduced Bias and Increased Objectivity:</b> Private companies may approach background investigations with a more objective, neutral stance, free from internal biases.</li><li>• <b>Improved Efficiency:</b> Many private companies specialize in background checks, often with streamlined processes and dedicated resources for this specific function. They may complete investigations faster than a busy police department where officers may have multiple competing responsibilities.</li><li>• <b>Cost Savings:</b> Outsourcing to a private company may be more cost-effective for some agencies, especially if they lack the resources to dedicate full-time officers to this task. This can reduce the financial burden of hiring, training, and supervising officers specifically for background checks.</li><li>• <b>Better Use of Police Resources:</b> By outsourcing background checks, the City of Muskegon Police Department can free up officers to focus on their core responsibilities, like community policing and criminal investigations, which are often more pressing for public safety.</li><li>• <b>Specialized Expertise:</b> Private companies may have investigators with specialized skills in conducting thorough background checks, including deep dives into financial records, employment history, and social media. This expertise can enhance the depth and quality of the investigation.</li></ul> |                                                     |

The only bidder, Fias Investigations, LLC has estimated that each background investigation would take 30 hours at a rate of \$80 per hour and not to exceed 40 billable hours with no more than \$200 for administrative fees and web-based searches. The City of Muskegon Police Department estimates that no more than 8 background checks will be needed for potential City of Muskegon employees by June 30, 2025.

**Goal/Focus Area/Action Item Addressed:**

**Key Focus Areas:**

**Goal/Action Item:**

**Amount Requested:**

\$25,000

**Budgeted Item:**

|     |  |    |  |     |  |  |
|-----|--|----|--|-----|--|--|
| Yes |  | No |  | N/A |  |  |
|-----|--|----|--|-----|--|--|

**Fund(s) or Account(s):**

General Fund - Police

**Budget Amendment Needed:**

|     |  |    |  |     |  |  |
|-----|--|----|--|-----|--|--|
| Yes |  | No |  | N/A |  |  |
|-----|--|----|--|-----|--|--|

**Recommended Motion:**

I move to award the Background Investigations Services contract to Fias Investigations, LLC to provide pre-employment background checks for the City of Muskegon.

**Approvals:**

|                         |  |  |
|-------------------------|--|--|
| Immediate Division Head |  |  |
| Information Technology  |  |  |
| Other Division Heads    |  |  |
| Communication           |  |  |
| Legal Review            |  |  |

**Guest(s) Invited / Presenting:**

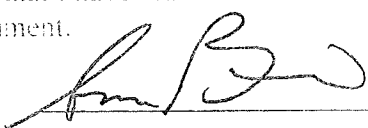
Yes

## PROPOSAL & AWARD

The undersigned having become thoroughly familiar with and understanding of all the proposal documents attached hereto, agrees to provide the services as specified herein, for the total fees as stipulated herein, subject to negotiation.

I hereby state that all of the information I have provided is true, accurate and complete. I hereby state that I have authority to submit this proposal which will become a binding contract if accepted by the City of Muskegon.

I hereby state that I have read, understand and agree to be bound by all of the terms of this proposal document.

Signature  Title Owner

Print Name Andrew P. Fias Date 11/5/2024

Firm Name Fias Investigations, LLC

Address 5116 Muskego Dr.

PO Box 395

Newaygo, MI 49337

Telephone No. 231-519-4898

E-Mail andy@fiasinv.com

Fax No. None



# Fias Investigations, LLC

P.O. Box 395  
Newaygo, MI 49337  
231-519-4898

Owner – Andrew Fias

October 28, 2024

City of Muskegon  
Clerk's Office  
933 Terrace St.  
Muskegon, MI 49440  
Ref. Background Investigation Services  
Attn: Capt. Scott Zonnebelt

Capt. Zonnebelt,

Please review the following information for consideration in awarding this contract to Fias Investigations, LLC.

I started Fias Investigations in February of 2023 after retiring from the Michigan State Police (MSP), serving nearly thirty years. Over half of my career was spent in a command role, with thirteen years working in Muskegon County. As you are aware, I have a great familiarity with the City of Muskegon and the police department.

My law enforcement career afforded me opportunities to conduct background investigations and receive training related to that service. I also work with the Ottawa County Sheriff's Department, conducting law enforcement background investigations.

I work with Andrew Ambrose, who also retired from the MSP with 25 years of experience and experience in conducting background investigations. He also served as a commander working several years in Muskegon County and is very familiar with the City of Muskegon and the police department.

Fias Investigations knows what it takes to find solid law enforcement officers and conducts thorough investigations into the current background work conducted. We will work tirelessly to recommend talented employees for the City of Muskegon and work quickly to complete the background work.

If you have any questions, please contact me at [andy@fiasinv.com](mailto:andy@fiasinv.com) or by phone at 231-519-4898.

We are excited for the opportunity to work with the City of Muskegon on this project.

Best,

Andrew Fias  
Owner  
Fias Investigations, LLC





# Fias Investigations, LLC

P.O. Box 395  
Newaygo, MI 49337  
231-519-4898

Owner – Andrew Fias

## **BACKGROUND:**

Fias Investigations, LLC was started in February of 2023 by the owner, Andrew Fias, after his retirement from the Michigan State Police (MSP). Fias Investigations is a registered Limited Liability Corporation with the State of Michigan.

Andrew Fias is the qualifying officer of a Professional Investigator Agency License issued by the Michigan Licensing and Regulatory Affairs. The license number is 3701300206 and expires on 12/31/2026. Fias Investigations is a bonded and insured agency.

Andrew Fias started with the MSP in 1994 assigned to the Newaygo Post where he worked on background investigations. He spent most of his 28 years in detective roles, primarily investigating drug related crimes. In these investigative roles he honed his skills in researching the backgrounds of individuals involved in the investigation, learning the tools available to search for information. Nearly half of his career was spent in a supervisory/command role, overseeing investigations, including background investigations.

Fias Investigations has conducted background investigations from the beginning. Besides that, every case involves significant background investigation into the subject(s) of the investigation. Often these background investigations exceed what is required for a prospective employee investigation.

Andrew Fias has also conducted background investigations for the Ottawa County Sheriff's Office on both sworn and civilian personnel.

## **UNDERSTANDING OF SERVICE:**

Fias Investigations, LLC understands this contract will be to perform background investigations as part of the City of Muskegon Police Department pre-employment process for both sworn and civilians prior to a candidate being selected for hire. This will include investigation into the applicant's criminal, employment, and credit history.

Fias Investigations will investigate the following areas:

- Local, State, and Federal criminal record search
- Employment verification for current and previous employers
- Social Security number trace
- Education verification
- Credit Report
- Social Media Report
- Reference Interview
- Candidate Interview



# Fias Investigations, LLC

P.O. Box 395  
Newaygo, MI 49337  
231-519-4898

Owner – Andrew Fias

All of these will result in a recommendation for the police department selection.

Fias Investigations also understands the need for thorough and quick background investigations. In the climate of several positions available across Michigan, and applicants filing with several agencies, Fias Investigations will work expeditiously to acquire the best applicants for Muskegon.

## LICENSING:

Fias Investigations, LLC holds a Professional Investigator Agency License from the State of Michigan, Department of Licensing and Regulatory Affairs (copy of license submitted).

Qualifying Officer: Andrew P. Fias  
License Number: 3701300206  
Expires: 12/31/2026

Fias Investigations, LLC is a registered Limited Liability Company with the State of Michigan, Department of Licensing and Regulatory Affairs (copy of license submitted).

Organizer: Andrew P. Fias  
ID Number: 803009862

Fias Investigations, LLC has an Employer Identification Number registered with the U.S. Department of Treasury:

EIN: 92-3222019

Fias Investigations, LLC has a Professional Investigator Agency Surety Bond valid through 2026.

Bond Number: S-935013  
Surety Company: NGM Insurance Company

Fias Investigations, LLC has Liability Insurance through the Campbell Group.

Insurer: Starstone National Insurance Company  
NAIC#: 25496  
Expires: 3/20/2025

Fias Investigations, LLC has Worker's Compensation and Employers Liability Insurance

Insurer: The Travelers Indemnity Company  
Policy Number: 6KUB-1W11583-7-24  
Expires: 08/15/2025



# Fias Investigations, LLC

P.O. Box 395  
Newaygo, MI 49337  
231-519-4898

Owner – Andrew Fias

## PROFESSIONAL EXPERIENCE OF EMPLOYEES:

### ANDREW FIAS:

Andrew Fias is the qualifying officer of a Professional Investigator Agency License issued by the Michigan Licensing and Regulatory Affairs. The license number is 3701300206 and expires on 12/31/2026. Fias Investigations is a bonded and insured agency.

Andrew Fias started with the MSP in 1994 assigned to the Newaygo Post where he worked on background investigations. He spent most of his 28 years in detective roles, primarily investigating drug related crimes. In these investigative roles he honed his skills in researching the backgrounds of individuals involved in the investigation, learning the tools available to search for information. Nearly half of his career was spent in a supervisory/command role, overseeing investigations, including background investigations.

Andrew Fias spent seven years working in Muskegon County and the City of Muskegon, with the West Michigan Enforcement Team (WEMET). He then went on to command the task force in all three counties surrounding Muskegon for an additional eight years. He is well respected in the Muskegon County criminal justice community.

Fias Investigations has conducted background investigations since 2023. Besides that, every investigation involves significant background investigation into the subject(s) of the investigation. Often these background investigations exceed what is required for a prospective employee investigation.

Andrew Fias has also conducted background investigations for the Ottawa County Sheriff's Office on both sworn and civilian personnel.

Andrew Fias has a significant understanding of what qualifications are needed to be a police officer and will use that skill while conducting backgrounds for the Muskegon Police Department.

### ANDREW AMBROSE:

Andrew Ambrose started with the MSP in 1998 assigned to the Manistee Post where he worked on background investigations. He spent several of his 25 years in detective roles, primarily investigating drug related crimes. In these investigative roles he honed his skills in researching the backgrounds of individuals involved in the investigation, learning the tools available to search for information. Nearly half of his career was spent in a supervisory/command role, overseeing investigations, including background investigations.

Andrew Ambrose spent five years working in Muskegon County and the City of Muskegon, with the West Michigan Enforcement Team (WEMET). He is well respected in the Muskegon County criminal justice community.



# Fias Investigations, LLC

P.O. Box 395  
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231-519-4898

Owner – Andrew Fias

Fias Investigations has conducted background investigations since 2023. Besides that, every case involves significant background investigation into the subject(s) of the investigation. Often these background investigations exceed what is required for a prospective employee investigation.

Andrew Ambrose has a significant understanding of what qualifications are needed to be a police officer and will use that skill while conducting backgrounds for the Muskegon Police Department.

## ORGANIZATIONAL CAPACITY:

Fias Investigations, LLC is a full service professional investigation agency. We conduct thorough investigations in assistance to our clients in both criminal and civil matters. These investigations regularly involve in depth investigations into the backgrounds of involved parties.

Fias Investigations, LLC conducts surveillance for clients to attempt to gain information and evidence to further investigations. We also provide executive protection to clients.

We have worked on several cases for attorney's and other clients on matters related to the backgrounds of parties. Many of these investigations have issues with attorney/client privileges and will not be able to be provided as examples of work.

Andrew Fias conducts employment background checks for the Ottawa County Sheriff's Office and will provide those as an example of prior work performed.

## REFERENCES:

CAPT. TIMOTHY BAHORSKI  
MUSKEGON CITY POLICE DEPARTMENT  
980 Jefferson St., Muskegon, MI 49440  
231-724-6750  
[tim.bahorski@shorelinecity.com](mailto:tim.bahorski@shorelinecity.com)

ATTORNEY MARC CURTIS  
MARC CURTIS LAW GROUP PLLC  
800 E. Ellis Rd., Norton Shores, MI 49441  
231-375-0971  
[mcurtis@mclglegal.com](mailto:mcurtis@mclglegal.com)

F/LT. RYAN MAKI  
MICHIGAN STATE POLICE – SIXTH DISTRICT HEADQUARTERS  
2290 4 Mile Rd. NW, Grand Rapids, MI 49544  
616-866-6666  
[MakiR1@michigan.gov](mailto:MakiR1@michigan.gov)



# Fias Investigations, LLC

P.O. Box 395  
Newaygo, MI 49337  
231-519-4898

Owner – Andrew Fias

## SCOPE OF WORK:

Fias Investigations will conduct each investigation thoroughly and consistently. Applicants will be required to submit a personal history questionnaire, providing contact information for family members, educational information, employment history, law enforcement contacts (sworn applicants), driving record, criminal history, financial information, social media accounts, military history, and references.

Investigators will then contact appropriate people, gathering information on the applicant. During this process, information provided by the applicant will be corroborated. A variety of checks will be made to also corroborate the information provided. Red flags will be identified through the course of the investigation.

The investigator will meet with the applicant to interview and obtain explanation to any of the red flags identified. The investigator will complete a report with a recommendation to the Muskegon Police Department to make a hiring decision.

- We will work investigations expeditiously with no distractions from start to finish (community officers often have other distractions while assigned backgrounds).
- A quick background will assist in selecting top candidates who have applications submitted with multiple departments.
- Investigations will be conducted by two retired MSP command officers with experience in selecting qualified candidates and providing documentation on lesser qualified candidates.
- Both investigators have tremendous work ethic and are familiar to many at MUPD.

Fias Investigations estimates completion of each background in 30 billable hours. Completion will be dependent on the cooperation of the applicant.

It is not anticipated that any investigation will take longer than 40 billable hours.

Administrative fees for web based searches could be incurred and will not exceed \$200.00.

Investigations will be invoiced at **\$80 per hour**.

No invoice will exceed **\$3400** (\$3200 for billable hours and \$200 administrative fees).

0809911

GRETCHE WHITNER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU  
PROFESSIONAL INVESTIGATOR AGENCY LICENSE



QUALIFYING OFFICER: ANDREW P FIAS

FIAS INVESTIGATIONS, LLC  
5116 MUSKEGO DR  
NEWAYGO MI 49337

LICENSE NO.  
3701300206

EXPIRATION DATE  
12/31/2026

23336041200

THIS DOCUMENT IS ONLY  
ISSUED UNDER THE LAWS OF  
THE STATE OF MICHIGAN

0519406

GRETCHE WHITNER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU  
PROFESSIONAL INVESTIGATOR LICENSE



QUALIFYING OFFICER: ANDREW PHILLIP FIAS

ANDREW PHILLIP FIAS  
5116 MUSKEGO DR  
NEWAYGO MI 49337

LICENSE NO.  
3701300108

EXPIRATION DATE  
2/28/2026

2354040200

THIS DOCUMENT IS ONLY  
ISSUED UNDER THE LAWS OF  
THE STATE OF MICHIGAN

Fias Investigations, LLC  
PO Box 395  
Newaygo, MI 49337

## INCIDENT REPORT

|                |                            |               |                  |
|----------------|----------------------------|---------------|------------------|
| ORIGINAL DATE: | 03/07/2024                 | INCIDENT NO:  | 2024-0007        |
| CASE NAME:     | [REDACTED]                 | NATURE:       | BACKGROUND CHECK |
| DATE ASSIGNED: | 03/07/2024                 |               |                  |
| CLIENT:        | [REDACTED] DR., [REDACTED] | TELEPHONE NO: | [REDACTED]       |

INCIDENT STATUS: CLOSED

## BACKGROUND CHECK – [REDACTED]

### INFORMATION:

Fias Investigations was contacted by Mr. [REDACTED] asked to conduct a background investigation on [REDACTED].

Percentages utilized for phone, email, address, etc., show probability that the address, phone or email is active and in use. My experience is that these percentages are fairly accurate when over 80%.

### DATE:

March 7, 2024

### SUBJECT OF BACKGROUND INVESTIGATION:

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

### MICHIGAN CRIMINAL HISTORY:

A search of Michigan's Criminal History file has not located a criminal record that matches [REDACTED].

### JUVENILE ARREST:

[REDACTED] was arrested on 10/18/2012 in Michigan for retail fraud 3<sup>rd</sup> degree, a misdemeanor where the value of the stolen goods is less than \$200.

### CITATIONS:

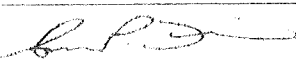
Expired Plate 2020, Drag Racing 2016, Expired plate 2014, Careless Driving 2012

### TRAFFIC CRASHES:

[REDACTED] has had four traffic crashes from 2013 to 2024.

### POSSIBLE PHONES ASSOCIATED WITH [REDACTED]:

[REDACTED] (ET) (LandLine) (88%)  
[REDACTED] (ET) (Mobile) (86%)  
[REDACTED] (ET) (LandLine) (72%)  
[REDACTED] (ET) (LandLine) (39%)

|              |                                        |                                                                                      |       |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108) |  | pg. 1 |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|

Fias Investigations, LLC  
PO Box 395  
Newaygo, MI 49337

## INCIDENT REPORT

|                   |            |                 |                  |
|-------------------|------------|-----------------|------------------|
| ORIGINAL<br>DATE: | 03/07/2024 | INCIDENT<br>NO: | 2024-0007        |
| CASE<br>NAME:     | [REDACTED] | NATURE:         | BACKGROUND CHECK |
| DATE<br>ASSIGNED: | 03/07/2024 |                 |                  |

|                         |            |                  |            |
|-------------------------|------------|------------------|------------|
| CLIENT:                 | [REDACTED] | TELEPHONE<br>NO: | [REDACTED] |
| INCIDENT STATUS: CLOSED |            |                  |            |

### POSSIBLE EMAIL:

b[REDACTED]r@yahoo.com (40%)

### EMPLOYERS:

Current employer: [REDACTED] (06/14/2021)  
[REDACTED] Telegraph Rd. Southfield, MI  
Phone: 810-560-0175

I contacted the listed phone number to confirm employment and the call went to voicemail.

Business Name: [REDACTED] (06/15/2016)  
Business Name: [REDACTED] (09/02/2014)  
Phone: [REDACTED] (ET) [REDACTED]

### CURRENT ADDRESS:

[REDACTED] (OAKLAND COUNTY) (03/29/2012 to 03/08/2024)

Subdivision Name: [REDACTED]

Current Other Phone at address

[REDACTED]  
[REDACTED]  
[REDACTED] KEVIN

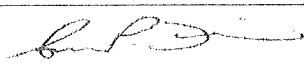
Owner:

[REDACTED]  
Assessed Value: \$93,440  
Living Square Feet: 1,004  
Land Square Feet: 8,886

### PRIOR ADDRESSES:

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

[REDACTED]  
1 [REDACTED]

|              |                                        |                                                                                      |       |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108) |  | pg. 2 |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|



Fias Investigations, LLC

PO Box 395

Newaygo, MI 49337

INCIDENT REPORT

|                   |            |                 |                  |
|-------------------|------------|-----------------|------------------|
| ORIGINAL<br>DATE: | 03/07/2024 | INCIDENT<br>NO: | 2024-0007        |
| CASE<br>NAME:     | [REDACTED] | NATURE:         | BACKGROUND CHECK |
| DATE<br>ASSIGNED: | 03/07/2024 |                 |                  |

|                         |            |                  |            |
|-------------------------|------------|------------------|------------|
| CLIENT:                 | [REDACTED] | TELEPHONE<br>NO: | [REDACTED] |
| INCIDENT STATUS: CLOSED |            |                  |            |

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

NORTH CAROLINA ADDRESS:

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

Assessed Value: \$372,600

Living Square Feet: 1,792

Land Square Feet: 9,148

CITY HISTORY (3 Found):

[REDACTED]  
[REDACTED]  
[REDACTED]

COUNTIES LOCATED (2 FOUND):

[REDACTED]  
[REDACTED]

DRIVER'S LICENSE INFORMATION (2 Found):

Checking two databases, he does not appear to have a valid driver's license.

[REDACTED]  
[REDACTED] (OAKLAND COUNTY)

Issuing State: MI

ID Type: DL

License Type: 2

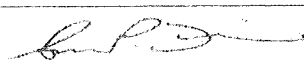
Issue Date: 05/11/2015

Expiration Date: 2016

Date of Birth: XX/XX/1995 , Born [REDACTED] years ago

[REDACTED]  
[REDACTED] (OAKLAND COUNTY)

DL State: MI

|              |                                        |                                                                                      |       |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108) |  | pg. 3 |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|

Fias Investigations, LLC  
PO Box 395  
Newaygo, MI 49337

## INCIDENT REPORT

|                         |            |               |                  |
|-------------------------|------------|---------------|------------------|
| ORIGINAL DATE:          | 03/07/2024 | INCIDENT NO:  | 2024-0007        |
| CASE NAME:              | [REDACTED] | NATURE:       | BACKGROUND CHECK |
| DATE ASSIGNED:          | 03/07/2024 |               |                  |
| CLIENT:                 | [REDACTED] | TELEPHONE NO: | [REDACTED]       |
| INCIDENT STATUS: CLOSED |            |               |                  |

Reported Date: 09/10/2014  
ID Type: DL  
Date of Birth: XX/XX/1995 , Born [REDACTED] years ago

Professional Affiliations (None Found)

Professional Licenses (None Found)

Bankruptcy Records (None Found)

Liens (None Found)

Judgments (None Found)

Current Property Deeds (None Found)

Past Property Deeds (None Found)

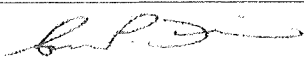
Property Foreclosures (None Found)

Property Assessments (None Found)

Evictions (None Found)

### VEHICLES REGISTERED/OWNED:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] from: (06/09/2022 to  
12/12/2024)  
Doors: 2  
MSRP: \$54,600  
Plant: INGOLSTADT, GERMANY  
Restraint Type: DRIVER AND FRONT PASSENGER FRONT  
AIRBAGS WITH OCCUPANT SENSING DEACTIVATION, FRONT  
KNEE AIRBAGS, FRONT SIDE AIRBAGS AND FRONT AND  
REAR SIDE CURTAIN AIRBAGS.  
Height: 53.9

|              |                                                                                                                             |       |
|--------------|-----------------------------------------------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108)  | pg. 4 |
|--------------|-----------------------------------------------------------------------------------------------------------------------------|-------|

Fias Investigations, LLC

PO Box 395

Newaygo, MI 49337

INCIDENT REPORT

|                   |            |                 |                  |
|-------------------|------------|-----------------|------------------|
| ORIGINAL<br>DATE: | 03/07/2024 | INCIDENT<br>NO: | 2024-0007        |
| CASE<br>NAME:     | [REDACTED] | NATURE:         | BACKGROUND CHECK |
| DATE<br>ASSIGNED: | 03/07/2024 |                 |                  |

|                         |            |                  |            |
|-------------------------|------------|------------------|------------|
| CLIENT:                 | [REDACTED] | TELEPHONE<br>NO: | [REDACTED] |
| INCIDENT STATUS: CLOSED |            |                  |            |

Width: 79.9

Wheel Base: 108.8

Wheel Dimensions: 18.0 X 8.5

Drive Type: AWD

Fuel: GAS 15.3 Gallon

Engine: 3.0L V6 TURBO

Transmission: 8 Speed AUTOMATIC

Most Current Owner/Registrant/Lien Information - 06/28/2021 to 12/12/2024

Title Holders

[REDACTED]  
[REDACTED]  
[REDACTED]

State Titled In: MI

Original Title Date: 06/28/2021

Title Transfer Date: 06/28/2021

Lien Holders

[REDACTED]  
[REDACTED] (OAKLAND COUNTY)

Lessor

None Found

Registrant

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

(06/28/2021 to 12/06/2023)

Vehicle Tag History

License Plate: MI [REDACTED] Valid from: (06/09/2022 to 12/12/2024)

Previous License Plate: [REDACTED]

License Plate: [REDACTED]

[REDACTED]

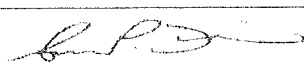
[REDACTED] JEEP -Series: SPORT -Model: WRANGLER / TJ

[REDACTED]

[REDACTED] 2 Door 4P -Vehicle Type: Truck

Weight: 3195 lbs -Length: 155.4"

Color: Unknown

|              |                                        |                                                                                      |       |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108) |  | pg. 5 |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|

**Fias Investigations, LLC**

PO Box 395

Newaygo, MI 49337

**INCIDENT REPORT**

|                         |            |                  |                  |
|-------------------------|------------|------------------|------------------|
| ORIGINAL<br>DATE:       | 03/07/2024 | INCIDENT<br>NO:  | 2024-0007        |
| CASE<br>NAME:           | [REDACTED] | NATURE:          | BACKGROUND CHECK |
| DATE<br>ASSIGNED:       | 03/07/2024 |                  |                  |
| CLIENT:                 | [REDACTED] | TELEPHONE<br>NO: | [REDACTED]       |
| INCIDENT STATUS: CLOSED |            |                  |                  |

Most Current Tag #: [REDACTED] Valid from: (02/08/2023 to 12/12/2024)

Doors: 2

MSRP: \$19,285

Plant: TOLEDO ASSEMBLY #1: TOLEDO, OHIO

Restraint Type: DRIVER AND PASSENGER FRONT AIRBAGS,  
ACTIVE BELTS

Gross Vehicle Weight Range: 4001-5000

Gross Vehicle Weight Rating: 4450

Height: 71.1

Width: 66.7

Wheel Base: 93.4

Wheel Dimensions: 15.0

Max Payload: 800

Drive Type: 4WD

Fuel: GAS 19 Gallon

Engine: 4.0L INLINE6 NATURALLY ASPIRATED

Most Current Owner/Registrant/Lien Information - 02/08/2023 to 12/12/2024

Title Holders

[REDACTED]  
[REDACTED]  
[REDACTED]

State Titled In: MI

Original Title Date: 02/08/2023

Title Transfer Date: 02/08/2023

Lien Holders

None Found

Lessors

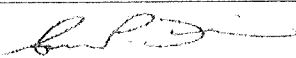
None Found

Registrant

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

(02/08/2023 to 12/06/2023)

Vehicle Tag History

|              |                                        |                                                                                      |       |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108) |  | pg. 6 |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|

**Fias Investigations, LLC**

PO Box 395

Newaygo, MI 49337

**INCIDENT REPORT**

|                         |                   |            |                 |                  |            |
|-------------------------|-------------------|------------|-----------------|------------------|------------|
|                         | ORIGINAL<br>DATE: | 03/07/2024 | INCIDENT<br>NO: | 2024-0007        |            |
|                         | CASE<br>NAME:     | [REDACTED] | NATURE:         | BACKGROUND CHECK |            |
|                         | DATE<br>ASSIGNED: | 03/07/2024 |                 |                  |            |
| CLIENT:                 | [REDACTED]        |            |                 | TELEPHONE<br>NO: | [REDACTED] |
| INCIDENT STATUS: CLOSED |                   |            |                 |                  |            |

License Plate: MI [REDACTED] Valid from: (02/08/2023 to 12/12/2024)  
Previous License Plate: MI ECU3375

FL Accidents (None Found)  
Global Watch Lists (None Found)  
US Business Affiliations (None Found)  
UCC Filings (None Found)  
US Corporate Affiliations (None Found)  
Aircraft Records (None Found)  
Pilot Licenses (None Found)  
Voter Registrations (None Found)  
Hunting Permits (None Found)  
Weapon Permits (None Found)

**Likely Associates - Summary (1 Found):**

[REDACTED] 1985 Age: 38

**Possible Associates - Summary (7 Found):**

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

**FACEBOOK:**

[REDACTED] a FACEBOOK page showing the following:

Works at [REDACTED]

Went to [REDACTED]

From [REDACTED]

Single

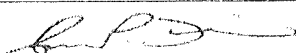
No activity since May 18, 2020

**INSTAGRAM:**

[REDACTED] has a private Instagram account: [REDACTED]

He shows 35 posts, 231 followers, 391 following

**STATUS:** Closed

|              |                                        |                                                                                      |       |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|
| Reported by: | Inv. Andrew Fias (License #3701300108) |  | pg. 7 |
|--------------|----------------------------------------|--------------------------------------------------------------------------------------|-------|

CONFIDENTIAL

# Investigation Report

10/30/2024

# SECRET

INVEST. IN C. CAPITAL: 1.50  
Andy Elias

CONFIDENTIAL

Applicant:

[REDACTED]

[REDACTED]

## Investigation Summary

Investigator: Andy Fias  
Assigned: 05/08/2024  
Completed: 06/19/2024  
Duration: 47 Days  
Disposition: Hired

[REDACTED]

Applicant: [REDACTED]

## INVESTIGATION NARRATIVE

### Personal History Questionnaire

The Personal History Statement was reviewed and the following issues were noted:

The applicant left out residency information for [REDACTED] time at [REDACTED] University. When the investigator brought it to [REDACTED] attention on 5/20/24, the applicant submitted the information on 6/12/2024.

I spoke to the applicant on 6/19/2024 at 9 am. [REDACTED] arrived at the [REDACTED] Office 10 minutes prior to the scheduled time and was wearing appropriate business attire. [REDACTED] is very attentive and has very good communication skills. [REDACTED] explained [REDACTED] interest in the corrections position and is excited for the opportunity to work for [REDACTED].

The applicant has two red flags both dealing with marijuana use by [REDACTED] and having friends that use marijuana. [REDACTED] said that her marijuana use was as [REDACTED] stated in the PHQ and the one reference ([REDACTED]) that said [REDACTED] was a frequent user in college must have mistaken [REDACTED] vaping products for marijuana use. [REDACTED] admitted to using vape pens frequently in college but not in conjunction with any illegal products.

The applicant said that [REDACTED] has one family member that uses marijuana but not in [REDACTED] presence. [REDACTED] does not associate with anyone else that uses any drugs.

Some references stated the applicant overthinks decisions. The applicant admits to overthinking things in [REDACTED] decision making process. [REDACTED] said that [REDACTED] anxiety slows [REDACTED] decision making process on occasion. The applicant says that this has improved as [REDACTED] has matured.

The applicant admits that [REDACTED] has anxiety issues and takes medication for anxiety. [REDACTED] does not believe this will effect her employment. During the interview, this investigator did not observe any anxious behavior by the applicant.

The applicant said that [REDACTED] freshman roommate at college ([REDACTED]) both lived differently and it caused that arrangement to end before the semester ended. The applicant said that [REDACTED] roommate was the one that initiated the termination of the agreement. After speaking to the applicant about this incident, this investigator believes this was an arrangement that did not work out for both roommates mutually and was not a one sided incident caused by the applicant. [REDACTED] is the only reference that submitted negative comments about the applicant. The applicant's suite mates during this same period speak very highly of the applicant. After speaking to the applicant, this investigator believes that [REDACTED] does not have direct evidence of the applicants frequent marijuana use or anxiety issues.



Applicant: [REDACTED]

---

The applicant admits that [REDACTED] had some issues with driving in the past but has improved and matured since her last traffic crash. The applicant admitted that one crash was due to being distracted by [REDACTED] phone.

This investigator supports hiring of this applicant. As stated above, the applicant is very attentive and communicates well. During [REDACTED] interview there was no evidence of anxiety. The training and experience that comes with this position will help the applicant improve in the areas noted above.

### Citizenship/Age Verification

The applicant provided scans of their birth certificate and drivers license. These items were inspected and confirmed to be authentic.

### Legal / Fingerprints / Firearms

The applicant was fingerprinted on 5/2/2024. The prints were cleared through the state and federal government with no issues found.

N-DEx- no records

[REDACTED] checked on 05/08/2024: No issues Found.

No CSA's.

No Talon Points.

No registered pistols. No CPL

### Agency Checks

A police records search of departments surrounding the places of residence and employment as well as any other areas located as possible areas of interest relating to the applicant was performed.

[REDACTED] University DPS had a complaint involving the applicant as a victim of a [REDACTED]

[REDACTED]

Applicant: [REDACTED]

---

[REDACTED] complaint. The prosecutor's office did not take action on the complaint. The applicant admitted in her interview on 6/19/2024, that this incident caused some issues with school and [REDACTED] moved back home to complete [REDACTED] online classes and have family support. [REDACTED] did seek some counseling as a result of this incident.

[REDACTED] PD provided a traffic citation written to the applicant for speeding, with a verbal warning for no proof of insurance.

The [REDACTED] SO has three at fault crashes investigated that were all uploaded under the driving record section.

### National Decertification Index (NDI)

National Decertification Index checked on 5/9/2024 with no issues found.

### Driving Record

The applicant has a valid license in the state of Michigan. The applicant shows [REDACTED] tickets in the past 10 years. Three of the tickets are related to at fault crashes and one is for speeding. The investigator located the following citations:

[REDACTED] PD Speeding 60/55 (Detected speed 70 mph) Ticket issued and paid.

Three other tickets are related to at fault crashes.

The applicant shows 3 crashes in the past 10 years. The investigator located the following accidents:

[REDACTED] Failed to stop in assured clear distance.

Accident report and citation uploaded.

[REDACTED] Failed to stop at stop sign

Accident report and citation uploaded.

[REDACTED] Failed to stop in assured clear distance.

Accident report and citation uploaded. Crash ID [REDACTED]

SOS checked on 05/08/2024:

SOS noted the follow action:

[REDACTED]

Applicant: [REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Driver's license was uploaded.

### Education Verification

The applicant graduated [REDACTED] High School with a GPA of 3.2719. [REDACTED] High School advised there were no discipline issues with the applicant.

The applicant graduated from [REDACTED] University with an Associate Degree in Criminal Justice with a 2.8 GPA. Investigator contacted [REDACTED] who stated that the applicant had no Issues while attending the institution.

### Employment History

Investigator spoke to [REDACTED], manager at [REDACTED]. [REDACTED] stated that the applicant was an excellent employee and would hate to lose [REDACTED] as an employee at [REDACTED]. [REDACTED] said that the applicant is always on time to work and works great in the team environment at the store. [REDACTED] highly recommended the applicant for employment with the [REDACTED].

I spoke to [REDACTED] from the [REDACTED] Schools Recreation Program. [REDACTED] stated the

[REDACTED]



Applicant: [REDACTED]

applicant was an excellent employee and recommended [REDACTED] for hire. [REDACTED] stated the applicant regularly had to deal with swimmers that struggled in the water. The applicant was able to handle these stressful situations very well and set an example for the other instructors and life guards to follow.

The applicant worked at [REDACTED] in [REDACTED] from January 2021 until October 2021. A message was left with her employer, [REDACTED], and I have not received a return call. The applicant admitted that [REDACTED] was paid cash when [REDACTED] worked at this location and [REDACTED] was reluctant to call based on the arrangement.

### Relatives / Personal References

Applicant has been dating [REDACTED]. [REDACTED] describes the applicant as kind, loving, energetic, and says [REDACTED] has a good sense of humor. [REDACTED] recommended [REDACTED] for hiring with the Sheriff's Office.

The applicant's parents describe [REDACTED] as loyal, reliable, hard working, and dedicated. [REDACTED] said [REDACTED] has struggled with self confidence but has improved as [REDACTED] matures. [REDACTED] said [REDACTED] can handle criticism. They say [REDACTED] strongest character feature is being ambitious, disciplined and compassionate. They both recommend her for this position.

The remaining references all said good things about the applicant. Several references were neighbors and stated [REDACTED] was good neighbor. All references recommend her for the position.

### Neighborhood Checks

Investigator spoke to college roommate, [REDACTED] to clarify answers in her questionnaire. The two lived together for 5 months during their freshman year of college from 8/2022 until 2/2023. [REDACTED] reported that she moved out due to differences with the applicant. [REDACTED] reported that the applicant had "emotional" issues and was at college for both an education and the "college experience". While [REDACTED] did not witness marijuana and alcohol use but stated it was "5 days a week" that the applicant was using. [REDACTED] said that the applicant was polite and friendly and was very respectful of [REDACTED]. I asked [REDACTED] why [REDACTED] was unsure of [REDACTED] recommendation to hire the applicant and [REDACTED] said that the applicant had sought treatment for her emotional issues and thought it would effect employment with the agency.

Investigator spoke to [REDACTED] who was a suitemate with the applicant during freshman

Applicant: [REDACTED]

year. [REDACTED] described the situation with [REDACTED] roommate as a poor match of two opposite people that eventually moved to other spots. [REDACTED] described the applicant as friendly, helpful, caring and energetic. [REDACTED] said that [REDACTED] decision making skills have improved as [REDACTED] matured. [REDACTED] recommended [REDACTED] for hire.

I spoke to [REDACTED]. [REDACTED] said that [REDACTED] lived with the applicant after [REDACTED] first freshman year roommate. [REDACTED] said that the applicant explained that the applicant and [REDACTED] first roommate were two totally different people with different interests and upbringings and it caused some issues in being roommates. [REDACTED] described the applicant as friendly and helpful. [REDACTED] said the applicant makes good decisions but tends to overthink them. [REDACTED] said the applicant has lost [REDACTED] control with [REDACTED] emotions but stated it was after a break up in a relationship. [REDACTED] recommended the applicant for hire.

Roommate [REDACTED] did not complete the survey. I left her a message to call me back and have not received a return call.

I spoke to [REDACTED] at [REDACTED] Communities at [REDACTED]. Their complex did not have any issues while the applicant rented there and rent was always paid on time.

I spoke to [REDACTED] Housing. They had no issues with the applicant. The applicant forfeited [REDACTED] deposit when [REDACTED] for terminating the rental agreement early.

## Military History

The applicant has not served in the military. [REDACTED]

## Financial Check

The applicant shows [REDACTED] in student loan debt.

The applicant shows no history of late payments or collections.

The applicant shows no public filings.

A check of the [REDACTED] showed the following financial indicators:

Bankruptcies: None found, Liens: None found, Judgements: None found.

## Social Media

[REDACTED] has an above average social media footprint. [REDACTED] posts infrequently and the latest post was on Feb 7, 2024 on [REDACTED]. [REDACTED] has an above average number of followers on social media.

Applicant:

talks mostly about love and speaks about this in a positive manner.

s sentiment has been trending down over the past 2 years.

has a below average number of flagged posts. One flag recognized the word "pot", but it was not in a drug related context.



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## PERSONAL HISTORY QUESTIONNAIRE



CONFIDENTIAL

# Investigation Report

[REDACTED]

10/30/2024

APPLICANT  
[REDACTED]

INVESTIGATOR  
ANDY FIAS

CONFIDENTIAL

[REDACTED]



Applicant:

Position: Deputy (Road  
Patrol)

SSN:

## Investigation Summary

Investigator: Andy Fias  
Assigned: 04/16/2024  
Completed: 05/15/2024  
Duration: 47 Days  
Disposition: Hired

Applicant: [REDACTED]

## INVESTIGATION NARRATIVE

### Personal History Questionnaire

#### INVESTIGATION NARRATIVE

[REDACTED] was interviewed at the [REDACTED] Office on 5/14/2024 at 10:00 a.m. [REDACTED] arrived 10 minutes early for the interview. We discussed his application to attend the [REDACTED] Police Academy in August and [REDACTED] is excited for this opportunity. [REDACTED] has been a life long resident of [REDACTED] County and attended [REDACTED] Community College and recently graduated from [REDACTED] University. [REDACTED] is honored to have an opportunity to serve the citizens as an [REDACTED] Sheriff's Department Deputy.

The system noted the 6 red flags in the applicants PHQ. The following is what the investigator noted in reference to these issues:

Has been subject of disciplinary action, including academic probation, civil fine, suspension, or expulsion from any high school(s, college/university, business, trade school, or basic course/academy:

The applicant was on academic probation at [REDACTED]. [REDACTED] transcripts also indicate struggles at [REDACTED]. The applicant admitted in [REDACTED] interview that he struggled his first year at [REDACTED] and had difficult classes attending [REDACTED]. [REDACTED] shows progression in [REDACTED] transcript and assured the investigator that [REDACTED] will succeed at the academy.

Has been disciplined at work (This includes written warnings, formal letters of counseling, reprimands, suspensions, reductions in pay, reassignments, or demotions) :

This was a minor infraction at [REDACTED]. This company spoke very highly of the applicant. The applicant stated that it was a one time error when [REDACTED] forgot [REDACTED] time card. [REDACTED] said it never happened again and [REDACTED] learned from the error.

Has quit without giving notice:

The applicant worked briefly for Herman Miller. [REDACTED] said that shortly after being hired they had cut hours for everyone rather than lay people off. [REDACTED] went from 32 hours his first week to 10-15 hours the next week. [REDACTED] said that he had taken the job through a temp agency and needed more hours and found a job that gave him more hours so [REDACTED] quit Herman Miller without notice.

Has committed an act of Trespassing

Applicant: [REDACTED]

The applicant was at Holland State Park and did not get to the gate prior to closing time. [REDACTED] said that the DNR officer let them out the gate but issued a citation for trespassing. The applicant said that they were only a few minutes late [REDACTED] gate after closing. The ticket was dismissed when the applicant explained the issue to the court.

Has committed an act of Drug use (one or more of the following): Amphetamines / Methamphetamines (Uppers, Speed, Crank, etc), Barbiturates (Downers), Cocaine / Crack Cocaine, Designer Drugs (Ecstasy, Synthetic Heroin, etc.), GHB (Date Rape Drug), Hallucinogens (Peyote, LSD, Mushrooms), Hashish / Hashish Oil, Heroin / Opium, Marijuana (with or without a prescription), Mescaline, Morphine, PCP / Angel Dust, Quaaludes, Steroids, Tetrahydrocannabinol (THC), Glue, paint, or any substance containing toluene :

The applicant admitted to smoking marijuana one time. The applicant said that [REDACTED] did not like using it and never used it again.

Is currently or has been at one point associated with friends, acquaintances, housemates, or family members who have illegally used drugs or narcotics, and/or illegally used prescription medication:

The applicant has no family members that use any drugs. The applicant has had friends and acquaintances that have used marijuana around the applicant. The applicant said that other than [REDACTED] one time use, [REDACTED] has never used with any of these friends.

Upon completion of the interview, I believe that [REDACTED] has the ability to succeed at the [REDACTED] Police Academy and continue his journey to become a Deputy for the [REDACTED] Sheriff's Office.

#### Citizenship/Age Verification

The applicant provided scans of their birth certificate and drivers license. These items were

[REDACTED]

Applicant: [REDACTED]

inspected and appeared to be authentic.

### Legal / Fingerprints / Firearms

The applicant was fingerprinted on 03/28/2024. The prints were cleared through the state and federal government with no issues found.

### Agency Checks

A DHHS Central Registry check was returned on 4/18/2024 with no records located.

The applicant has not applied to any other police agency.

Departments were contacted in [REDACTED], all reporting no issues with the applicant.

I spoke to [REDACTED] Police and they have had no contact with the applicant.

I located one LERMS report, 2019-06220093 where the applicant is a complainant in a traffic related complaint.

### National Decertification Index (NDI)

### National Decertification Index

National registry of certificate/license revocation actions related to officer misconduct.

**Status:** No Issues Found

**Date Checked:** 04/17/2024

### Driving Record

The applicant has a valid license in the state of MI.

The applicant has no traffic tickets in the last 10 years.

The applicant shows two accidents in the past 10 years. The investigator located the following accidents:

[REDACTED]

The applicant had a vehicle crash into [REDACTED] while travelling on a four lane road. The at fault

[REDACTED]



Applicant: [REDACTED]

driver changed lanes to avoid a rear end crash and crashed into the applicant who was occupying the lane.

[REDACTED]

The applicant was EB I-196 and another vehicle crashed into the applicant when traffic slowed down in front of him.

### Education Verification

The applicant attended [REDACTED] with a Human Services focus. The applicant attempted 29 credits and completed 16, with a GPA of 2.036. Investigator contacted [REDACTED] College who stated that the applicant had no Issues while attending the institution.

The applicant graduated in 2024 from [REDACTED] University. I spoke to the Student Conduct office on 5/13/2024, and the applicant had no issues while attending [REDACTED]. The applicant uploaded a transcript for [REDACTED] time at [REDACTED]. [REDACTED] major was Sociology: Social and Criminal Justice with a minor in Management. [REDACTED] GPA was 2.91.

The applicant stated that [REDACTED] has not received his diploma or official transcript from [REDACTED]. [REDACTED] stated that it could take up to a month before [REDACTED] has the final documents.

### Employment History

The applicant has worked for [REDACTED] PD since January 2024. Co-workers and supervisors all had good things to say about the applicant. All recommended [REDACTED] for hiring. The following specific comments were made from CMU PD personnel.

Comment by Sgt. [REDACTED], supervisor at [REDACTED] PD.

[REDACTED] has been the most motivated intern we have had here. [REDACTED] is smart and asks a lot of good questions while assisting with investigations. [REDACTED] is eager to learn, and I can't think of a better young applicant for your department.

Comment by Off. [REDACTED], [REDACTED] PD

What is this candidate's strongest character feature?

[REDACTED] strongest feature is [REDACTED] willingness to learn and [REDACTED] seems passionate about wanting to become a police officer.

Applicant: [REDACTED]

Comment by Off. [REDACTED], [REDACTED] PD

What kind of employee was the applicant?

Always on time, good attitude, inquisitive about police work, open to learning.

The applicant worked for [REDACTED] in a supervisory role. [REDACTED] worked summers there in 2022, 2023 and from April 2018 until January 2020. Everyone contacted stated he was a good worker and rose to a supervisor at a young age.

Comment by [REDACTED], Roskam Foods supervisor

[REDACTED] a very bright and self-motivated [REDACTED] is dependable and operates with integrity.

[REDACTED] had stated on a questionnaire that the applicant could not be trusted with confidential information. I spoke with [REDACTED] and [REDACTED] confirmed that [REDACTED] answered the question related to confidential information incorrectly. [REDACTED] said that the applicant could be trusted with confidential information.

The applicant worked briefly for [REDACTED]. The applicant quit the job without giving notice which was a red flag on the PHQ. The applicant explained that the employer promised several weekly hours when [REDACTED] was hired and did not give [REDACTED] many hours when [REDACTED] started so [REDACTED] quit without giving two weeks notice.

## Relatives / Personal References

Investigator received the following information from [REDACTED], the [REDACTED] of the applicant. They have been dating for 5 years. [REDACTED] said that the applicant communicates well. [REDACTED] described the the applicant as honest, a good driver, a team player, dependable, respectable and confident. [REDACTED] stated [REDACTED] is a great candidate for this position.

The applicants father described [REDACTED] as honest, hardworking, dependable, loyal, caring, determined, respectful, levelheaded and a team player. [REDACTED] also worked with the applicant at [REDACTED] and spoke of [REDACTED] rise to supervisor at a young age. [REDACTED] said the applicant handled the position well. [REDACTED] recommended the applicant for this position.

The applicants [REDACTED] described [REDACTED] as honest, level-headed, and responsible. [REDACTED] describes [REDACTED] as a fair, empathetic, reasonable person that relates well with people of various backgrounds. [REDACTED] is dependable and a good communicator who is able to see various viewpoints in situations and conversations. [REDACTED] shows respect and appropriateness with others.

[REDACTED] vacationed with the [REDACTED] family as the applicant grew up. [REDACTED] stated that the applicant is very caring and dependable to help people, especially the elderly. [REDACTED]



Applicant: [REDACTED]

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witness the applicant care of his aging grandparents over the years and commented on how compassionate the applicant is in this environment.

All the references for the applicant described [REDACTED] as a confident person who handles criticism well. All recommended [REDACTED] for hire by the Ottawa Co. Sheriff's Office.

### Neighborhood Checks

Investigator spoke to [REDACTED], the applicant's neighbor at [REDACTED], MI on Thursday, April 25, 2024. [REDACTED] stated that [REDACTED] was a great neighbor, and [REDACTED] could think of absolutely no reason why [REDACTED] wouldn't be a great deputy.

Investigator spoke to landlords at each [REDACTED] Realty. They said the applicant did not cause any issues as their tenant. [REDACTED] always paid his rent on time or ahead of schedule.

The applicants roommates referred to the [REDACTED] as respectful, hardworking, headstrong with a positive attitude, caring, passionate, trustworthy, kind, thoughtful, and open minded.

All recommended the applicant for hiring.

### Military History

The applicant advised that [REDACTED] has registered for the Selective Service. I was able to confirm Selective Service registration. [REDACTED] Selective Service number is 00-1809754-3.

### Financial Check

The applicant shows \$0 of overall debit. The applicant spends [REDACTED] a month for groceries, rent, and utilities.

The applicant shows no history of late payments or collections.

The applicant shows no public filings. A check of the [REDACTED] showed the following financial indicators: Bankruptcies: None Found, Liens: None Found, Judgements: None Found.

### Social Media

A social media report was completed with no issues located.

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[REDACTED]





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## Advisements, Releases, and Waivers

The applicant provided the requested documentation on time as requested.

## Misc. Documents / Questionnaires

There are no additional/miscellaneous items for this investigation.



# PERSONAL HISTORY QUESTIONNAIRE



## Agenda Item Review Form

### Muskegon City Commission

| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Title:</b> Sprint Cellular Antenna Lease Renewal |                                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------|-------------|------------------|-----------------------|------------|---------|-------------------|----|----|-------------------|-----|-----------------|-----------------------------------|-------------------|-------------------|----------------------------------------|------|--------------|-----------------------|------|---------------------------------|------------------------------|------|---------|
| <b>Submitted by:</b> Dan VanderHeide, Public Works Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Department:</b> Public Works                     |                                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| <b>Brief Summary:</b><br>Staff requests authorization to enter into a 10 year lease renewal agreement with up to 20 years of extension options with SprintCom, LLC for space on and near the Nims water tower for a cellular antenna and related equipment.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                     |                                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| <b>Detailed Summary &amp; Background:</b><br>Commission authorized Maralat, LLC, a cellular antenna industry consultant, to enter into negotiations on the City's behalf with Sprint for renewal of their lease on the Nims water tower. Staff, legal counsel and Maralat have been working with Sprint to finalize the terms of a lease extension and have reached an agreement as presented in the attached lease agreement. The table below summarizes the terms in both the prior lease and this proposed extension.                                                                                                                                                                                           |                                                     |                                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| <table border="1"><thead><tr><th>Component</th><th>Prior Lease</th><th>Proposed Renewal</th></tr></thead><tbody><tr><td>Rental Rate (Monthly)</td><td>\$2,874.64</td><td>\$3,250</td></tr><tr><td>Annual Escalation</td><td>3%</td><td>3%</td></tr><tr><td>Commencement Date</td><td>N/A</td><td>September, 2024</td></tr><tr><td>Expiration Date (With Extensions)</td><td>November 13, 2025</td><td>November 12, 2055</td></tr><tr><td>Termination Fee (Initial 10-Year Term)</td><td>None</td><td>100% of Rent</td></tr><tr><td>Equipment Upgrade Fee</td><td>None</td><td>\$325 per Month Per New Antenna</td></tr><tr><td>Administrative Signing Bonus</td><td>None</td><td>\$7,500</td></tr></tbody></table> |                                                     | Component                       | Prior Lease | Proposed Renewal | Rental Rate (Monthly) | \$2,874.64 | \$3,250 | Annual Escalation | 3% | 3% | Commencement Date | N/A | September, 2024 | Expiration Date (With Extensions) | November 13, 2025 | November 12, 2055 | Termination Fee (Initial 10-Year Term) | None | 100% of Rent | Equipment Upgrade Fee | None | \$325 per Month Per New Antenna | Administrative Signing Bonus | None | \$7,500 |
| Component                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Prior Lease                                         | Proposed Renewal                |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Rental Rate (Monthly)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$2,874.64                                          | \$3,250                         |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Annual Escalation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3%                                                  | 3%                              |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Commencement Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                 | September, 2024                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Expiration Date (With Extensions)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | November 13, 2025                                   | November 12, 2055               |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Termination Fee (Initial 10-Year Term)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | None                                                | 100% of Rent                    |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Equipment Upgrade Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                | \$325 per Month Per New Antenna |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| Administrative Signing Bonus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | None                                                | \$7,500                         |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Decrease infrastructure burden on residents, Sustainability in financial practices and infrastructure, Increase revenue<br><br><b>Goal/Action Item:</b><br>2027 GOAL 4: FINANCIAL INFRASTRUCTURE - Increase revenue                                                                                                                                                                                                                                                                                                                                                                                                                |                                                     |                                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Budgeted Item:</b>                               |                                 |             |                  |                       |            |         |                   |    |    |                   |     |                 |                                   |                   |                   |                                        |      |              |                       |      |                                 |                              |      |         |

|                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|------------------------|---|-----|----------------------|--|--|---------------|--|--|--------------|---|--|-------------------------------------------------|
| N/A                                                                                                                                                                                                                                                                                                                                                    | <table border="1"> <tr> <td>Yes</td> <td>X</td> <td>No</td> <td></td> <td>N/A</td> <td></td> <td></td> </tr> </table>                                    | Yes | X | No                     |   | N/A |                      |  |  |               |  |  |              |   |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                    | X                                                                                                                                                        | No  |   | N/A                    |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| <b>Fund(s) or Account(s):</b><br>591 (Water)                                                                                                                                                                                                                                                                                                           | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td>X</td> <td>N/A</td> <td></td> <td></td> </tr> </table> | Yes |   | No                     | X | N/A |                      |  |  |               |  |  |              |   |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                          | No  | X | N/A                    |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| <b>Recommended Motion:</b><br>Authorize staff to enter into a 10 year lease renewal agreement with up to 20 years of extension options with SprintCom, LLC for space on and near the Nims water tower for a cellular antenna and related equipment.                                                                                                    |                                                                                                                                                          |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| <b>Approvals:</b> <table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td>X</td> <td></td> </tr> </table> | Immediate Division Head                                                                                                                                  | X   |   | Information Technology |   |     | Other Division Heads |  |  | Communication |  |  | Legal Review | X |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                | X                                                                                                                                                        |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| Information Technology                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                          |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                          |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| Communication                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                          |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |
| Legal Review                                                                                                                                                                                                                                                                                                                                           | X                                                                                                                                                        |     |   |                        |   |     |                      |  |  |               |  |  |              |   |  |                                                 |

## **FIRST AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT (WATER TOWER)**

This First Amendment to Communications Site Lease Agreement (Water Tower) (the "**First Amendment**") is effective as of the last signature below (the "**Effective Date**"), by and between City of Muskegon, a Michigan municipal corporation ("**Lessor**"), and SprintCom LLC (formerly a corporation), a Kansas limited liability company ("**Lessee**") (each a "**Party**", or collectively, the "**Parties**").

Lessor and Lessee (or their predecessors-in-interest) entered into that certain Communications Site Lease Agreement (Water Tower) dated November 14, 2000, (the "**Lease**") regarding the leased premises ("**Property**") located at 1596 Superior Street #2, Muskegon, MI 49442 (collectively, the "**Premises**").

1. At the expiration of the current Term of the Lease, the term of the Lease will be extended for one additional ten (10) year term and will automatically renew for four (4) additional five (5) year terms, each included as a Renewal Term provided that Lessee may elect not to renew by providing Lessor at least thirty (30) days' notice prior to the expiration of the then current Renewal Term.
2. At the commencement of the first Renewal Term provided for in this First Amendment, Lessee shall pay Lessor three thousand two hundred fifty and 50/100 Dollars (\$3,250.50) per month as Rent by the fifth (5<sup>th</sup>) day of each calendar month. Thereafter, on each anniversary of a Renewal Term, the Rent will increase by 3% over the Rent paid during the previous year, and every year thereafter. In addition to Rent, Lessee shall owe Lessor a one-time signing bonus of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00) within 45 days of full execution of this First Amendment.
3. Commencing on full execution of this First Amendment, Lessee's obligation to pay Rent is guaranteed for a period of ten (10) years ("**Rent Guarantee Period**"). Lessee's obligation to pay Rent during the Rent Guarantee Period shall not be subject to offset by Lessee, unless any of the following exceptions apply: a) local, state or federal laws materially adversely affect Lessee's ability to operate; b) the Property or the Antenna Facilities are damaged or destroyed by wind, fire or other casualty and the Property cannot be restored within a six (6)-month time period, then, in addition to the rights set forth herein, Rent will be abated for any period of time Lessee is not able to use the Property; c) the Premises is foreclosed upon and Lessee is unable to maintain its' tenancy; d) Lessor requires Lessee to relocate the Antenna Facilities at any cost to Lessee; or e) Lessor breaches the Lease and the default issue is not cured within the applicable cure period. This Rent guarantee shall not apply to any increases in the Rent, excluding any escalations set forth in the Lease, after the execution of this First Amendment and Lessee's full termination rights under the Lease are in full force and effect. Upon expiration of the Rent Guarantee Period, Lessee has the right to terminate this Lease upon prior written notice to Lessor, for any or no reason, without further liability.

4. Notwithstanding anything to the contrary in the Lease and as of the Effective Date of this First Amendment, the Property may be used for: (a) the transmission and reception of communication signals; and (b) upon notice to Lessor, the construction, installation, operation, maintenance, repair, addition, upgrading, removal or replacement of any and all Antenna Facilities (collectively, the "**Permitted Uses**"). As of the Effective Date of this First Amendment, Lessee has the right to install 12 antennas, as well as any antenna required for E911 purposes and/or for Lessee to keep its Lessee Facilities in compliance with all applicable laws and regulations as required in the Lease. Should Lessee increase the quantity of antennas beyond 12, then Lessee shall increase its monthly rental payment to Lessor by \$325.00 for each additional antenna.
5. Notwithstanding anything to the contrary in the Lease and as of the Effective Date of the First Amendment, Lessor shall be responsible for maintaining all portions of the Premises in good order and condition, including without limitation, plumbing, elevators, the roof and support structure, landscaping and common areas, as applicable.
6. Lessee shall have the right to connect to and otherwise utilize any and all pre-existing utility related equipment, or alternatively, to construct, install, operate, maintain, repair, add, upgrade, remove or replace utility related equipment (collectively, the "**Utility Facilities**") located on or serving the Premises, which are either owned by or available to Lessor.
7. Lessee shall be responsible for all utility charges for electricity, or any other utility service used by Lessee on the Property (the "**Utility Charges**"). Lessee may install separate meters or submeters for the utility usage of Lessee. The Parties will perform a true-up during the final month of each Lease year, whereby overpayment or underpayment of Utility Charges will be invoiced or credited by Lessor to Lessee within thirty (30) days of the true-up.
  - a. Smart Submeter. Tenant may install a submeter that can be remotely managed and read ("**Smart Submeter**"). The Smart Submeter will be read on a **regular/quarterly** basis and Tenant will be directly invoiced for its Utility Fees, with a copy provided to Landlord's email address. Tenant will remit payment to the Landlord within thirty (30) days of receipt of the invoice;
8. **Relocation.**
  - a) Landlord must provide Tenant at least six (6) months written notice of any repairs, maintenance or other work (the "**Work**") during the Term of the Lease which would require the temporary relocation of the Antenna Facilities. Landlord agrees that the Work will not limit or interfere with Tenant's Permitted Uses of the Premises. Landlord will not impose additional fees, considerations, or conditions upon Tenant. If necessary, in Tenant's sole determination and expense, Tenant may elect to install a temporary communications facility (e.g. a "cell on wheels," or "COW") in another mutually agreeable location on the Property that provides Tenant coverage and service levels similar to those of the Antenna Facilities at the original location, while the Work is being performed. Tenant shall have the right to reinstall its Antenna Facilities

immediately upon the completion of the Work. Tenant or its designee shall have the right to accompany Landlord, its agents or contractors whenever the Work is being performed on the Premises. Notwithstanding anything to the contrary, Landlord shall not have the right to permanently relocate the Antenna Facilities except as set forth herein.

b) If Landlord desires to redevelop, modify, remodel, or in any way alter its Property or any improvements thereon ("**Redevelopment**"), Landlord shall in good faith use its best efforts to fully accommodate Tenant's continuing use of the Premises. If both parties to this Lease determine that the Redevelopment necessitates permanent relocation of the Antenna Facilities, Landlord shall have the right, subject to the following provisions of this section, to relocate the Antenna Facilities, or any part thereof, to an alternate location on the Property (the "**Relocation Premises**"), provided, however, that: (i) Landlord may only relocate Tenant once during the Lease; (ii) Landlord may only relocate Tenant after the Initial Term; (iii) Landlord must give Tenant at least twelve (12) months' written notice prior to such relocation; (iv) such relocation shall be performed exclusively by Tenant or its agents; and (v) such relocation shall not limit or interfere with Tenant's Permitted Uses of the Premises. Landlord shall exercise its relocation right by delivering written notice to Tenant pursuant to the Lease and shall identify in the notice the proposed Relocation Premises on the Property.

9. All notices, requests, demands and other communications shall be in writing and shall be deemed to have been delivered upon receipt or refusal to accept delivery, and are effective only when deposited into the U.S. certified mail, return receipt requested, or when sent via a nationally recognized courier to the addresses set forth below. Lessor or Lessee may from time to time designate any other address for this purpose by providing written notice to the other Party.

If to Lessee:

Sprint Property Services  
Sprint Site ID: DE85IP002-A  
Mailstop KSOPHD0101-Z2650  
6220 Sprint Parkway  
Overland Park, Kansas 66251-2650

If to Lessor:

City of Muskegon  
933 Terrace St., P.O. Box 536  
Muskegon, Michigan 49443-0536

With a copy to:

Sprint Law Department  
Sprint Site ID: DE85IP002-A



Attn.: Real Estate Attorney  
Mailstop KSOPHD0101-Z2020  
6220 Sprint Parkway  
Overland Park, Kansas 66251-2020

10. Lessee and Lessor will reasonably cooperate with each other's requests to approve permit applications and other documents related to the Premises without additional payment or consideration.
11. Lessor will execute a Memorandum of Agreement at Lessee's request. If the Premises is encumbered by a deed, mortgage or other security interest, Lessor will also execute a subordination, non-disturbance and attornment agreement.
12. Except as expressly set forth in this First Amendment, the Lease otherwise is unmodified. To the extent any provision contained in this First Amendment conflicts with the terms of the Lease, the terms and provisions of this First Amendment shall control. Each reference in the Lease to itself shall be deemed also to refer to this First Amendment.
13. This First Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic, scanned, or facsimile copies of this First Amendment will legally bind the Parties to the same extent as originals.
14. Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this First Amendment. Lessor represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of First Amendment. If Lessor is represented by any property manager, broker or any other leasing agent ("Agent"), then (a) Lessor is solely responsible for all commission, fees or other payment to Agent and (b) Lessor shall not impose any fees on Lessee to compensate or reimburse Lessor for the use of Agent, including any such commissions, fees or other payments arising from negotiating or entering into this First Amendment or any future amendment.
15. This First Amendment will be binding on and inure to the benefit of the Parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

IN WITNESS, the Parties execute this First Amendment as of the Effective Date.

**Lessor:**

**Lessee:**

**SprintCom LLC**

**City of Muskegon, a Michigan municipal corporation**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Sprint Spectrum Realty Company, LLC, a Delaware limited liability company**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |     |  |     |   |     |   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-----|---|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Title:</b> Rezoning of 1095 3rd St from B-2 to FBC, NC.                                                                                  |     |  |     |   |     |   |  |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Department:</b> Planning                                                                                                                 |     |  |     |   |     |   |  |
| <b>Brief Summary:</b><br>Staff initiated request to rezone a portion of 1095 3 <sup>rd</sup> Street from Convenience Comparison Business (B-2), to Form Based Code, Neighborhood Core.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>The City of Muskegon recently sold the former "Catholic Charities" property at the corner of 3 <sup>rd</sup> /Houston. The developer plans to rehab the existing building into apartments and to also add additional residential units, such as rowhouses, on the vacant portion of land along Houston Ave. The portion of the property that contains the existing building is zoned Form Based Code, Mainstreet. Staff is proposing to rezone the current B-2 portion of the property to Form Based Code, Neighborhood Core. Staff believes this zoning designation would allow the most flexibility for different types of housing units, as the addition is still being designed.<br><br>The Planning Commission unanimously voted (7-0, 2 absent) to recommend approval of the rezoning. |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types<br>Progress toward completion of ongoing economic development projects<br><br><b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>           | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                             | No  |  | N/A | X |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table> | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                             | No  |  | N/A | X |     |   |  |
| <b>Recommended Motion:</b><br>I move to approve the request to rezone the property at 1095 3rd St from B-2, Convenience and Comparison Business to Form Based Code, Neighborhood Core.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                             |     |  |     |   |     |   |  |
| <b>Approvals:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Guest(s) Invited / Presenting:</b>                                                                                                       |     |  |     |   |     |   |  |

|                         |   |  |    |
|-------------------------|---|--|----|
| Immediate Division Head | X |  | No |
| Information Technology  |   |  |    |
| Other Division Heads    |   |  |    |
| Communication           |   |  |    |
| Legal Review            |   |  |    |

## PLANNING COMMISSION PACKET EXCERPT

**November 12, 2024**

Hearing, Case 2024-34: Staff initiated request to rezone a portion of 1095 3<sup>rd</sup> Street from Convenience Comparison Business (B-2), to Form Based Code, Neighborhood Core.

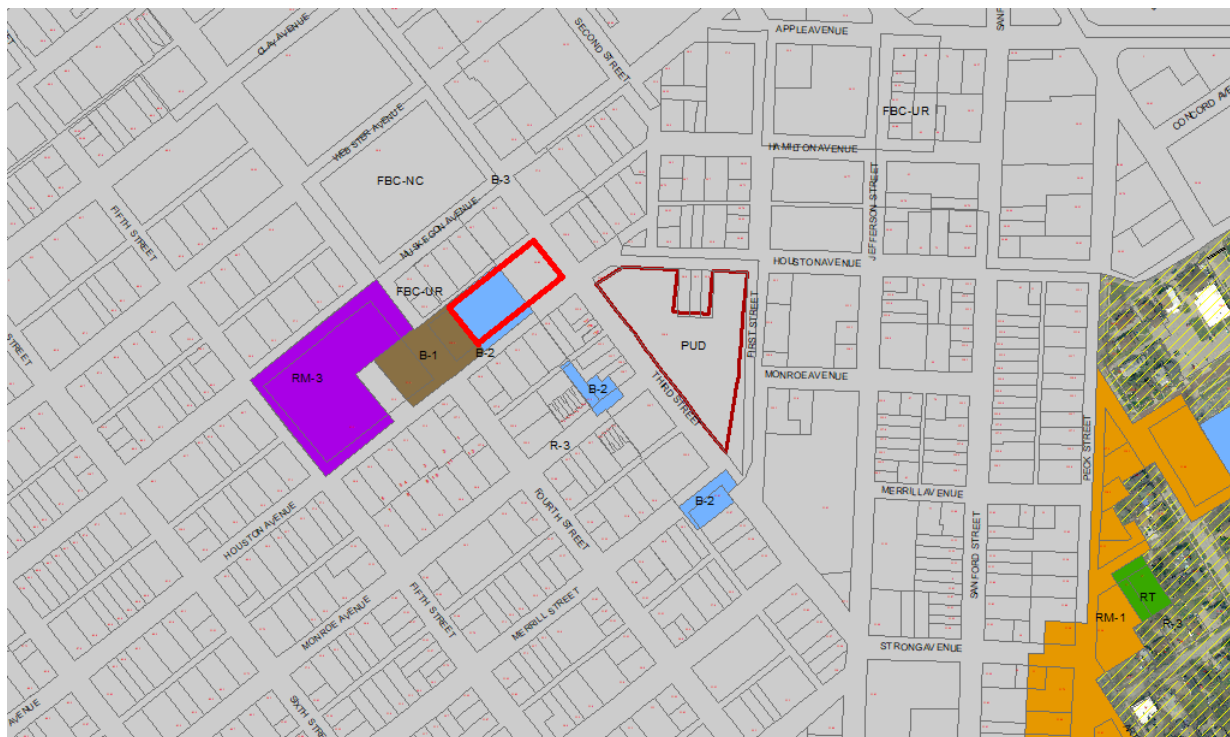
### SUMMARY

1. The City of Muskegon recently sold the former “Catholic Charities” property that is now vacant at the corner of 3<sup>rd</sup>/Houston. The developer plans to rehab the existing building into apartments and to also add additional residential units, such as rowhouses, on the vacant portion of land along Houston Ave.
2. The portion of the property that contains the existing building is zoned Form Based Code, Mainstreet.
3. Staff is proposing to rezone the current B-2 portion of the property to Form Based Code, Neighborhood Core. Staff believes this zoning designation would allow the most flexibility for different types of housing units, as the addition is still being designed.
4. Please see the enclosed zoning ordinance excerpt for FBC, NC districts.
5. Notice was sent to all parcels within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

**1095 3<sup>rd</sup> St**



## Zoning Map



## Aerial Map



CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_\_

**An ordinance to amend the zoning map of the City to provide for a zone change for 1095 3<sup>rd</sup> St from Convenience and Comparison Business (B-2) to Form Based Code, Neighborhood Core (FBC, NC).**

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 from B-2 to FBC, NC.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_

Ann Meisch, MMC

City Clerk



CERTIFICATE

(Rezoning 1095 3<sup>rd</sup> St from B-2 to FBC, NC)

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 26th day of November, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024 \_\_\_\_\_

Ann Meisch, MMC

Clerk, City of Muskegon

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

CITY OF MUSKEGON  
NOTICE OF ADOPTION

Please take notice that on November 26, 2024, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for 1095 3<sup>rd</sup> St from B-2 to FBC, NC.

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 \_\_\_\_\_, 2024

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                               |     |  |     |   |     |   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-----|---|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> Amendment to Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts. SECOND READING |     |  |     |   |     |   |  |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Department:</b> Planning                                                                                                                                                   |     |  |     |   |     |   |  |
| <b>Brief Summary:</b><br>This is a staff-initiated request to amend the zoning ordinance to allow all single-family residential lots to be considered buildable as long as they are at least 30 feet wide and 3,000 in size.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                               |     |  |     |   |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>There are currently three separate single-family residential districts in the zoning ordinance; R-1, R-2, and R-3; which all allow the same uses. The main difference between these districts is how much lot width is required to be considered a buildable lot. This proposal would eliminate R-2 and R-3 districts and change the bulk and area requirements to the current R-3 standards, which requires a minimum 30-foot lot width and 3,000 sf in size. The new Maximum Lot Coverage requirements would be 70% for buildings and 20% for pavement. During the first reading, the Maximum Lot Coverage requirements were amended to include a statement that "when a lot is covered over 80% by the combination of buildings and pavement, the remaining amount of pavement allowed must be pervious." The chart in Section 404 would be removed and the Area and Bulk Requirements would be represented as they previously were in the zoning ordinance (without a chart).<br><br>The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented. |                                                                                                                                                                               |     |  |     |   |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br>Diverse housing types<br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                               |     |  |     |   |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>                                             | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                               | No  |  | N/A | X |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>X</td><td></td></tr></table>                                   | Yes |  | No  |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                               | No  |  | N/A | X |     |   |  |
| <b>Recommended Motion:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                               |     |  |     |   |     |   |  |

I move to approve the request to amend Section 404 of the zoning as presented.

**Approvals:**

|                         |   |  |
|-------------------------|---|--|
| Immediate Division Head | X |  |
| Information Technology  |   |  |
| Other Division Heads    |   |  |
| Communication           |   |  |
| Legal Review            |   |  |

**Guest(s) Invited / Presenting:**

No

## Planning Commission Packet Excerpt

Hearing, Case 2024-27: Staff-initiated request to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.

### SUMMARY

1. There are currently three separate single-family residential districts in the zoning ordinance; R-1, R-2, and R-3; which all allow the same uses. The main difference between these districts is how much lot width is required to be considered a buildable lot. This proposal would eliminate R-2 and R-3 districts and change the bulk and area requirements to the current R-3 standards, which requires a minimum 30-foot lot width.
2. The chart in Section 404 would be removed and the Area and Bulk Requirements would be represented as they previously were in the zoning ordinance (without a chart).

*Proposed amendments (redline version)*

#### Section 404: Area and Bulk Requirements

|                               | <u>R-1</u>                                       | <u>R-2</u>                                       | <u>R-3</u>                                       |
|-------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| <u>Minimum Lot Size</u>       | <u>6,000 square feet</u>                         | <u>4,000 square feet</u>                         | <u>3,000 square feet</u>                         |
| <u>Minimum Lot Width</u>      | <u>50 feet</u>                                   | <u>40 feet</u>                                   | <u>30 feet</u>                                   |
| <u>Maximum Lot Coverage</u>   | <u>Buildings: 50%</u><br><u>Pavement: 10%</u>    | <u>Buildings: 60%</u><br><u>Pavement: 15%</u>    | <u>Buildings: 70%</u><br><u>Pavement: 20%</u>    |
| <u>Height Limit*</u>          | <u>2 stories or 35 feet**</u>                    | <u>2 stories or 35 feet**</u>                    | <u>2 stories or 35 feet**</u>                    |
| <u>Front Build-to-Zone***</u> | <u>10-30 feet</u>                                | <u>10-30 feet</u>                                | <u>10-30 feet</u>                                |
| <u>Rear Setback</u>           | <u>15 feet</u>                                   | <u>15 feet</u>                                   | <u>15 feet</u>                                   |
| <u>Side Setback</u>           | <u>1 story: 6 feet</u><br><u>2 story: 8 feet</u> | <u>1 story: 6 feet</u><br><u>2 story: 7 feet</u> | <u>1 story: 5 feet</u><br><u>2 story: 5 feet</u> |

\* Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

\*\* Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

\*\*\* New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property. For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements. All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.

*New Language Proposed:*

**SECTION 404: AREA AND BULK REQUIREMENTS**

1. Minimum lot size: 3,000 sq. feet.

2. Maximum lot coverage:

Buildings: 70%

Pavement 20%\*

\*When a lot is covered over 80% by the combination of buildings and pavement, the remaining amount of pavement allowed must be pervious.

3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

4. Height limit: 2 stories or 35 feet. Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

5. Front Setbacks:

Minimum: 10 feet

Maximum: 30 feet

Note: New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.

For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.

All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.

6. Rear setback: 15 feet

7. Setback from the ordinary high-water mark or wetland: 30 feet (principal structures only).

8. Side setbacks: 5 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.

9. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

~~\* Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).~~

~~\*\* Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.~~

~~\*\*\* New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.~~

~~For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.~~

~~All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.~~



CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article 404 of the zoning ordinance is amended as follows:

SECTION 404: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 3,000 sq. feet.

2. Maximum lot coverage:

Buildings: 70%

Pavement 20%

\*When a lot is covered over 80% by the combination of buildings and pavement, the remaining amount of pavement allowed must be pervious.

3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

4. Height limit: 2 stories or 35 feet. Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

5. Front Setbacks:

Minimum: 10 feet

Maximum: 30 feet

Note: New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.

For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.

All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings. Rear setback: 15 feet

6. Rear setback: 15 feet
7. Setback from the ordinary high-water mark or wetland: 30 feet (principal structures only).
8. Side setbacks: 5 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.

9. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided:
  - a. The building has an approved fire rating for zero-lot line development under the building code.
  - b. The building has adequate fire access preserved pursuant to fire code requirements.
  - c. The zero lot line side is not adjacent to a street,
  - d. A maintenance access agreement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
  - e. It is not adjacent to wetlands or waterfront.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of November 2024, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ann Meisch, MMC

Clerk, City of Muskegon

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

**CITY OF MUSKEGON**  
**NOTICE OF ADOPTION**

Please take notice that on November 26, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.

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 \_\_\_\_\_, 2024.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                     |    |  |     |   |  |     |  |    |  |     |   |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|-----|---|--|-----|--|----|--|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Title:</b> Amendment to Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.<br>SECOND READING |    |  |     |   |  |     |  |    |  |     |   |  |
| <b>Submitted by:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Department:</b> Planning                                                                                                                                                                                         |    |  |     |   |  |     |  |    |  |     |   |  |
| <b>Brief Summary:</b><br>This is a staff-initiated request to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                     |    |  |     |   |  |     |  |    |  |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>Currently, single-family is the only housing option in R districts. This proposal recommends allowing duplexes, triplexes and accessory dwelling units (under certain conditions) in these districts. Duplexes would have to be on lots at least 40 feet wide. Triplexes would have to be on lots at least 50 feet wide and must have an alley in the back. Accessory Dwelling Units would have to be located behind an existing housing unit.<br><br>The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented. |                                                                                                                                                                                                                     |    |  |     |   |  |     |  |    |  |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                     |    |  |     |   |  |     |  |    |  |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>                                                                      |    |  |     |   |  | Yes |  | No |  | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                     | No |  | N/A | X |  |     |  |    |  |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>                                                            |    |  |     |   |  | Yes |  | No |  | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                     | No |  | N/A | X |  |     |  |    |  |     |   |  |
| <b>Recommended Motion:</b><br>I move to approve the amendments to Section 400 of the zoning ordinance as proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                     |    |  |     |   |  |     |  |    |  |     |   |  |
| <b>Approvals:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Guest(s) Invited / Presenting:</b>                                                                                                                                                                               |    |  |     |   |  |     |  |    |  |     |   |  |

|                         |   |  |    |
|-------------------------|---|--|----|
| Immediate Division Head | X |  | No |
| Information Technology  |   |  |    |
| Other Division Heads    |   |  |    |
| Communication           |   |  |    |
| Legal Review            |   |  |    |



## Planning Commission Packet Excerpt

Hearing, Case 2024-28: Staff-initiated request to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

### SUMMARY

1. Currently, single-family is the only housing option in R districts. This proposal recommends allowing duplexes, triplexes and accessory dwelling units (under certain conditions) in these districts.

#### *Proposed amendments (redline version)*

##### SECTION 400: PRINCIPAL USES PERMITTED

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

1. One Family detached dwellings.
- ~~2. Multiple family dwellings under the following conditions:~~Duplexes on lots that are at least forty (40) feet wide.
3. Triplexes with the following conditions:
  - a. The lot must be at least fifty (50) feet wide.
  - b. The lot must be serviced by an alley in the rear.
  - c. Parking areas must be set back at least forty (40) feet from the front property line and may not be accessed from the front street.
4. Accessory dwelling units with the following conditions:
  - a. The accessory dwelling unit must be detached and accessory to a principle structure.
  - b. The accessory dwelling unit is allowed in conjunction with a one-family detached, duplex, or triplex.
  - c. The accessory dwelling unit must be located behind the front building line of the principal structure.
- ~~2.5.~~Existing multiple-family buildings may add additional dwelling units as long as they meet the living area standards listed in Section 2319.
  - ~~a. The home has already been altered with prior approval to allow for multiple dwellings. One family dwellings may not be altered to allow for multiple dwellings, nor may new homes be built for multiple dwellings.~~
  - ~~b. Homes that have already been altered for multiple dwellings may add additional dwellings as long they meet the living area standards listed in Section 2319.~~
- ~~3.6.~~Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article 400 of the zoning ordinance is amended as follows:

SECTION 400: PRINCIPAL USES PERMITTED

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

1. One Family detached dwellings.
2. Duplexes on lots that are at least forty (40) feet wide.
3. Triplexes with the following conditions:
  - a. The lot must be at least fifty (50) feet wide.
  - b. The lot must be serviced by an alley in the rear.
  - c. Parking areas must be set back at least forty (40) feet from the front property line and may not be accessed from the front street.
4. Accessory dwelling units with the following conditions:
  - a. The accessory dwelling unit must be detached and accessory to a principle structure.
  - b. The accessory dwelling unit is allowed in conjunction with a one-family detached, duplex, or triplex.
  - c. The accessory dwelling unit must be located behind the front building line of the principal structure.
5. Existing multiple-family buildings may add additional dwelling units as long as they meet the living area standards listed in Section 2319.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ann Meisch, MMC

Clerk, City of Muskegon

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

**CITY OF MUSKEGON**  
**NOTICE OF ADOPTION**

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

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 \_\_\_\_\_, 2024.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        |     |  |             |   |     |                                                 |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-------------|---|-----|-------------------------------------------------|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                      | <b>Title:</b> Amendment to Article II of the zoning ordinance to create a definition for accessory dwelling unit. SECOND READING                                                                                                                                                                                                                                                       |     |  |             |   |     |                                                 |  |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                   | <b>Department:</b> Planning                                                                                                                                                                                                                                                                                                                                                            |     |  |             |   |     |                                                 |  |
| <b>Brief Summary:</b><br>This is a staff-initiated request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                        |     |  |             |   |     |                                                 |  |
| <b>Detailed Summary &amp; Background:</b><br>Proposed definition:<br>Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space.<br><br>The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented. |                                                                                                                                                                                                                                                                                                                                                                                        |     |  |             |   |     |                                                 |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br>Diverse housing types<br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                        |     |  |             |   |     |                                                 |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                        | <b>Budgeted Item:</b><br><table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;">X</td> <td style="width: 12.5%;"></td> </tr> </table>           | Yes |  | No          |   | N/A | X                                               |  |
| Yes                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                        | No  |  | N/A         | X |     |                                                 |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                   | <b>Budget Amendment Needed:</b><br><table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;">X</td> <td style="width: 12.5%;"></td> </tr> </table> | Yes |  | No          |   | N/A | X                                               |  |
| Yes                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                        | No  |  | N/A         | X |     |                                                 |  |
| <b>Recommended Motion:</b><br>I move to approve the request to amend Article II of the zoning ordinance as presented.                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                        |     |  |             |   |     |                                                 |  |
| <b>Approvals:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 30%;"></td> </tr> <tr> <td>Information</td> <td></td> <td></td> </tr> </table>                                                  | Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                | X   |  | Information |   |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                | X                                                                                                                                                                                                                                                                                                                                                                                      |     |  |             |   |     |                                                 |  |
| Information                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                        |     |  |             |   |     |                                                 |  |

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| Technology           |  |  |  |
| Other Division Heads |  |  |  |
| Communication        |  |  |  |
| Legal Review         |  |  |  |



## Planning Commission Packet Excerpt

Hearing, Case 2024-29: Staff-initiated request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

### SUMMARY

1. A definition for accessory dwelling unit must be created.

#### *Proposed amendments (redline version)*

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Does not include any building or structure designed to be used for human habitation.

Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II of the zoning ordinance is amended as follows:

Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ann Meisch, MMC

Clerk, City of Muskegon

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

**CITY OF MUSKEGON**  
**NOTICE OF ADOPTION**

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

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 \_\_\_\_\_, 2024.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |   |                                                                                                                                                                    |   |     |                                                 |    |  |     |   |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----|-------------------------------------------------|----|--|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                 |   | <b>Title:</b> Amendment to Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename the single-family residential district.<br>SECOND READING |   |     |                                                 |    |  |     |   |  |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                                                              |   | <b>Department:</b> Planning                                                                                                                                        |   |     |                                                 |    |  |     |   |  |
| <b>Brief Summary:</b><br>This is a staff-initiated request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.                                                                                                                                                                                                                                                            |   |                                                                                                                                                                    |   |     |                                                 |    |  |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>If the request to allow duplexes, triplexes and accessory dwelling units is approved, the name of the zoning designation should be changed to reflect the types of houses allowed. Staff proposes changing the name from "Single-Family Residential" to "Neighborhood Residential."<br><br>The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented. |   |                                                                                                                                                                    |   |     |                                                 |    |  |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types<br><br><b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                   |   |                                                                                                                                                                    |   |     |                                                 |    |  |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                   |   | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>                     |   | Yes |                                                 | No |  | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                               |   | No                                                                                                                                                                 |   | N/A | X                                               |    |  |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                              |   | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |   | Yes |                                                 | No |  | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                               |   | No                                                                                                                                                                 |   | N/A | X                                               |    |  |     |   |  |
| <b>Recommended Motion:</b><br>I move to approve the request to amend Article IV of the zoning ordinance as presented.                                                                                                                                                                                                                                                                                                                             |   |                                                                                                                                                                    |   |     |                                                 |    |  |     |   |  |
| <b>Approvals:</b><br><table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> </table>                                                                                                                                                                                                                                                                                                                                 |   | Immediate Division Head                                                                                                                                            | X |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |    |  |     |   |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                           | X |                                                                                                                                                                    |   |     |                                                 |    |  |     |   |  |

|                        |  |  |  |
|------------------------|--|--|--|
| Information Technology |  |  |  |
| Other Division Heads   |  |  |  |
| Communication          |  |  |  |
| Legal Review           |  |  |  |

## Planning Commission Packet Excerpt

Hearing, Case 2024-30: Staff-initiated request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

### SUMMARY

1. If the request to allow duplexes, triplexes and accessory dwelling units is approved, the name of the zoning designation should be changed to reflect the types of houses allowed. Staff proposes changing the name from “Single-Family Residential” to “Neighborhood Residential.”

*Proposed amendments (redline version)*

#### ARTICLE IV – ~~R SINGLE-FAMILY~~NEIGHBORHOOD RESIDENTIAL DISTRICTS

~~R-1, SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICTS,  
R-2, SINGLE-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICTS,  
R-3, SINGLE-FAMILY HIGH-DENSITY RESIDENTIAL DISTRICTS~~

#### PREAMBLE

The R Neighborhood Residential Districts are designed to provide a variety of housing choices on a range of lot sizes. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to detached houses, duplexes, triplexes, accessory dwelling units, and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. All homes in these districts must meet the residential design criteria established in Section 2319.

~~These districts are designed to allow for low, medium and high density single family residential development in the proper blocks. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of this Article to recognize that blocks throughout the City of Muskegon have been platted and developed in different sizes and road frontages and that development standards should reflect each specific block type. All single family residential districts all allow the same permitted uses, only the area & bulk requirements differ. All homes in these districts must meet the residential design criteria established in Section 2319.~~



CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II of the zoning ordinance is amended as follows:

ARTICLE IV – R NEIGHBORHOOD RESIDENTIAL DISTRICTS

PREAMBLE

The R Neighborhood Residential Districts are designed to provide a variety of housing choices on a range of lot sizes. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to detached houses, duplexes, triplexes, accessory dwelling units, and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. All homes in these districts must meet the residential design criteria established in Section 2319.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ann Meisch, MMC

Clerk, City of Muskegon

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

**CITY OF MUSKEGON**  
**NOTICE OF ADOPTION**

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

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 \_\_\_\_\_, 2024.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                  |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|--|-----|--|----|--|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> Amendment to Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units. SECOND READING |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Department:</b> Planning                                                                                                                                                      |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
| <b>Brief Summary:</b><br>This is a staff-initiated request to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units. Staff is proposing to reduce the minimum number of parking spaces required per dwelling unit from two to one.                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                  |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>Only one parking space per dwelling unit was required for residential uses prior to an ordinance amendment in 2002. Large apartment complexes continue to overdevelop parking lots based on the zoning ordinance's requirements. Staff had considered proposing to eliminate parking minimums altogether, as is the case in form-based code districts, but based on public feedback a reduction to one parking space per dwelling unit is being proposed instead.<br><br>The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented. |                                                                                                                                                                                  |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types<br><br><b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                  |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                  |    | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |     |   |  | Yes |  | No |  | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                  | No |                                                                                                                                                          | N/A | X |  |     |  |    |  |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                  |    | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> |     |   |  | Yes |  | No |  | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                  | No |                                                                                                                                                          | N/A | X |  |     |  |    |  |     |   |  |
| <b>Recommended Motion:</b><br>I move to approve the amendments to Section 2326 of the zoning ordinance as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                  |    |                                                                                                                                                          |     |   |  |     |  |    |  |     |   |  |
| <b>Approvals:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                  |    | <b>Guest(s) Invited / Presenting:</b>                                                                                                                    |     |   |  |     |  |    |  |     |   |  |

|                         |   |  |    |
|-------------------------|---|--|----|
| Immediate Division Head | X |  | No |
| Information Technology  |   |  |    |
| Other Division Heads    |   |  |    |
| Communication           |   |  |    |
| Legal Review            |   |  |    |

## Planning Commission Packet Excerpt

Hearing, Case 2024-31: Staff-initiated request to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

### SUMMARY

1. Only one parking space per dwelling unit was required for residential uses prior to an ordinance amendment in 2002. Large apartment complexes continue to overdevelop parking lots based on the zoning ordinance's requirements. Staff had considered proposing to eliminate parking minimums altogether, as is the case in form-based code districts, but based on public feedback a reduction to one parking space per dwelling unit is being proposed instead.

*Proposed amendments (redline version)*

| TABLE IB: PARKING STANDARDS                       |                                                                                                  |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------|
| USE                                               | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE                                             |
| <b>RESIDENTIAL &amp; RELATED USES</b>             |                                                                                                  |
| Bed and breakfast operations                      | One (1) space for each sleeping room, plus two (2) spaces for permanent residents.               |
| Boarding houses, fraternities, sororities         | One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater. |
| Community residential care facilities < 6 persons | Four (4) spaces.                                                                                 |
| Convalescent homes, convents or similar uses      | One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.          |
| Mobile home parks                                 | Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee. |
| Multiple family dwellings                         | <del>Two</del> <u>One (1)</u> spaces for each dwelling unit.                                     |
| Single and two family dwellings                   | <del>Two</del> <u>One (1)</u> spaces for each dwelling unit.                                     |

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article Section 2326 of the zoning ordinance is amended as follows:

| TABLE IB: PARKING STANDARDS                       |                                                                                                  |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------|
| USE                                               | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE                                             |
| <b>RESIDENTIAL &amp; RELATED USES</b>             |                                                                                                  |
| Bed and breakfast operations                      | One (1) space for each sleeping room, plus two (2) spaces for permanent residents.               |
| Boarding houses, fraternities, sororities         | One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater. |
| Community residential care facilities < 6 persons | Four (4) spaces.                                                                                 |
| Convalescent homes, convents or similar uses      | One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.          |
| Mobile home parks                                 | Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee. |
| Multiple family dwellings                         | One (1) space for each dwelling unit.                                                            |
| <u>Single and two family dwellings</u>            | One (1) space for each dwelling unit.                                                            |

This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ann Meisch, MMC

Clerk, City of Muskegon

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



**CITY OF MUSKEGON**  
**NOTICE OF ADOPTION**

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

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 \_\_\_\_\_, 2024.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                          |     |  |                                                 |   |     |   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|-------------------------------------------------|---|-----|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                           | <b>Title:</b> Amendment to Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and triplexes.<br>SECOND READING                                                                                                                                                                                                             |     |  |                                                 |   |     |   |  |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                        | <b>Department:</b> Planning                                                                                                                                                                                                                                                                                                                                              |     |  |                                                 |   |     |   |  |
| <b>Brief Summary:</b><br>This is a staff-initiated request to make minor amendments to the design criteria in the form-based code to allow single-family houses to be converted into duplexes and triplexes, under certain conditions.                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                          |     |  |                                                 |   |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>Within the form-based code districts, a few minor design requirements could prevent converting a single-family house into a duplex or triplex. Please see the enclosed Planning Commission Excerpt that depicts these changes in more detail.<br><br>The Planning Commission unanimously (6-0, 2 abstain, 1 absent) voted to approve the request as presented. |                                                                                                                                                                                                                                                                                                                                                                          |     |  |                                                 |   |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types<br><br><b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                          |     |  |                                                 |   |     |   |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                             | <b>Budgeted Item:</b><br><table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"></td> <td style="width: 15%;">No</td> <td style="width: 15%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;">X</td> <td style="width: 15%;"></td> </tr> </table>           | Yes |  | No                                              |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                          | No  |  | N/A                                             | X |     |   |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                        | <b>Budget Amendment Needed:</b><br><table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"></td> <td style="width: 15%;">No</td> <td style="width: 15%;"></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;">X</td> <td style="width: 15%;"></td> </tr> </table> | Yes |  | No                                              |   | N/A | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                          | No  |  | N/A                                             | X |     |   |  |
| <b>Recommended Motion:</b><br>I move to approve the amendments to Article XX of the zoning ordinance as presented.                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                          |     |  |                                                 |   |     |   |  |
| <b>Approvals:</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">X</td> <td style="width: 30%;"></td> </tr> </table>                                                                                                                                                           | Immediate Division Head                                                                                                                                                                                                                                                                                                                                                  | X   |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |   |     |   |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                     | X                                                                                                                                                                                                                                                                                                                                                                        |     |  |                                                 |   |     |   |  |

|                        |  |  |  |
|------------------------|--|--|--|
| Information Technology |  |  |  |
| Other Division Heads   |  |  |  |
| Communication          |  |  |  |
| Legal Review           |  |  |  |

## Planning Commission Packet Excerpt

Hearing, Case 2024-32: Staff-initiated request to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

### SUMMARY

1. Within the form-based code districts, a few minor design requirements could prevent converting a single-family house into a duplex or triplex.
2. These requirements for Duplex Buildings include (requirements written in black. Suggested amendments written in red):
  - a. Duplexes require “Entrances to upper floor unit(s) to be located at the front and/or side street and shall be directly accessed from and face the street (2006.16, 4.0, B.). **Add language stating that existing Detached House Buildings may add an additional unit without meeting this requirement.**
  - b. Stoop Frontage Option for a Detached House allows for entry doors to be uncovered with no canopy or supported roof (2006.17, B., 2.) while duplexes require that entry doors be covered with a roof supported with columns. **Add uncovered porches as an option for Duplex Buildings.**
  - c. Engaged Porch Frontage Option for a Duplex requires that a minimum of 50% of the building facade projects either beyond the line of the porch columns or flush with the porch columns (2006.16, H.), while a Detached House requires a minimum of 33% (2006.17, H.). **Reduce the 50% requirement for Duplex Buildings to 33%.**
3. These requirements for Small Multiplex Buildings include (requirements written in black. Suggested amendments written in red):
  - a. Small Multiplexes shall have an 18” to 32” pilaster or wall surface every 18 to 30 feet along building facades facing streets. Pilasters shall extend vertically from grade to cornice expression line (this is not a requirement for the Detached House Building Type). **Remove this requirement.**
  - b. 10’ minimum ground floor ceiling height (9’ for Detached House Building Type). **Reduce this requirement from 10’ to 9’ for Small Multiplexes.**
  - c. Different types of entry door treatments are required for Small Multiplexes and Detached Houses (2006.14, 9.01, A.2.). **Add uncovered porches as an option for Small Multiplexes.**
  - d. 18” minimum stoop height for a Small Multiplex is higher than the 12” minimum for a Detached House. **Reduce the minimum stoop height for Small Multiplex Buildings from 18” to 12”.**
  - e. A Small Multiplex Building requires that 10% to 50% of the façade between the adjacent grade and the finish floor line of the second story be windows, but Detached House Buildings require 40% to 60% be windows. **Increase the maximum percentage for Small Multiplex Buildings from 50% to 60%.**
  - f. Engaged Porch Frontage Option for a Small Multiplex requires that a minimum of 50% of the building facade projects either beyond the line of the porch columns or flush with the porch columns while a Detached House requires a minimum of 33%. **Reduce the 50% requirement for Small Multiplex Buildings to 33%.**
4. Please see the proposed amendments on the following pages. A redlined version is not compatible with the document type that is used for the form-based code. Instead, proposed amendments have been highlighted.

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XX of the zoning ordinance is amended as follows:

**SECTION 2006**

**BUILDING TYPE STANDARDS**

**2006.14 SMALL MULTI-PLEX BUILDING TYPE**

**7.0 FACADE COMPOSITION REQUIREMENTS**

ILLUSTRATION 6.72 FACADE COMPOSITION REQUIREMENTS



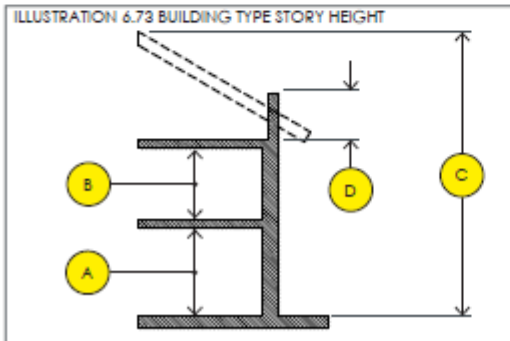
Refer to Illustration 6.72 for Building Type facade composition requirements.

- A. Building may have a flat roof with parapet or a pitched (sloped) roof.
- B. Buildings with flat roof shall have a cornice expression line at roofline.
- C. Transparency Upper Stories: Building facades facing streets shall have 10% to 50% of the façade be windows between the finish floor line of the second story and bottom of cornice expression line or eave.
- D. Transparency Street / Sidewalk Level: Refer to Building Frontage options for transparency requirements at the street and sidewalk level.
- E. Upper windows shall be square or vertically proportioned with clear glass. Refer to definitions in Division 11 for clear glass requirements.

F. Building shall have an 18" to 32" plaster or wall surface every 18 to 30 feet along building facades facing streets. Plasters shall extend vertically from grade to cornice expression line.

**8.0 BUILDING TYPE STORY HEIGHT**

ILLUSTRATION 6.73 BUILDING TYPE STORY HEIGHT



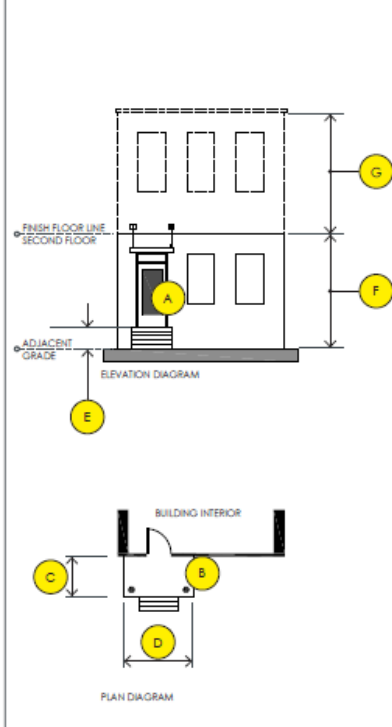
Refer to Illustration 6.73 for Building Type story height requirements.

- A. Ground floor ceiling shall be 8 feet minimum.
- B. Upper floor ceilings shall be 8 feet minimum.
- C. Overall height of Building Type is regulated by Context Area, refer to Section 2005.
- D. On Building Type with flat roof option, the height of parapet wall shall be between 12" minimum and 4 feet maximum, measured from roof line.

## 2006.14 SMALL MULTI-PLEX BUILDING TYPE

## 9.01 BUILDING TYPE FRONTAGE OPTION 1: STOOP

ILLUSTRATION 6.75 FRONTAGE COMPOSITION REQUIREMENTS



## STOOP COMPOSITION REQUIREMENTS

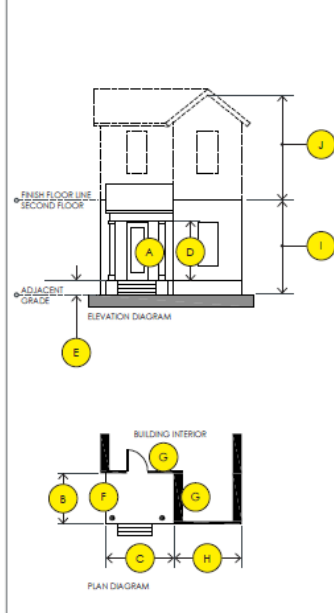
Refer to Illustration 6.75 for frontage composition graphic reference.

- A. Entry door(s) are required to be elevated above adjacent grade. Elevated entry doors shall have one of the following treatments:
  1. Covered with a supported roof. Roof shall be supported with columns.
  2. Covered with a canopy. Canopy shall be cantilevered or supported by brackets or cables.
  3. Uncovered (with no canopy or supported roof).
- B. Depth of stoop landing shall be 4 feet minimum.
- C. Width of stoop landing shall be 5 feet minimum.
- D. Stoop shall be 12" minimum above adjacent grade.
- E. Transparency: Stoop frontage shall have 10% to 60% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- F. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

## 2006.14 SMALL MULTI-PLEX BUILDING TYPE

## 9.03 BUILDING TYPE FRONTAGE OPTION 3: ENGAGED PORCH

ILLUSTRATION 6.79 FRONTAGE COMPOSITION REQUIREMENTS



## ENGAGED PORCH COMPOSITION REQUIREMENTS

Refer to Illustration 6.79 for frontage composition graphic reference.

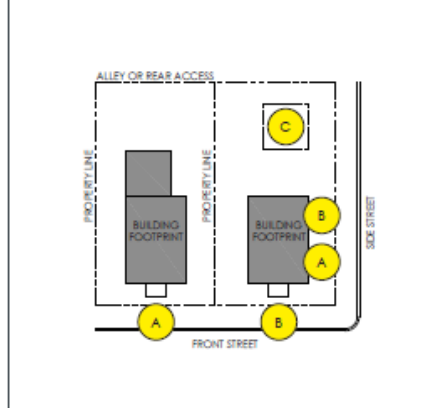
- A. Depth of porch shall be 6 feet minimum.
- B. Width of porch shall be 8 feet minimum.
- C. Height of porch ceiling, measured from porch floor shall be 6 feet minimum.
- D. Porch shall be 18" minimum above adjacent grade.
- E. Engaged porches shall be open on two sides (no walls on two sides).
- F. Engaged porches shall have building walls on two sides.
- G. A minimum of 33% of the building façade shall project either beyond the line of the porch columns or flush with the porch columns.
- H. Transparency: Porch frontage shall have 10% to 50% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- I. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

#### 4.0 GROUND FLOOR ACTIVATION AND PEDESTRIAN ACCESS

Refer to Illustration 6.91 for Building Type ground floor activation and pedestrian access graphic representation.

- A. Entrances to ground floor unit(s) are required to be located at the front and / or side street and shall be directly accessed from and face the street.
- B. Entrances to upper floor unit(s) are required to be located at the front and / or side street and shall be directly accessed from and face the street. Existing Detached House Buildings may add an additional unit without meeting this requirement.
- C. Carriage House entrances shall be as required by the Carriage House Building Type in Section 2006.18.

ILLUSTRATION 6.91 BUILDING SIZE AND MASS



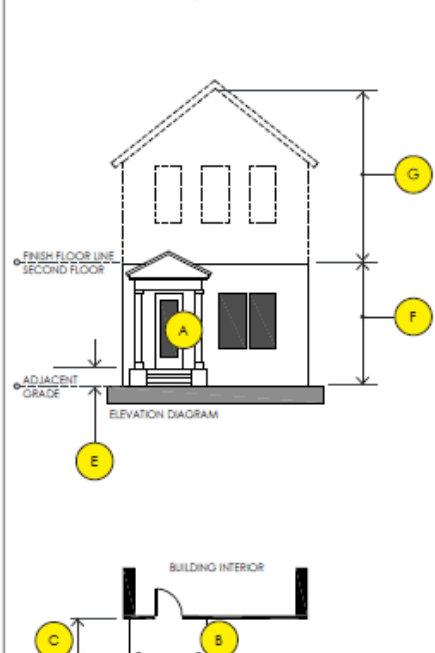
## SECTION 2006

## BUILDING TYPE STANDARDS

### 2006.16 DUPLEX BUILDING TYPE

#### 9.01 BUILDING TYPE FRONTAGE OPTION 1: STOOP

ILLUSTRATION 6.95 FRONTAGE COMPOSITION REQUIREMENTS



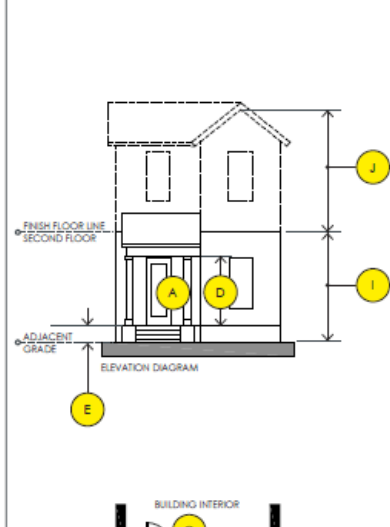
#### STOOP COMPOSITION REQUIREMENTS

Refer to Illustration 6.95 for frontage composition graphic reference.

- A. Entry door(s) are required to be elevated above adjacent grade. Elevated entry doors shall have one of the following treatments:
  1. Covered with a supported roof. Roof shall be supported with columns. (As depicted in the graphic).
  2. Uncovered (with no canopy or supported roof).
- B. Depth of stoop landing shall be 4 feet minimum.
- C. Width of stoop landing shall be 5 feet minimum.
- D. Stoop shall be 12" minimum above adjacent grade.
- E. Transparency: Stoop frontage shall have 40% to 60% of the façade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- F. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

## 9.03 BUILDING TYPE FRONTAGE OPTION 3: ENGAGED PORCH

ILLUSTRATION 6.99 FRONTAGE COMPOSITION REQUIREMENTS

**ENGAGED PORCH COMPOSITION REQUIREMENTS**

Refer to Illustration 6.99 for frontage composition graphic reference.

- A. Depth of porch shall be 6 feet minimum.
- B. Width of porch shall be 8 feet minimum.
- C. Height of porch ceiling, measured from porch floor shall be 8 feet minimum.
- D. Porch shall be 18" minimum above adjacent grade.
- E. Engaged porches shall be open on two sides (no walls on two sides).
- F. Engaged porches shall have building walls on two sides.
- G. A minimum of 33% of the building facade shall project either beyond the line of the porch columns or flush with the porch columns.
- H. Transparency: Porch frontage shall have 10% to 50% of the facade be windows between the adjacent grade and the finish floor line of the second story. Entry door transparency shall be included as part of the required transparency calculation.
- I. Transparency Upper Stories: Refer to Building Type for transparency requirements of upper stories.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk



CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of November 2024, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ann Meisch, MMC

Clerk, City of Muskegon

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

**CITY OF MUSKEGON**  
**NOTICE OF ADOPTION**

Please take notice that on November 12, 2024, the City Commission of the City of Muskegon adopted an ordinance to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

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 \_\_\_\_\_, 2024.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |   |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----|-------------|----|--|-------------------------------------------------|---|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                               |   | <b>Title:</b> Lumberjacks Eight Amendment - Assignment                                                                                                   |   |     |             |    |  |                                                 |   |  |
| <b>Submitted by:</b> Jonathan Seyferth, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                            |   | <b>Department:</b> Manager's Office                                                                                                                      |   |     |             |    |  |                                                 |   |  |
| <b>Brief Summary:</b><br>The Muskegon Lumberjacks are requesting the attached amendment be adopted regarding the circumstances in which their Shared Use Agreement could be assigned to a third party.                                                                                                                                                                                                                                                                          |   |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |
| <b>Detailed Summary &amp; Background:</b><br>In light of the significant improvements the Lumberjacks have made to Trinity Health Arena, they are requesting that specific circumstances be detailed as to when their Participation Agreement could be assigned to a third party, which would be a financial default on the part of the Lumberjacks. This is being requested now because of the team's new ownership and their desire to insulate their investment in Muskegon. |   |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Events and activities<br><br><br><b>Goal/Action Item:</b><br>2027 Goal 1: Destination Community & Quality of Life - Improved access to waterways                                                                                                                                                                                                                                                |   |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |
| <b>Amount Requested:</b><br>n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                 |   | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |   | Yes |             | No |  | N/A                                             | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |   | No                                                                                                                                                       |   | N/A | X           |    |  |                                                 |   |  |
| <b>Fund(s) or Account(s):</b><br>n/a                                                                                                                                                                                                                                                                                                                                                                                                                                            |   | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> |   | Yes |             | No |  | N/A                                             | X |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |   | No                                                                                                                                                       |   | N/A | X           |    |  |                                                 |   |  |
| <b>Recommended Motion:</b><br>To approve the Eight Amendment to the Muskegon Lumberjack's Shared Use Agreement and authorize the Clerk and Mayor to sign.                                                                                                                                                                                                                                                                                                                       |   |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |
| <b>Approvals:</b><br><table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> <tr> <td>Information</td> <td></td> <td></td> </tr> </table>                                                                                                                                                                                                                                                                                                           |   | Immediate Division Head                                                                                                                                  | X |     | Information |    |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |   |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                         | X |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |
| Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |   |                                                                                                                                                          |   |     |             |    |  |                                                 |   |  |

|                      |   |  |  |
|----------------------|---|--|--|
| Technology           |   |  |  |
| Other Division Heads |   |  |  |
| Communication        |   |  |  |
| Legal Review         | X |  |  |

## **Eighth Amendment to Shared Use Agreement**

This Eighth Amendment to Shared Use Agreement (“Eighth Amendment”) dated effective November \_\_, 2024 (“Effective Date”), is entered into between the **City of Muskegon**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 (“City”) and **Muskegon Lumberjacks Organization, LLC**, a Michigan limited liability company, with Peter Herms, as Owner, of 470 W. Western Avenue, Muskegon, Michigan 49440 (“Lumberjacks”) (collectively, the “Parties”) with reference to the following facts:

### **Recitals**

- A. The City and WC Hockey, LLC entered onto a Shared Use Agreement dated July 1, 2019, which WC Hockey, LLC has assigned to Muskegon Lumberjacks Organization, LLC.
- B. The Shared Use Agreement has been amended by the First Amendment dated July 1, 2019 which revised paragraphs 3 (Term: Early Termination), 12(a) (Shared Sponsorships) and 14(c) (Additional Lease Space, Future Restaurants, Pubs or Retail Space); Second Amendment dated July 1, 2019 which revised paragraphs 4(c) (Minimum Gross Revenue) and 12(a) (Shared Sponsorship); Third Amendment dated July 1, 2019 which revised Paragraphs 12 (Sponsorship and Advertising), 14(a) (Capital Construction), 18 (City Participation), and WZZM Studio Space; Fourth Amendment dated July 1, 2019 which revised paragraph 14(a) (Capital Construction); Fifth Amendment dated July 1, 2021 which revised Paragraph 3 (Term); Sixth Amendment dated May 23, 2023, which among other things provided for additional Option Terms; and Seventh Amendment dated August 27, 2024, which revised Paragraph 14(a) Capital Construction.
- C. The Sixth Amendment contemplated the City and Lumberjacks would work together in good faith to enter into future written agreements to make additional agreed upon capital improvements to the Arena, and how the costs related thereto would be shared. To that end, the Parties entered the Seventh Amendment to set forth the terms and conditions according to which the City and Lumberjacks would share in the costs of purchase and installation of a new overhead Scoreboard in the Arena.
- D. In consideration of the Lumberjacks past investment in capital improvements to the Arena and the anticipated mutually agreed upon future capital improvements to be made by the Lumberjacks and its owner Peter Herms, the Parties desire to enter this Eighth Amendment to set forth the terms and conditions under which the City will agree not to consent to any voluntary or involuntary assignment of the Shared Use Agreement.

Therefore, in consideration of the above Recitals, the Shared Use Agreement is amended and modified as follows:

1. **Assignment.** The City agrees that so long as the Lumberjacks are not in default in the payment of annual amounts or any other amounts owed to City under the Shared Use Agreement, the City will not consent to the voluntary or involuntary assignment of the Lumberjacks interest in this Shared Use Agreement to any third party.
2. **Full Force and Effect.** Except as set forth in this Eighth Amendment, the terms and conditions of the Shared Use Agreement shall remain in full force and effect. In case any of the provisions of the Shared Use Agreement, as amended, contradict or conflict with this Eighth Amendment, the terms of this Eighth Amendment shall prevail.

3. **Counterparts/Electronic Signature.** This Eighth Amendment may be executed in any number of counterparts and by different parties to this Amendment on separate counterparts, each of which, when so executed, will be deemed an original, but all such counterparts will constitute one and the same amendment. Any signature delivered by a party by fax or email will be deemed to be an original signature.

4. **Full Execution.** This Eighth Amendment requires the signature of all parties. Until fully executed, on a sign copy or in counterparts, this Eighth Amendment is of no binding or effect and if not fully executed, this Eighth Amendment is void.

The Parties hereto have executed this Eighth Amendment as of the Effective Date.

**Lumberjacks –**

**City –**

Muskegon Lumberjacks Organization, LLC

City of Muskegon

By: \_\_\_\_\_

Name: Andrea Rose

Title: President of Business Operations

By: \_\_\_\_\_

Name: Ken Johnson

Title: City Mayor

Owner

By: \_\_\_\_\_

Name: Ann Marie Meisch

Title: City Clerk

\_\_\_\_\_  
Peter Herms



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Title:</b> EGLE Grant Development Agreement, City of Muskegon and Muskegon Limited Dividend Housing Association, Lofts of Muskegon, 122 W. Muskegon Ave. |
| <b>Submitted by:</b> Contessa Alexander, Development Analyst                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Department:</b> Economic Development                                                                                                                     |
| <b>Brief Summary:</b><br>Muskegon Limited Dividend Housing Association has applied for an EGLE Grant in the amount of \$872,500                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                             |
| <b>Detailed Summary &amp; Background:</b><br>Muskegon Limited Dividend Housing Association, LLC (the developer) has been invited to apply for an EGLE Grant on behalf of the City of Muskegon (applicant) for the proposed Lofts of Muskegon development located at 122 W. Muskegon Avenue. The grant request totals \$872,500.<br><br>The site, last occupied by a fast-food restaurant from 1997 to 2015, is currently vacant. The proposed redevelopment involves the construction of a 4-story multifamily affordable housing complex with 46 units, following the demolition of existing site features. The total private investment is estimated at approximately \$16 million, with the creation of two part-time jobs anticipated.<br><br>Due to its historical uses—including a gas station, battery storage shop, dry cleaner, and auto repair shop—the site has documented contamination. Soil and soil gas samples collected from the property reveal the presence of contaminants, necessitating the proper management of contaminated soil and the implementation of a vapor mitigation system (VMS) to safeguard indoor air quality for future residents. Grant funds will be utilized to cover the design and installation of the VMS and the removal and proper disposal of contaminated soil generated during site demolition and redevelopment (excluding the cost of excavation).<br><br>The project is expected to commence in March 2025, with completion anticipated by March 2026. EGLE requires a development agreement between the applicant and the developer, outlining the responsibilities of each party. A draft of the proposed development agreement is attached for review. |                                                                                                                                                             |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br>Diverse housing types<br><br><b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                             |

2027 Goal 2: Economic Development Housing and Business

**Amount Requested:**

N/A

**Budgeted Item:**

|     |  |    |  |     |  |
|-----|--|----|--|-----|--|
| Yes |  | No |  | N/A |  |
|-----|--|----|--|-----|--|

**Fund(s) or Account(s):**

N/A

**Budget Amendment Needed:**

|     |  |    |  |     |  |
|-----|--|----|--|-----|--|
| Yes |  | No |  | N/A |  |
|-----|--|----|--|-----|--|

**Recommended Motion:**

I move to approve the EGLE grant development agreement between the City of Muskegon and Muskegon Limited Dividend Housing Association, LLC, for the Lofts of Muskegon project at 122 W. Muskegon Ave. and authorize the City Mayor to sign.

**Approvals:**

|                         |  |  |
|-------------------------|--|--|
| Immediate Division Head |  |  |
| Information Technology  |  |  |
| Other Division Heads    |  |  |
| Communication           |  |  |
| Legal Review            |  |  |

**Guest(s) Invited / Presenting:**

No



**CITY OF MUSKEGON, MICHIGAN  
BROWNFIELD REDEVELOPMENT GRANT AGREEMENT**

This Brownfield Redevelopment Grant Agreement (the “Agreement”) made by the City of Muskegon, a Michigan municipal corporation, whose address is 933 Terrace St., Muskegon, Michigan 49440 (the “City”); and Muskegon Limited Dividend Housing Association LLC, an Ohio company, with a business address of 9100 Centre Pointe Drive, Suite 210, West Chester, Ohio 45069 (the “Developer”).

**RECITALS**

WHEREAS, The Developer intends to develop the property in the City of Muskegon which is described on the attached Exhibit A (the “Property”) and which, as defined by Part 201 of Michigan’s Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), is an “eligible property” and is therefore commonly referred to as a “brownfield”, and

WHEREAS, the City has applied for and received a \$872,500 Michigan Department of Environment, Great Lakes & Energy (EGLE, formerly Department of Environmental Quality) Brownfield Redevelopment Grant (the “Grant Funds”), as authorized by Part 196 of Michigan Public Act 451 of 1994 the Natural Resources and Environmental Protection Act (the “Part 196”) on the behalf of the Developer; and

WHEREAS, pursuant to Part 196, Grant Funds are to be used to undertake cleanup of brownfield sites by making low interest loans and grants to parties willing to undertake cleanup of these sites; and that the LEDC is responsible for the administration of the Grant Funds; and

WHEREAS, the City (the “Grantor”) intends to use the Grant Funds to reimburse the Developer (the “Grantee”) for undertaking certain work related to the assessment, investigation, remediation, and mitigation of environmental contamination (the “Work”) in connection with the redevelopment of the Property, per the Michigan Department of Environment, Great Lakes & Energy (EGLE, formerly Department of Environmental Quality) Brownfield Redevelopment Grant Contract (Project Name: Lofts at Muskegon, Location Code: NA, Tracking Code: NA) (“Grant Contract”), a copy of which is attached as Exhibit B, and approved EGLE Work Plan;

## **AGREEMENT**

NOW THEREFORE, for good and valuable consideration including the mutual covenants of the Parties made herein, the receipt and sufficiency of which consideration is hereby acknowledged, the parties agree as follows:

- 1.0** Subject to and as provided by the terms and conditions of this Agreement, and subject to determination by the City that the Developer has sufficient funding and the Project is otherwise likely to be completed and occupied, the City agrees to use the Grant Funds to reimburse the Developer for Eligible Activities, as defined by Part 196, per Grant Contract and Work Plan, in an amount not to exceed the amount of the Grant. These Eligible Activities must be completed by December 31, 2027, per the Grant Contract.
- 2.0** The Developer accepts and agrees to the requirements and limitations stated in the terms and conditions of the Grant Contract, a copy of which is attached as Exhibit B, and which terms and conditions are incorporated herein by reference. The Developer agrees to comply with such terms and conditions to the extent same are under its control or influence, even though the Developer is not a party to the Grant Contract, and to fully cooperate with the City in the City's efforts to comply with said terms and conditions.
- 3.0** The Developer agrees to indemnify and hold harmless the City for any and all losses incurred by the City related to the terms and conditions of the Grant Contract, which losses are caused by the acts or omissions of the Developer.
- 4.0** The Developer's addresses are as follows:  
Mail: 9100 Centre Pointe Drive, Suite 210  
West Chester, Ohio 45069  
  
Attn: J.P. Buckingham  
Email: [jp.buckingham@triterra.us](mailto:jp.buckingham@triterra.us)  
Phone: (517) 853-2151
- 5.0** The City's addresses are as follows:  
Mail: 933 Terrace St.  
Muskegon, MI 49440  
  
Attn: Contessa Alexander  
Email: [contessa.alexander@shorelinecity.com](mailto:contessa.alexander@shorelinecity.com)  
Phone: (231) 724-4141

*(Signatures on the following page)*

EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY

DRAFT

EXHIBIT B  
MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES & ENERGY  
BROWNFIELD REDEVELOPMENT GRANT

DRAFT



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                             |     |                                                 |     |   |     |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------------------|-----|---|-----|--|--|
| <b>Commission Meeting Date:</b> November 26, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> Housing Board of Appeals - Demolition of 1101 Pine St                                                                         |     |                                                 |     |   |     |  |  |
| <b>Submitted by:</b> Timothy Kozal, Public Safety Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Department:</b> Public Safety                                                                                                            |     |                                                 |     |   |     |  |  |
| <b>Brief Summary:</b><br>To concur with the Housing Board of Appeals decision to deem 1101 Pine St. a dangerous building and authorize Melching, Inc. as the lowest bidder to execute the demolition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |     |                                                 |     |   |     |  |  |
| <b>Detailed Summary &amp; Background:</b><br>1101 Pine St was brought to the attention of staff in February 2024. After performing an exterior inspection, it was apparent the structure was in fact a dangerous building. Deficiencies noted in that report, from failing roof frame to failing foundation members, the greatest cause for concern being the structure had begun to cave in on itself from excessive water damage and decay in a roof valley. All appropriate notices and orders were sent to the property owner. At their September meeting, the Housing Board of Appeals recommended that the building be taken down. The building appears to be deteriorating at an increasingly fast rate, and staff have concerns that it could collapse even before the commission meeting on Nov. 26. Staff went ahead and requested bids for the demolition, with Melching, Inc. coming in the lowest bid at \$97,000. |                                                                                                                                             |     |                                                 |     |   |     |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 1: Destination Community & Quality of Life - Reduction of blighted commercial properties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                             |     |                                                 |     |   |     |  |  |
| <b>Amount Requested:</b><br>\$97,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td>X</td><td>N/A</td><td></td><td></td></tr></table>           | Yes |                                                 | No  | X | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                             | No  | X                                               | N/A |   |     |  |  |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td>X</td><td>No</td><td></td><td>N/A</td><td></td><td></td></tr></table> | Yes | X                                               | No  |   | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | X                                                                                                                                           | No  |                                                 | N/A |   |     |  |  |
| <b>Recommended Motion:</b><br>I move to approve the demolition of 1101 Pine St by Melching, Inc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                             |     |                                                 |     |   |     |  |  |
| <b>Approvals:</b> <table border="1"><tr><td>Immediate Division</td><td></td></tr></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Immediate Division                                                                                                                          |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |     |   |     |  |  |
| Immediate Division                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                             |     |                                                 |     |   |     |  |  |

|                        |  |  |
|------------------------|--|--|
| Head                   |  |  |
| Information Technology |  |  |
| Other Division Heads   |  |  |
| Communication          |  |  |
| Legal Review           |  |  |

**EN2400156 – 1101 Pine St**  
**CC MEETING NOVEMBER 26<sup>th</sup>, 2024**

New Birth Outreach Ministries  
Pastor Leroy Lockhart  
1021 Jefferson St. apt 117  
Muskegon, MI 49440

**Information:**

The address was brought to the attention of staff in February of 2024. After performing an exterior inspection, it was apparent the structure was in fact a dangerous building. Deficiencies noted in that report, from failing roof frame to failing foundation members, the greatest cause for concern being the structure had begun to cave in on itself from excessive water damage and decay in a roof valley. A notice and order was sent in March of 2024 in hopes of having a responsible party reply. However, no contact was made.

On July 18th, 2024, staff was provided with a contact number for the owner and when a call was made it was unanswered. This continued for several days. Finally, a call was made again. This call was received by the owner, who was preoccupied and quickly asked to call back the next day. No call was returned, so staff reached out again to discuss the property and the high potential for structure collapse and how soon that may be a reality due to unpredictable weather in October. During that discussion, the owner was asked if any action had been taken to contact a contractor, or if any estimates had been previously made. Also noted in that discussion the dangerous building ordinance in the city of Muskegon and what that meant for him as a property owner. The owner noted having a discussion with his wife and returning a call. To date, no return call has been made.

The McLaughlin neighborhood association has contacted staff multiple times as the concern about the structure's collapse grows greater with every rain for nearby homeowners. Statistically, when a structure collapses, the fall radius of said structure is 1-1/2 times the height of the noted structure. With an estimated 60' of height on the structure, this would make the fall radius of the structure approx. 150', with the average city street approx. 50' feet. A collapse of this structure could be catastrophic for neighboring homes and businesses.

The building department's recommendation for the structure is demolition due to Article III Sec. 10-61 of the Muskegon city code. It is imperative that the structure is demolished as soon as possible to avoid catastrophe for the neighboring homes.

**Complaint Notice:**

A Dangerous Buildings complaint letter was sent February 5<sup>th</sup>, 2024.

**Notice & Order:**

- On March 12<sup>th</sup>, 2024, a Notice and order was sent and posted to the property.
- On May 23<sup>rd</sup>, 2024, a 10-day Notice of Hearing was sent and posted.
- On August 26<sup>th</sup>, 2024, a 10-day Notice of Hearing was sent and posted.
- On September 12<sup>th</sup>, 2024, an HBA determination was sent and posted.
- On October 14<sup>th</sup>, 2024, a Notice and Order to repair or remove (demolish) a structure was sent.
- On October 16<sup>th</sup>, 2024, a remove belongings letter was sent.

All notices are sent via First Class and Certified Mail as well as posted to the property.

**Contact with Owner:**

Contact has been made with the owner. To express the severity of the issues at the property. During that discussion, staff inquired about gaining access to the property for asbestos testing as this would greatly reduce the cost of demolition. The owner at that time stated that he did have a key and would provide access, but was dealing with family matters and would reach out later in the week as he had noted in previous calls.

When the owner did not reach out, staff made efforts to contact the owner to personally retrieve and return the key. At this point, the owner expressed his frustration with the city as he was still dealing with family matters and did not have time to address the structure. This conversation was held on or around Monday, October 7th. The second call was held in the afternoon of October 10th. The owner has not returned any unanswered calls and has not tried to contact staff in any capacity.

**Additional Information:**

- This is a 1 1/2 story/class C building/ Sqft N/A
- SEV & Taxable \$158,200 & \$156,450
- Current taxes due. Winter \$8113.37 and Summer \$1881.50
- Built in 1882 (effective age 142 yrs)
- Staff estimated cost for repairs are N/A until an inspection is performed.
- The structure is in the McLaughlin General res neighborhood.

**Permits Obtained:**

- Issued Mechanical permit 10/03/2013 for replacement of a residential furnace. That permit was finalized on 10/31/2013.
- Issued Electrical permit 10/03/2013 for replacement of a residential furnace. That permit was finalized on 10/31/2013.
- Canceled plumbing permit on 03/09/2022 for repairs done to a kitchen sink.





Date: 10/14/24 Invoice/Proposal Number: proposal 1

To: Scott Kiaunis

Project: 1101 Pine

Phone: 231-747-0176 Email: skiaunis@safebuilt.com

Description: This proposal includes the following.

- Cut & cap water and sewer
- Acquire the demolition permit
- Demolish the existing church on site
- Remove footings & foundation
- Backfill the void created during demolition with fill sand and rough grade
- Rough grade topsoil and seed

Original Work Order Amount: \$97,000.00

Special Notes/Changes:

- All material will be disposed of as ACM and handled accordingly
- Owner to terminate gas and electric services

Proposal/ Invoice Total: \$97,000.00

Authorized By:

Submitted By: Adam DeJonge

*cost subject to change as Don at melching  
is willing to do visual exam of materials  
and adjust if asbestos is not visually  
present in the structure.  
- See Scott*

TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE FOR COMPLETED WORK OR PHASE OF COMPLETED WORK A SERVICE CHARGE OF 1.5% WILL BE ADDED TO PAST DUE ACCOUNTS. FAILURE TO PAY PAST DUE AMOUNTS WILL RESULT IN YOUR BEING LIABLE FOR ALL OF MELCHING INC'S. COLLECTION FEES, ATTORNEY FEES AND/OR COURT COSTS REQUIRED TO COLLECT PAST DUE AMOUNTS AND AS RELATED TO THE CONSTRUCTION LIEN ACT. CHANGES TO THESE TERMS MUST BE IN WRITING.

# Proposal

## JMB Demolition, LLC

DATE: OCTOBER 24, 2024

7357 Barry St., Zeeland, MI 49464  
616.217.3112  
john@jmbdemolition.com

TO City of Muskegon  
933 Terrace St.,  
Muskegon, MI 49440

| JOB                                 |  |  | PAYMENT TERMS  |
|-------------------------------------|--|--|----------------|
| 1101 Pine St.<br>Muskegon, MI 49442 |  |  | Due on receipt |

| QTY   | DESCRIPTION                                                                                                                                                                                                                                                                                                                                         | UNIT PRICE   | LINE TOTAL   |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
| 1     | Demolition and Disposal of Former Church<br><u>INCLUDES:</u> Demolition Permit, state notification,<br>Backfill, topsoil and grass seed, water and sewer cap<br>at the ROW<br><u>EXCLUDES:</u> Asbestos Survey and Abatement, gas and<br>electric disconnects<br>**Assumes asbestos survey by others and abatement if<br>required additional cost** | \$59,125.00  | \$59,125.00  |
| 1     | Demolition and Disposal of former Church as asbestos<br>containing. Waste to be disposed of as friable asbestos<br><u>INCLUDES:</u> Demolition Permit, state notification,<br>Backfill, topsoil and grass seed, water and sewer cap<br>at the ROW<br><u>EXCLUDES:</u> Gas and electric disconnects                                                  | \$170,550.00 | \$170,550.00 |
|       |                                                                                                                                                                                                                                                                                                                                                     |              |              |
| TOTAL |                                                                                                                                                                                                                                                                                                                                                     |              |              |

To accept this quotation, sign here and return: \_\_\_\_\_

THANK YOU FOR YOUR BUSINESS!



## PROPOSAL

|                   |                                                                                                  |
|-------------------|--------------------------------------------------------------------------------------------------|
| To: Scott Kiaunis | Date: 10/10/2024<br>Proposal: Demolition<br>Job Name: 1101 Pine Street<br>Location: Muskegon, MI |
|-------------------|--------------------------------------------------------------------------------------------------|

**We hereby submit specifications and estimates to provide labor, equipment and necessary supervision for:**

Complete demolition and removal of the existing building **as asbestos containing material** including the concrete slabs, footings and foundations. Our proposal includes a demolition permit, air monitoring, manifesting and hauling the landfill debris loads into a licensed landfill, sand backfill, topsoil, seed, and hauling the concrete to a recycler.

**Exclusions:**

1. Soil erosion permit or silt fence (if required)

**WE HEREBY propose to furnish material and labor-complete in accordance with the above specifications, for the sum of:**

**Dollars:** \$180,000.00 (one hundred eighty thousand)

**Payment to be made as follows: NET 10 DAYS Interest will be charged on balances over 10 days as set forth below.**

All material is guaranteed to be as specified. All work is to be completed in a professional manner according to standard practices. Any alteration and/or deviation from the above specifications involving extra costs will be undertaken only upon written change/work orders, and will become an extra charge over and above the Proposal. All agreements are contingent upon strikes, accidents or delays beyond our control. The Customer shall carry fire, tornado and other necessary insurance. By acceptance of the goods and/or services described above (hereinafter the "goods and/or services"), the Customer receiving the goods and/or services agrees to all of the terms set forth herein. Payment of an invoiced amount is due ten (10) days from the date of the invoice. Any invoice not paid in its entirety within ten (10) days from the invoice shall incur a finance charge of eighteen percent (18%) per year on the remaining unpaid balance.

If the amount of any invoice is disputed by the Customer, the Customer must notify Specialized Demolition, Inc. (hereinafter "SDI") in writing within ten (10) days of the invoice and provide the following information: invoice number, invoice date, a detailed explanation of the disputed portion(s) of the invoice, and any written documentation supporting the Customer's claim. Any invoice not disputed in the manner described above shall be considered accurate in its entirety, and the Customer agrees it is liable for the full and complete payment of such invoice.

The Customer agrees to pay all costs incurred by SDI in the collection of any unpaid amount owed by the Customer to SDI, including but not limited to reasonable attorney fees, court costs, filing and/or service of the process fees. The Customer further agrees that the agreement for the provisions of goods and/or services was reached and/or executed in Allegan County, Michigan.

Authorized \_\_\_\_\_ NOTE: This proposal may be withdrawn by us  
Signature: Dan Van Der Hulst, Estimator If not accepted within 30 days.

**ACCEPTANCE OF PROPOSAL:** The specifications and conditions set forth above are satisfactory and are hereby Accepted. You are authorized to conduct the work as specified. Payment will be made as outlined above.

**Signature:**

**Printed:**

**Date of Acceptance:**