

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 22, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Approval of a Neighborhood Enterprise Zone Certificate – 1293 Marquette. PLANNING & ECONOMIC DEVELOPMENT
 - C. Vacation of the Northerly Unimproved Portion of Wells Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - D. FIRST READING: Zoning Ordinance Amendment to the Zoning Ordinance for Residential Design Criteria – Roof Pitch. PLANNING & ECONOMIC DEVELOPMENT
 - E. FIRST READING: Rezoning Request for Properties Located at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - F. FIRST READING: Zoning Ordinance Amendment to the Sign Ordinance for Window Signage. PLANNING & ECONOMIC DEVELOPMENT
 - G. Purchase of 1581 Division. COMMUNITY & NEIGHBORHOOD SERVICES
 - H. Approval of Contractor for Construction of House at 280 Iona. COMMUNITY & NEIGHBORHOOD SERVICES
 - I. Purchase Agreement with Muskegon County for C Station. ENGINEERING

❑ **PUBLIC HEARINGS:**

A. Request for an Industrial Facilities Exemption Certificate - SAPPI.
PLANNING & ECONOMIC DEVELOPMENT

B. Review 2005-2006 Consolidated Annual Performance Evaluation Report. COMMUNITY & NEIGHBORHOOD SERVICES

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

A. Request for Final Planned Unit Development Approval for Terrace Lots.
PLANNING & ECONOMIC DEVELOPMENT

B. Tool & Die Recovery Zone Status for Eagle Aluminum Cast Products.
PLANNING & ECONOMIC DEVELOPMENT

C. Tool & Die Recovery Zone Status for Beckstrom Mold Technology, Inc.
PLANNING & ECONOMIC DEVELOPMENT

D. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting. CITY CLERK

E. Purchase of 466 Mulder. COMMUNITY & NEIGHBORHOOD SERVICES

F. Approval of Sale of City Owned Home at 458 Mulder. COMMUNITY & NEIGHBORHOOD SERVICES

G. Concurrence with the Housing Board of Appeals Notice & Order to Demolish the Following: PUBLIC SAFETY

1282 Terrace (Area 11b)

500 Amity (Area 11)

1114 E. Dale

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **ADJOURNMENT:**

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

Date: August 22, 2006
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the August 7th Commission Worksession, and the August 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 22, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, August 22, 2006.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from the Oak Crest Church of God after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

2006-70 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes for the August 7th Commission Worksession, and the August 8th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

C. Vacation of the Northerly Unimproved Portion of Wells Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of the Northerly unimproved portion of Wells Avenue, located on the campus of Mercy General Hospital, Oak Campus.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the Northerly unimproved Wells Avenue, with the condition that all utility rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the vacation, with B. Smith absent, with the condition as listed above.

D. FIRST READING: Zoning Ordinance Amendment to the Zoning Ordinance for Residential Design Criteria – Roof Pitch. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2319 (#2) of Article XXIII (General Provisions) to amend the Residential Design Criteria.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the Residential Design Criteria regarding the roof pitch.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their August 10th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

E. FIRST READING: Rezoning Request for Properties Located at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties located at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue from B-4, General Business District to R-1, One Family Residential District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their August 10th meeting. The vote was unanimous, with B. Smith absent.

G. Purchase of 1581 Division. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of 1581 Division from the U.S. Department of Housing and Urban Development for \$1 through its Good Neighbor program. In which, a municipality can purchase a home for one dollar, if a property is on the market for more than six months.

After 1581 Division is obtained, the City will contract to have the house totally rehabilitated then sell it to a qualified family continuing the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The dollar will come from Community and Neighborhood Services HOME program income fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the home for \$1.

H. Approval of Contractor for Construction of House at 280 Iona.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with De Rose Builders Inc., of 7786 Wiczer Drive, Fruitport, MI for the construction of the new home to be located at 280 Iona for the cost of \$97,876. After the construction is completed, the new home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts under the Operation "Metamorphosis: A Change from Old to New".

The City obtained the original house at 280 Iona from the State of Michigan. The house was later demolished because it was deemed not cost effective for rehabilitation.

The City received four other bids:

- Diamond Development Inc., 6820 Lakita Drive, Fruitport, MI for \$99,950.
- J2 Construction, 109 West Laketon Avenue, Muskegon, MI for \$119,866.
- Obenauf DePender Construction LLC, 4471 Thompkins Trail, Muskegon, MI for \$120,296.
- Top Notch Design Contractors, 4740 Jensen Road, Fruitport, MI for \$122,000.

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Community and Neighborhood Services office to develop a contract with De Rose Builders, Inc. and direct the Mayor and Clerk to sign the contract.

I. Purchase Agreement with Muskegon County for C Station.
ENGINEERING

SUMMARY OF REQUEST: Approve the purchase agreement with Muskegon County for parcels A, C, D & E and terminate the reverter clause on parcel B as shown on the drawing and authorize the Mayor and Clerk to execute said agreement. The total purchase price is \$93,840.50.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the purchase agreement.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to accept the consent agenda as presented minus items B and F.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and

Warmington

Nays: None

MOTION PASSES

2006-71 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Approval of a Neighborhood Enterprise Zone Certificate – 1293 Marquette. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Pierre and Tondalaya Tyson for the new construction of a home in the Marquette neighborhood at 1293 Marquette Avenue. The property is located in a Neighborhood Enterprise Zone for new construction. The application states that the estimated cost for construction will be \$191,537 in materials. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the NEZ certificate.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Neighborhood Enterprise Zone Certificate for 1293 Marquette.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

F. FIRST READING: Zoning Ordinance Amendment to the Sign Ordinance for Window Signage. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (#5, h.) of Article XXIII (General Provisions) to amend the sign ordinance language to clarify window signage allotments.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language clarifying window signage allotments.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their August 10th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

Motion by Commissioner Carter, second by Commissioner Davis to approve the first reading of the Zoning Ordinance amendment to the sign ordinance for window signage.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

2006-72 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate - SAPPI.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, SAPPI, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 2400 Lakeshore Drive, Muskegon. The total capital investment is approximately \$4,173,595 in personal property. This request qualifies SAPPI for a term of seven years for personal property.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of seven years for personal property.

The Public Hearing opened at 5:45 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 5:55 p.m. and approve the request for an Industrial Facilities Exemption Certificate for \$4,173,595 in personal property for a term of seven years for SAPPI.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

B. Review 2005-2006 Consolidated Annual Performance Evaluation Report. **COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To conduct a public hearing on August 22, 2006, to review accomplishments and receive comments from the public concerning the 2005 – 2006 Consolidated Annual Performance Evaluation Report (CAPER) developed by the Community and Neighborhood Services Department.

After the public hearing has been conducted and all the comments have been documented; the Community and Neighborhood Services office requests that the Commission direct the staff to submit the required documents to the U. S.

Department of Housing and Urban Development (HUD) in compliance with 24 CFR 91.520, by no sooner than August 31, 2006.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to continue receiving Community Development Block Grant and HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

The Public Hearing opened at 6:11 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to close the Public Hearing at 6:12 p.m. and direct staff to gather public comments and submit the Consolidated Annual Performance Evaluation Report to Housing and Urban Development after the public comment period has elapsed.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2006-73 NEW BUSINESS:

A. Request for Final Planned Unit Development Approval for Terrace Lots. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The request for Final Planned Unit Development (PUD) approval at the Terrace Lots for a mixed use retail and commercial development. The request is by Carl Miskotten, Downtown Muskegon Believers, LLC.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the Preliminary PUD and the final PUD, with the conditions listed on the resolution, at their August 10, 2006, meeting. The vote was approved by majority vote, with T. Harryman voting no, and B. Smith absent.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the final Planned Unit Development for Terrace Street lots with remaining conditions as recommended by staff.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

B. Tool & Die Recovery Zone Status for Eagle Aluminum Cast Products.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone for Eagle Aluminum Cast Products, for property located at 664 W. Clay Street.

FINANCIAL IMPACT: The loss to all units would be over \$181,000. This property is located in the Downtown Development authority but City staff has been unable to calculate the impact on the DDA's budget. In addition, any future investments would be tax exempt also.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone, and authorize the Mayor and Clerk to sign.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Tool & Die Recovery Zone status for Eagle Aluminum Cast Products at 664 W. Clay Street.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

C. Tool & Die Recovery Zone Status for Beckstrom Mold Technology, Inc.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone for Beckstrom Mold Technology, Inc., 771 Access Hwy.

FINANCIAL IMPACT: The City will forgo approximately \$68,075 in taxes for the 15 year period of the zone. In addition, any future investments would be tax exempt also.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone, and authorize the Mayor and Clerk to sign.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Tool & Die Recovery Zone status for Beckstrom Mold Technology, Inc., at 771 Access Hwy.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

D. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting. CITY CLERK

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the annual meeting; and, if possible, to designate one other official to serve as alternate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to designate Commissioner Shepherd as the official representative for the Municipal League Annual Business Meeting.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

E. Purchase of 466 Mulder. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of 466 Mulder (Revised Plat 1903 lot 6 Block 18) from Arbut Golidy and Billie J. Quinn for the agreed upon price of \$2,625.

After 466 Mulder is obtained, the City will combine the lot with the parcel at 458 Mulder. The Community & Neighborhood Services office is currently completing a rehabilitation project at that site. By adding the additional land, the future buyer of the house at 458 Mulder will now have added yard for possible later expansion and/or a garage.

FINANCIAL IMPACT: The funding for the purchase will be taken from program income produce from the sale of the CNS properties.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the parcel.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the purchase of the lot at 466 Mulder.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

F. Approval of Sale of City Owned Home at 458 Mulder. COMMUNITY &

NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the sale of 458 Mulder to Ms. Angela D. Major of 1170 Allen Avenue for the purchase price of \$63,500. The house at 458 Mulder was donated to the City of Muskegon. At the time the Community & Neighborhood Services office obtained the structure, it was a non-conforming two-unit in a single-family zoned neighborhood. The Community & Neighborhood Services office contracted to have the house rehabilitated back to a single-family home, under the program Operation "And Two Shall Become As One". Ms. Major will be purchasing this as an owner-occupied resident.

FINANCIAL IMPACT: The program income derived from the sale will be deposited in the City's HOME account.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the sale to Ms. Major and direct the Mayor and Clerk to sign the resolution.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the sale of the city owned home at 458 Mulder to Ms. Angela D. Major for \$63,500.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

G. Concurrence with the Housing Board of Appeals Notice & Order to Demolish the Following: PUBLIC SAFETY

1282 Terrace (Area 11b)

500 Amity (Area 11)

1114 E. Dale

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

FINANCIAL IMPACT: 1282 Terrace – CDBG Funds; 1114 E. Dale and 500 Amity – General Funds.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with

the Housing Board of Appeals notice and order to demolish 1282 Terrace.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Spataro to concur with the Housing Board of Appeals notice and order to demolish 1114 E. Dale.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 500 Amity.

Motion by Commissioner Shepherd, second by Commissioner Spataro to table the concurrence of the Housing Board of Appeals for 500 Amity for 30 days.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION TO TABLE PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:46 p.m.

Respectfully submitted,



Linda Potter, CMC
Acting City Clerk

Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *Ubl*
RE: Vacation of the Northerly Unimproved Portion of Wells Avenue

SUMMARY OF REQUEST:

Request for the vacation of the Northerly unimproved portion of Wells Avenue, located on the campus of Mercy General Hospital, Oak Campus.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the Northerly unimproved Wells Avenue, with the condition that all utility rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended the vacation, with B. Smith absent, with the condition as listed above.

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

August 10, 2006

Hearing; Case 2006-30: Request to vacate the Northerly unimproved section of Wells Avenue, by Randall White, Scholten Fant, representing Mercy General Hospital.

BACKGROUND

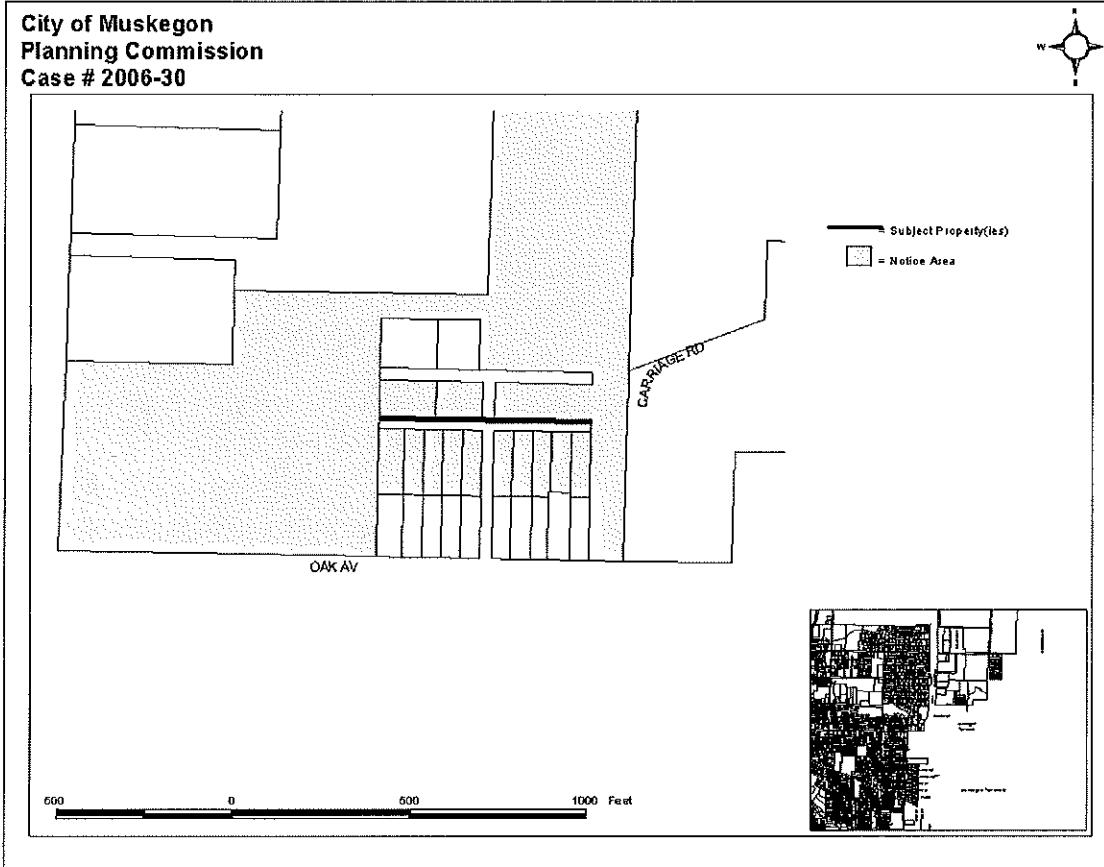
This request involves a private street within the Mercy General Oak campus. This street, along with some others in the area, was platted and developed in the 1970s as part of the hospital's office complex development. It was recently discovered that the actual property description of the street and abutting properties doesn't match where the street is physically located. In an attempt to amend the plat, the hospital must vacate the undeveloped portion of the street, which is actually located in the front yards of some of the buildings along Wells Street. No physical changes will take place as a result of this vacation, only a replatting of the street and parcels located along the street.

Randall White, of Scholten Fant, will be present at the meeting to give a more detailed explanation of the issues.

DPW has no issues with the request, as long as no changes are made to the street.

Staff has received no comments regarding this request.





STAFF RECOMMENDATION

Staff recommends approval of the request.

DELIBERATION

I move that the vacation of the Northerly unimproved section of Wells Avenue, be recommended to City Commission for (approval/denial), based on (compliance/lack of compliance), with the City's 1997 Master Land Use Plan, with the following conditions:

1. All utility easements will be retained.

CITY OF MUSKEGON

RESOLUTION #2006-70(c)

WHEREAS, Trinity Health – Michigan, as an owner, is pursuing the amendment to OSTEOPATHIC MEDICAL PLAT NO. 2 located within the City of Muskegon; and

WHEREAS, a petition has been received to vacate the unimproved portion of Wells Avenue and relocate a portion of Wells Avenue for the purpose of eliminating certain existing encroachments; and

WHEREAS, Wells Avenue is a private street being dedicated to the lot owners of OSTEOPATHIC MEDICAL PLAT NO. 2 and adjacent OSTEOPATHIC MEDICAL PLAT NO. 1, with City utility easements within the plat for sewer and water service; and

WHEREAS, the proposed relocation of a portion of Wells Avenue will not impair said easements; and

WHEREAS, it is in the public interest and general health, safety, and welfare to approve the proposed replat;

WHEREAS, the Planning Commission held a public hearing on August 10, 2006 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the August 22, 2006 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE:

BE IT RESOLVED that the City of Muskegon hereby consents to the relocation of Wells Avenue for the purpose of eliminating certain encroachments as represented by the petitioner and consents to the proposed replat of the amended Plat of OSTEOPATHIC MEDICAL PLAT NO. 2, as attached subject to compliance with the City's Zoning Ordinance for such replats.

BE IT FURTHER RESOLVED, that it is in the best interest of the City of Muskegon to consent to the requested modification and does so as long as the interest of the City in utility easements for sewer and water service are not detrimentally affected.

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

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

BE IT FURTHER RESOLVED that this Resolution shall not become final and binding on the City until there has been full compliance with state law, including an appropriate circuit court order in which the City will be a statutorily mandated defendant in order to properly effectuate the proposed changes of record.

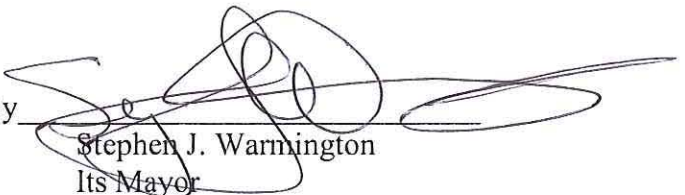
BE IT FURTHER RESOLVED, that this Resolution shall not be recorded with the Register of Deeds until all conditions are satisfied.

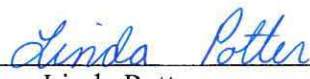
Adopted this 22nd day of August, 2006.

AYES: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

NAYES: None

ABSENT: None

By 
Stephen J. Warmington
Its Mayor

By 
Linda Potter
Its Acting Clerk

CERTIFICATE

(Vacation of the unimproved portion of Wells Avenue)

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 22, 2006.

CITY OF MUSKEGON

By: Linda Potter
Linda Potter, CMC
Its Acting Clerk

Linda Potter

From: John C. Schrier [jcs@parmenterlaw.com]

Sent: Thursday, April 10, 2014 2:46 PM

To: Linda Potter

Subject: Wells Avenue Resolution from 2006

Linda:

Do not worry about it. It does not need to be recorded. It was used in a circuit court action to amend the plat and a final order was entered in 2010. That may be why someone scribbled through the signatures.

John Schrier
Parmenter O'Toole
(231) 722-5401
jcs@parmenterlaw.com

4/10/2014

Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Zoning Ordinance Amendment to the Zoning Ordinance for Residential Design Criteria

SUMMARY OF REQUEST:

Request to amend Section 2319 (#2) of Article XXIII (General Provisions) to amend the Residential Design Criteria.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the Residential Design Criteria regarding the roof pitch.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 8/10 meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

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

August 10, 2006

Hearing ; Case 2006-36: Staff initiated request to amend (Section 2319, Residential Design Criteria, #2) to allow the roof pitch of additions to correspond to the principal structure.

BACKGROUND

Several permits for additions have been applied for recently, and consequently this section of the ordinance has been brought to staff's attention. As presently written, a 5/12 pitch is required for any additions, even if the home has a low pitch. This requires an odd angle on the roof addition to the home that isn't necessarily aesthetically pleasing. Allowing the pitch to match the existing principal structure seems to make more sense, and would blend much better with the present home.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are **bold**.

Changes to Section 2319, Residential Design Criteria, #2

2. Where the home design involves a roof pitch, it shall be a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5"). **In the case of additions or alterations to principal structures when a 5/12 pitch is not practical, the roof pitch may be allowed to correspond with that of the principal structure.**

DELIBERATION

I move that the amendment to Sections 2319 (Residential Design Criteria, #2) of Article XXIII (General Provisions), of the Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2199

An ordinance to amend Section 2319 (#2.) of Article XXIII (General Provisions) of the Zoning Ordinance to amend the Residential Design Criteria language regarding roof pitch.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

2. Where the home design involves a roof pitch, it shall be a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5"). In the case of additions or alterations to principal structures when a 5/12 pitch is not practical, the roof pitch may be allowed to correspond with that of the principal structure.

This ordinance adopted:

Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro,
and Warminster

Nayes: None

Adoption Date: August 22, 2006

Effective Date: September 8, 2006

First Reading: August 22, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC
Acting 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 22nd day of August, 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 22, 2006.

Linda S. Potter
Linda S. Potter, CMC
Acting City 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 August 22, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2319 (#2.) of Article XXIII (General Provisions) to amend the Residential Design Criteria regarding roof pitch.

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 August 29, 2006

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Rezoning request for properties located at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue

SUMMARY OF REQUEST:

Request to rezone the properties located at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue from B-4, General Business District to R-1, One Family Residential District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/10 meeting. The vote was unanimous, with B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUTY, MICHIGAN

ORDINANCE NO. 2200

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from B-4 "General Business District" to R-1 "One Family Residential District".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from B-4 "General Business District" to R-1 "One Family Residential District":

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 9 AND 10 BLK 191

And

CITY OF MUSKEGON REVISED PLAT OF 1903 OLD CSX RR R/W ACROSS BLK 191

And

CITY OF MUSKEGON REVISED PLAT 1903 LOT 1 BLK 191

This ordinance adopted:

Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

Adoption Date: August 22, 2006

Effective Date: September 8, 2006

First Reading: August 22, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC
Acting City Clerk

CERTIFICATE

(Rezoning of 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue B-4 to R-1)

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 22nd day of August, 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 22, 2006.



Linda S. Potter, CMC

Acting City 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 August 22, 2006, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following properties from B-4 "General Business District" to R-1 "One Family Residential District":

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 9 AND 10 BLK 191

And

CITY OF MUSKEGON REVISED PLAT OF 1903 OLD CSX RR R/W ACROSS BLK 191

And

CITY OF MUSKEGON REVISED PLAT 1903 LOT 1 BLK 191

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 August 29, 2006

CITY OF MUSKEGON

By _____

Linda S. Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

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

August 10, 2006

Hearing; Case 2006-31: Staff initiated request to rezone the properties at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue from B-4, General Business, to R-1, One Family Residential District.

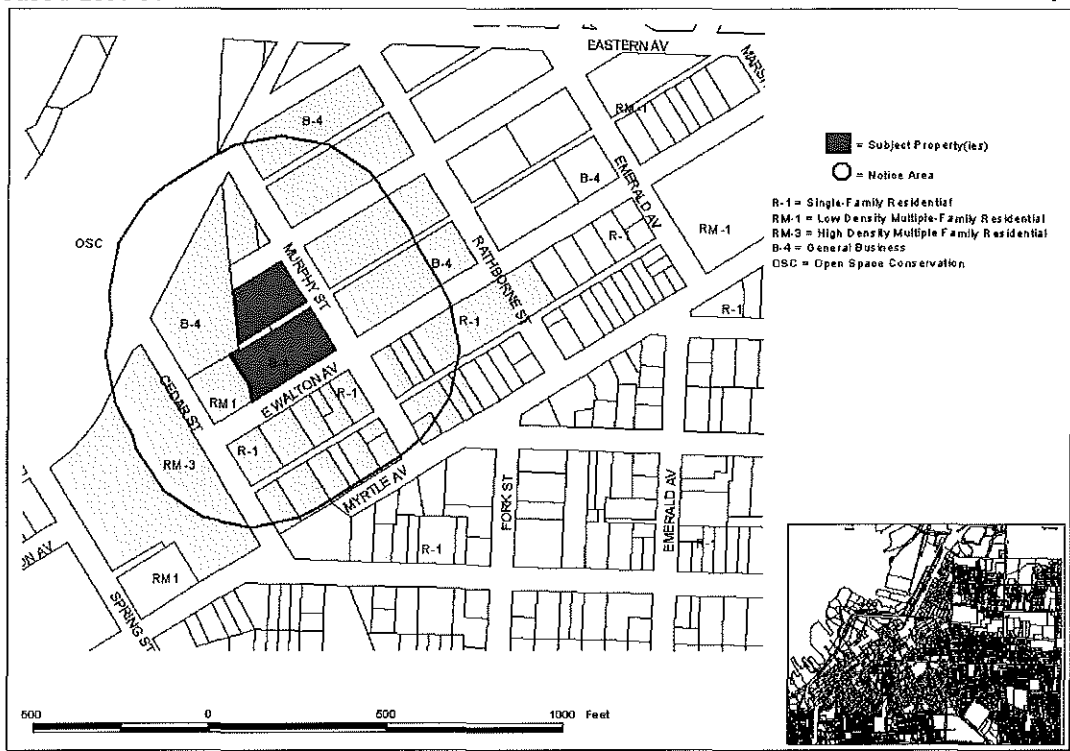
BACKGROUND

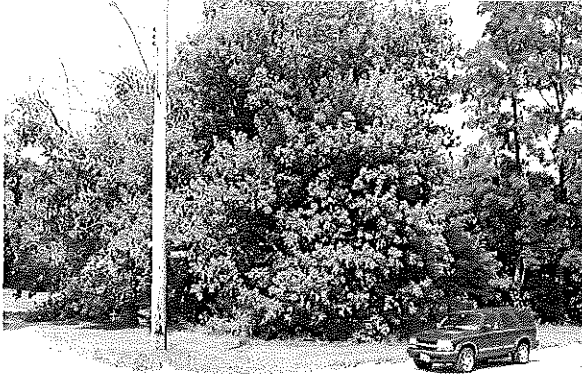
<u>Applicant:</u>	City of Muskegon
<u>Property Address/Location:</u>	209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue
<u>Request:</u>	Rezone from B-4, General Business District to R-1, One Family Residential District
<u>Present Land Use:</u>	Vacant
<u>Zoning:</u>	B-4, General Business

STAFF OBSERVATIONS

1. The property which is the subject of this request is owned by the City and is located across E. Walton Street from the Farmer's Market.
2. The request is to rezone the property from B-4, General Business District to R-1, One Family Residential District.
3. The properties to the west and northwest, which includes the Farmer's Market, are zoned B-4, General Business District, to the northeast, east, and southeast, the zoning is R-1, One Family Residential District. The zoning to the southwest RM-1, Low Density Multiple Family Residential District.
4. Walton Street has recently been redeveloped with several single family homes through the City of Muskegon Community & Neighborhood Services programs. The property at 181 W. Walton is currently being developed as a single family home by J2 Properties Developers and Construction Company, LLC.
5. The City has been approached by the same developer to possibly purchase 209 Murphy Street for more residential development.
6. The Farmer's Market site has been discussed as a possible residential building site, if the Market is relocated to another site in the future.
7. The City's Future Land Use Map supports neighborhood rehabilitation of homes and home sites in this area.
8. Staff has received no comments regarding this request.

**City of Muskegon
Planning Commission
Case # 2006-31**





209 E. Walton Avenue



155 E. Walton Avenue



185 E. Muskegon Avenue



RECOMMENDATION

Staff recommends approval of the request.

MOTION FOR CONSIDERATION

I move that the request to rezone the property located at 209 & 155 E. Walton Avenue and 185 E. Muskegon Avenue from B-4, General Business district to R-1, One Family Residential district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: August 22, 2006

Date: August 15, 2006

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services W.G.
Department**

RE: Purchase of 1581 Division

SUMMARY OF REQUEST: To approve the purchase of 1581 Division from the U. S. Dept. of HUD for \$1.00 through its Good Neighbor program. In which, a municipality can purchase a home for one dollar, if a property is on the market for more than six months.

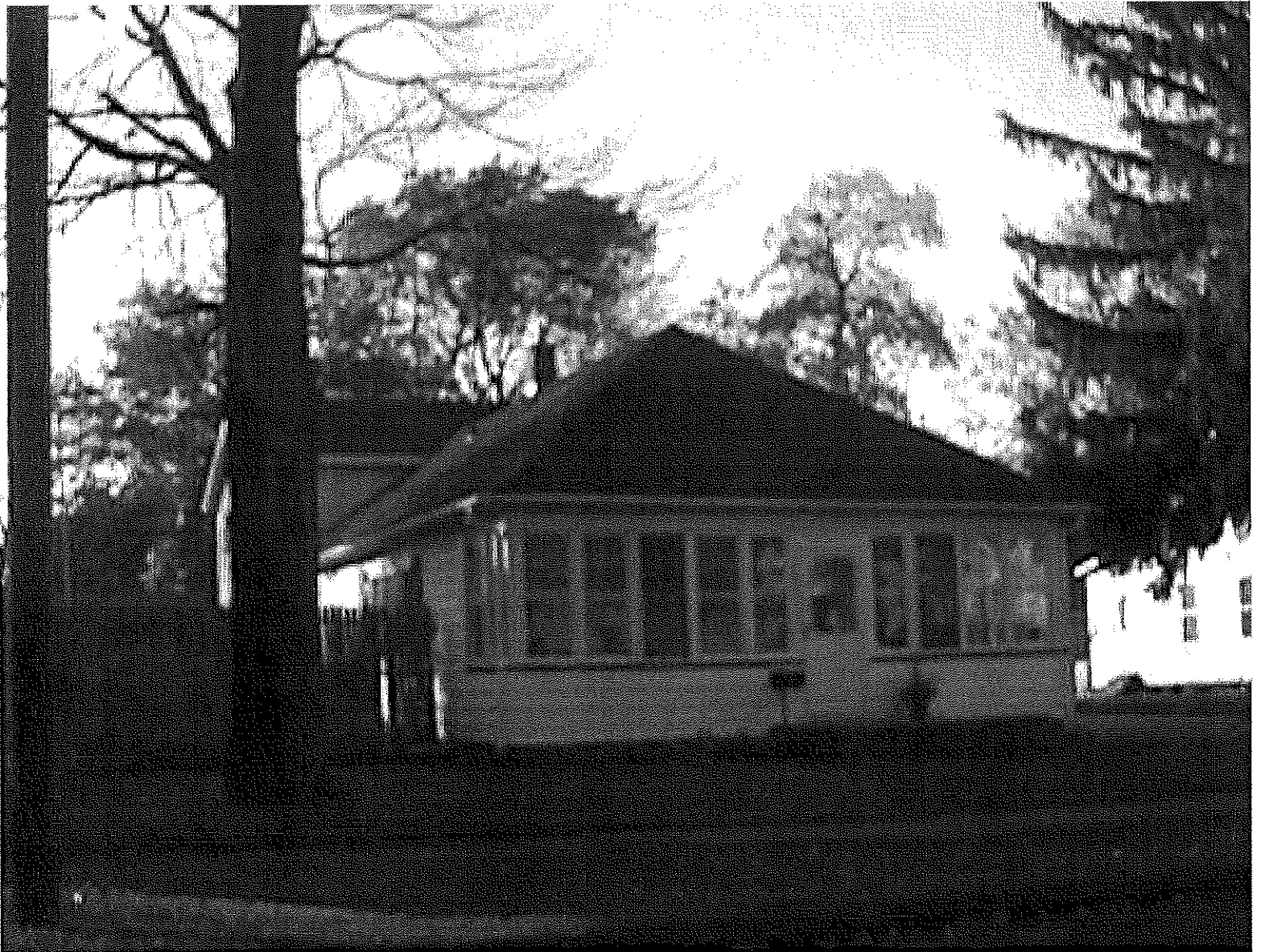
After 1581 Division is obtained the City will contract to that the house totally rehabilitate then sale it to a qualified family continuing the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The dollar will come from Community and Neighborhood Services HOME program income fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the \$1.00 home.

COMMITTEE RECOMMENDATION: None needed



24-205-489-0010-00

1581 DIVISION ST

11/00 - STREET VIEW

Commission Meeting Date: August 22, 2006

Date: August 15, 2006

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

W.G.

**RE: Approval of Contractor for Construction of House
at 280 Iona.**

SUMMARY OF REQUEST: To approve the contract with De Rose Builders Inc, of 7786 Wiczer Drive Fruitport Michigan, for the construction of the new home to be located at 280 Iona for the cost of \$97,876 (Ninety seven thousand eight hundred and seventy six dollars). After the construction is completed the new home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts under the Operation "Metamorphosis: A Change from Old to New"

The City obtained Iona the original house at 280 from the State of Michigan. The house was later demolished, because it was deemed not cost effective for rehabilitation.

The City received four other bids:

- **Diamond Development Inc**, of 6820 Lakita Drive Fruitport Michigan, for \$99,950 (Ninety-nine thousand nine hundred and fifty dollars)
- **J2 Construction**, of 109 West Laketon Avenue Muskegon Michigan, for \$ 119,866 (One hundred nineteen thousand eight hundred sixty-six dollars)

- **Obenauf DePender Construction LLC**, of 4471 Thompkins Trail Muskegon Michigan, for \$ 120,296 (One hundred twenty thousand two hundred ninety-six thousand dollars)
- **Top Notch Design Contractors**, of 4740 Jensen Road Fruitport Michigan, for \$ 122,000 (One hundred twenty-two thousand dollars)

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the Community and Neighborhood Services office to develop a contract with De Rose Builders, Inc and direct the Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION: None needed.

280 IONA

Metamorphosis: A Change From Old To New



Before demolition



Demolition



Proposed, after construction

Date: August 22, 2006

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Purchase Agreement with Muskegon County for C Station

SUMMARY OF REQUEST:

Approve the purchase agreement with Muskegon County for parcels A, C, D & E and terminate the reverter clause on parcel B as shown on the attached drawing and authorize the mayor and clerk to execute said agreement. The total purchase price is \$93,840.50.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve the purchase agreement

COMMITTEE RECOMMENDATION:

PURCHASE AGREEMENT

This Agreement made and entered into on this 22nd day of August, 2006, is intended to include all matters pertaining to the sale and purchase of certain real estate hereinafter described, which real estate Purchaser agreed to buy from Seller, and Seller agrees to sell to Purchaser, on the terms and conditions hereinafter set forth, as follows:

SELLER

City of Muskegon
933 Terrace St.
Muskegon, MI 49440

PURCHASER

County of Muskegon, Board of Public Works
990 Terrace St.
Muskegon, MI 49442

DESCRIPTION OF REAL ESTATE

See Attached

METHOD OF SALE

Sale shall be for cash with delivery of a quit claim deed conveying marketable title subject, however, to existing easements, restrictions and rights-of-way of record, as well as applicable zoning ordinances, if any there be.

SALE PRICE

The agreed upon total purchase price is to be Ninety-Three Thousand Eight Hundred Forty and 50/100 Dollars (\$93,840.50)(28,874 sq. ft. x \$3.25/sq. ft.).

MISCELLANEOUS COSTS

Seller is exempt from any Michigan transfer tax in an amount required by law, if any.

Purchaser shall be responsible for the cost of recording the document to be used in completion of this sale.

INSPECTION PERIOD

A. Due Diligence Investigation. Upon the execution of this Agreement by the parties, Buyer and Buyer's agents, employees, contractors and consultants may, prior to the date of closing, conduct such inspection, investigations, appraisals, tests, feasibility studies, and determinations of the property as Buyer, in its sole discretion, shall desire in order to determine that the condition of the premises is acceptable and that the premises is suitable for Buyer's intended uses ("Due Diligence Investigation"). The Due Diligence Investigation shall include, but shall not be limited to inquiring as to the existence and/or adequacy of electrical, plumbing, sewer, water and other utility services, public services and access; insuring as to applicable zoning ordinances, use regulations and business codes; conducting soil tests of the premises, borings and other engineering and architectural tests; evaluation of the environmental conditions which exist at the Premises (including, if desired by Buyer, a Phase I and Phase II environmental site assessment and a baseline environmental assessment) and a Seller's compliance with all applicable state and

federal environmental laws and regulations. Buyer shall pay the cost of the Due Diligence Investigation. The Due Diligence Investigation shall be completed within a reasonable time, not to exceed forty-five (45) days ("Inspection Period") after execution of this Agreement by both parties.

B. Submittals to DEQ. Within ten (10) days after Seller's execution of this Agreement, Seller shall provide Buyer with a copy of any other results, data or reports of the environmental condition of the Premises in Seller's possession or control. Seller acknowledges that during the Inspection Period or at any time consistent with regulations before or after the Date of Closing, Buyer may make a petition to the Michigan Department of Environmental Quality ("DEQ") for a baseline environmental assessment ("BEA") adequacy determination, or at the option of Buyer, may disclose the results of the BEA to the DEQ without such a petition.

C. Buyer's Right to Terminate. At any time during the Inspection Period, if Buyer should, in its sole opinion, determine that the condition of the Premises is not acceptable or that the Premises is not suitable for all of its intended uses, Buyer shall provide Seller with written notice thereof, and Buyer may, in its sole discretion, terminate this Agreement, and this Agreement shall thereafter be of no further force or effect.

POSSESSION

Purchaser shall be entitled to possession of the subject property beginning on the date of closing.

EVIDENCE OF TITLE

Seller agrees to furnish to Purchaser within 10 days hereafter, at Purchaser's expense an abstract of title and a ten (10) year tax history certified to a date later than the date hereof. In lieu thereof, and at Seller's option, a commitment for and, in due course, a policy of title insurance in an amount for not less than the purchase price, bearing date later than the date hereof and guaranteeing the title in the condition required for the performance of this Agreement, will be accepted, at the Seller's expense.

TITLE OBJECTIONS

Objections to title of subject property by Purchaser must be made within fourteen (14) days from the date an abstract of title and ten (10) year tax history certified as aforesaid are furnished to Purchaser and, further, they must be based upon a written title opinion of Purchaser's attorney to the effect that title is not in the condition required for performance hereunder. In the event objection is made, Seller shall have 30 days from the date he is notified in writing of said objection either (1) to remedy the defect(s), or (2) obtain a title insurance policy commitment, or (3) in the event said default(s) cannot be remedied, refund the deposit in full as a termination of this Agreement.

DATE OF CLOSING

In the event no objections to the title are made, closing shall take place within 60 days of the date of this Agreement. If objections to the title are made, closing shall take place within 60

days from the date Seller remedies the title or obtains a title insurance policy commitment in accord with a prior provision of this Agreement.

PLACE OF CLOSING

Closing shall take place at a place to be agreed upon by the parties.

PURCHASER'S DEFAULT

In the event of default by Purchaser hereunder, Seller may, at his option, elect to enforce the terms of this Agreement.

SELLER'S DEFAULT

In the event of default by Seller hereunder, Purchaser may, at his option, elect to enforce the terms of this Agreement.

NOTICES

All notices, deliveries or tenders given or made in connection herewith shall be deemed completed and legally sufficient if mailed or delivered to the respective party for whom the same is intended at the address herein set forth.

SURVEY

Purchaser may at its expense have the properties surveyed to determine the total acreage involved and the existence of any encroachments.

VACATION OF RIGHT-OF-WAY

The Seller acknowledges the Buyer's need to have the right-of-way known as Ottawa Street vacated as it affects Parcel D. Seller agrees to cooperate and institute the necessary process to result in the adoption of a resolution absolutely vacating the public's interest in that right-of-way except that which is required for utility installation, maintenance and preservation.

GREEN SPACE DEVELOPMENT

The Buyer covenants and agrees to topsoil, seed, and cover with mulch and thereafter maintain the land not occupied by the re-constructed Lift Station C. Additional landscaping design for the premises shall be subject to approval by the City of Muskegon, which approval shall not be unreasonably withheld. It is agreed by the parties that this covenant shall survive closing and run with the land.

MISCELLANEOUS

A. That pronouns and relative words herein used are written in the masculine and singular only. If more than one joins in the execution hereof as Seller or Purchaser, or either be of the feminine sex or a corporation, such words shall be read as if written in plural, feminine or neuter respectively. The covenants herein shall bind the heirs, personal representatives, administrators, executors, assigns and successors of the respective parties.

B. This Agreement constitutes the entire agreement between the parties and no prior representations or agreements, oral or written, shall be considered a part hereof, unless referenced or incorporated in this Agreement.

C. Time shall be deemed as the very essence of this Agreement.

D. The covenants herein shall bind and inure to the benefit of the parties hereto, their personal representatives, successors and assigns and shall survive the closing of the sale.

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

EXECUTED IN THE PRESENCE OF:

SELLER: CITY OF MUSKEGON

John Kruskowski
JOAnn Kruskowski

By: [Signature]
Stephen J. Warmington, Mayor

Irene Dempsey
Irene Dempsey

By: Linda Potter
Linda Potter, Acting Clerk

EXECUTED IN THE PRESENCE OF:

PURCHASER:

COUNTY OF MUSKEGON,
BOARD OF PUBLIC WORKS

By: _____
Louis McMurray, Chairman

By: _____

This instrument Drafted By:
Williams, Hughes & Cook, PLLC
By: Douglas M. Hughes (P-30958)
120 West Apple Avenue
P.O. Box 599
Muskegon, MI 49443-0599

TERMINATION OF REVERTER CLAUSE

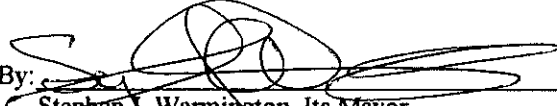
TO ALL PRESENT AND FUTURE OWNERS OF:

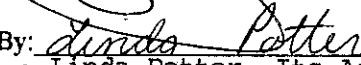
SEE ATTACHED EXHIBIT A

That the City of Muskegon, after being first duly authorized, does by the authority of the signatures of its Mayor and Clerk, do terminate the reverter clause contained within the Quit Claim Deed dated May 20, 2005, recorded at Liber 3654, Page 154 and do hereby agree to waive any and all interest created by that instrument.

Dated the _____ day of _____, 2006.

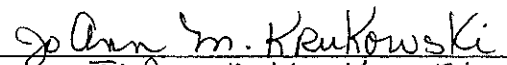
CITY OF MUSKEGON

By: 
Stephen J. Warmington, Its Mayor

By: 
Linda Potter, Its Acting Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me this 29 day of August, 2006, by Stephen J. Warmington and Linda Potter the Mayor and Clerk, respectively, of CITY OF MUSKEGON, a municipal corporation, on behalf of the corporation.


JoAnn M Krukowski
Notary Public
Muskegon County, Michigan
My Commission expires: 05-13-2012
Acting in Muskegon County

Drafted by and after recording, return to:
WILLIAMS, HUGHES & COOK, PLLC
Douglas M. Hughes
120 W. Apple Ave., P.O. Box 599
Muskegon, MI 49443-0599

EXHIBIT A
LEGAL DESCRIPTION

LOTS 4 AND 5 OF BLOCK 170 OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, AND PART OF LOT 3, BLOCK 170 OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF LOT 3, THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF OTTAWA STREET 44 FEET, THENCE NORTHWESTERLY TO A POINT ON THE EASTERLY LINE OF WESTERN AVENUE 38 FEET NORTHERLY OF THE NORTHERLY OF THE MOST WESTERLY CORNER OF LOT 3, THENCE SOUTHWESTERLY 38 FEET TO THE MOST WESTERLY CORNER OF LOT 3, THENCE SOUTHEASTERLY TO BEGINNING, EXCEPT ANY PART OF THE REALIGNED OTTAWA STREET AND SHORELINE DRIVE.

RELEASE AND DISCHARGE OF REVERSIONARY INTEREST

The City of Muskegon, of 933 Terrace St., Muskegon, MI 49441, being the holder of certain reversion rights as Grantor in a deed dated June 1, 2005, and recorded at Liber 3654 Page 154, Muskegon County Records, does hereby release and discharge its right to reversion of interest and title in the following described property, for the reason that the conditions for such release and discharge have been met to the City's satisfaction:

See Attached

In witness whereof this release is executed by the mayor and clerk on behalf of the city this _____ day of _____, _____.

Witnesses:

JoAnn Krukowski
JoAnn Krukowski
Irene Dempsey
Irene Dempsey

CITY OF MUSKEGON

By Stephen J. Warmington, Mayor

By Linda Potter, Acting City Clerk

STATE OF MICHIGAN COUNTY OF MUSKEGON

On this 29 day of August, 2006 before me, a Notary Public, personally appeared Stephen J. Warmington and Linda Potter, being the mayor and deputy city clerk, respectively, of the City of Muskegon, and who stated that they acknowledge and execute this document on behalf of the City of Muskegon with full authority of the City.

JoAnn M. Krukowski
JoAnn M. Krukowski
Notary Public, Muskegon County, Michigan
My comm. exp. May 13, 2012

Prepared by: Hope Mitchell
933 Terrace St.
Muskegon, MI 49440

Return to: City of Muskegon
Attn: Hope Mitchell
933 Terrace St.
Muskegon, MI 49440

EXHIBIT A
LEGAL DESCRIPTION

LOTS 4 AND 5 OF BLOCK 170 OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, AND PART OF LOT 3, BLOCK 170 OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF LOT 3, THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF OTTAWA STREET 44 FEET, THENCE NORTHWESTERLY TO A POINT ON THE EASTERLY LINE OF WESTERN AVENUE 38 FEET NORTHERLY OF THE NORTHERLY OF THE MOST WESTERLY CORNER OF LOT 3, THENCE SOUTHWESTERLY 38 FEET TO THE MOST WESTERLY CORNER OF LOT 3, THENCE SOUTHEASTERLY TO BEGINNING, EXCEPT ANY PART OF THE REALIGNED OTTAWA STREET AND SHORELINE DRIVE.

Quit Claim Deed

City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Grantor"),

Conveys and Quit Claims To: County of Muskegon, Board of Public Works, of 990 Terrace Street, Muskegon, Michigan, 49440 ("Grantee")

the property in the City of Muskegon, County of Muskegon, State of Michigan, which is legally described in attached Exhibit A ("Premises").

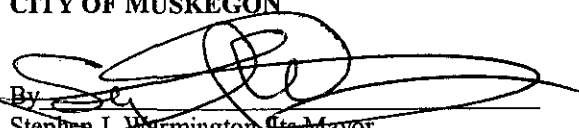
for the sum of: Ninety Three Thousand Eight Hundred Forty Dollars and Fifty Cents (\$93,840.50).

The Grantee covenants and agrees to topsoil, seed, and cover the Premises with mulch, and thereafter maintain the Premises not occupied by the re-constructed Lift Station C. Additional landscaping design for the premises shall be subject to the approval of the Grantor, which approval shall not be unreasonably withheld. It is agreed by the parties that this covenant shall run with the land.

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

Dated: _____, 2006

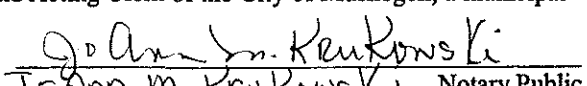
CITY OF MUSKEGON

By 
Stephen J. Warmington, Its Mayor

and 
Linda Potter, Its Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 7 day of September, 2006, by Stephen J. Warmington and Linda Potter, Mayor and Acting Clerk of the City of Muskegon, a municipal corporation.


Jo Ann M. Krukowski, Notary Public
Muskegon County, Michigan
My commission expires: 05-13-2012
Acting in Muskegon County, Michigan

Drafted by & when recorded return to:
John C. Schrier
PARMENTER O'TOOLE
175 West Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

Send subsequent tax bills to:
Grantee

Exhibit A
Legal Descriptions

PARCEL "A"

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN REVISED PLAT OF 1903 BEING THE SOUTHERLY 40 FEET OF THE WESTERLY 75 FEET OF LOT 8 OF BLOCK 170 OF SAID PLAT.

PARCEL "C"

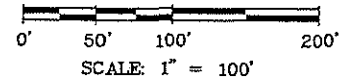
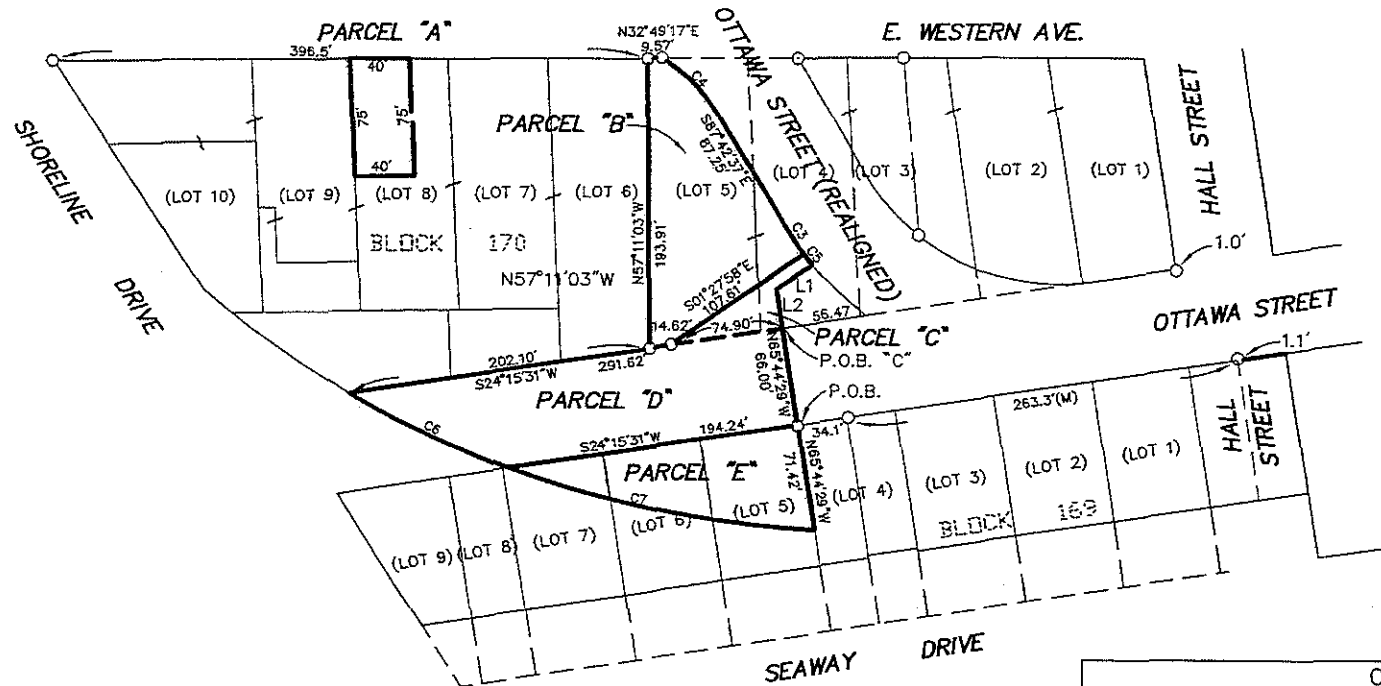
CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT A POINT ON THE EAST LINE OF BLOCK 170 OF SAID PLAT (WESTERLY LINE OF OTTAWA STREET) BEING N65°44'29"W ALONG EXTENSION OF THE SOUTH LINE OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE S24°15'31"W 74.90 FEET ALONG SAID EAST LINE; THENCE N01°27'58"W 107.61 FEET; THENCE EASTERLY 9.02 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF OTTAWA STREET (REALIGNED) ON A 209.86 FOOT RADIUS (27°18'07" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=02^{\circ}27'46''$ THE LONG CHORD BEARING N84°43'59"E 9.02 FEET; THENCE S01°27'58"E 29.39 FEET; THENCE S65°44'29"E 26.10 FEET TO THE POINT OF BEGINNING.

PARCEL "D" (DESCRIPTION TO VACATE PART OF OTTAWA STREET)

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE N65°44'99"W 66.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 170 OF SAID PLAT (WESTERLY LINE OF OTTAWA STREET); THENCE S24°15'31"W 291.62 FEET ALONG SAID EAST LINE; THENCE NORTHEASTERLY 117.80 FEET ON A 669.29 FOOT RADIUS (8°33'38" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=10^{\circ}05'04''$, THE LONG CHORD BEARING N58°23'01"E 117.65 FEET TO THE WESTERLY LINE OF BLOCK 169 (EASTERLY LINE OF OTTAWA STREET) OF SAID BLOCK 169; THENCE N24°15'31"E 194.24 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 169 TO THE POINT OF BEGINNING.

PARCEL "E"

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE S24°15'31"W 194.24 FEET ALONG THE WESTERLY LINE OF BLOCK 169 (EASTERLY LINE OF OTTAWA STREET); THENCE NORTHEASTERLY 207.78 FEET ON A 669.29 FOOT RADIUS (8°33'38" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=17^{\circ}47'16''$, THE LONG CHORD BEARING N44°26'51"E 206.95 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE N65°44'29"E 71.42 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.



LEGEND
O=FOUND IRON STAKE
M=MEASURED DIMENSION

DESCRIPTIONS FOR: MUSKEGON WASTEWATER MANAGEMENT SYSTEM
8301. WHITE ROAD
MUSKEGON MICHIGAN 49442

CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C3	5°35'17"	209.86'	10.24'	20.47'	N88°45'30"E 20.46'
C4	27°29'14"	114.64'	28.04'	55.00'	N78°32'47"E 54.47'
C5	02°27'46"	209.86'	4.51'	9.02'	N84°43'59"E 9.02'
C6	10°05'04"	669.29'	59.05'	117.80'	N58°23'01"E 117.65'
C7	17°47'16"	669.29'	104.73'	207.78'	N44°26'51"E 206.95'

REV 05/25/06 PARCEL "C" REVISED

LINE TABLE		
LINE	BEARING	LENGTH
L1	S01°27'58"E	29.39
L2	S65°44'29"E	26.10

Prein & Newhof
Engineers • Surveyors • Environmental • Laboratory

3355 Evergreen Drive NE Grand Rapids, Michigan 49525
Telephone : (616) 364-8491 Fax : (616) 364-6955
Project No. : 2051054 2051054_RS_020608 Date : 02/13/06

PARCEL "A" (CITY OF MUSKEGON TO MCWMS)

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEING THE SOUTHERLY 40 FEET OF THE WESTERLY 75 FEET OF LOT 8 OF BLOCK 170 OF SAID PLAT.

PARCEL "B" (MIJU CORPORATION TO MCWMS)

ANY PORTION OF LOTS 3, 4 & 5 OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN LYING SOUTHERLY OF THE REALIGNED OTTAWA STREET.

PARCEL "C" (CITY OF MUSKEGON TO MCWMS) (REVISED 05/25/06)

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT A POINT ON THE EAST LINE OF BLOCK 170 OF SAID PLAT (WESTERLY LINE OF OTTAWA STREET) BEING N65°44'29"W ALONG EXTENSION OF THE SOUTH LINE OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE S24°15'31"W 74.90 FEET ALONG SAID EAST LINE; THENCE N01°27'58"W 107.61 FEET; THENCE EASTERLY 9.02 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF OTTAWA STREET (REALIGNED) ON A 209.86 FOOT RADIUS (27°18'07" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=02^{\circ}27'46''$, THE LONG CHORD BEARING N84°43'59"E 9.02 FEET; THENCE S01°27'58"E 29.39 FEET; THENCE S65°44'29"E 26.10 FEET TO THE POINT OF BEGINNING.

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PARCEL "E" (CITY OF MUSKEGON TO MCWMS)

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE S24°15'31"W 194.24 FEET ALONG THE WESTERLY LINE OF BLOCK 169 (EASTERLY LINE OF OTTAWA STREET); THENCE NORTHEASTERLY 207.78 FEET ON A 669.29 FOOT RADIUS (8°33'38" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=17^{\circ}47'16''$, THE LONG CHORD BEARING N44°26'51"E 206.95 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE N65°44'29"E 71.42 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.

DESCRIPTIONS FOR: MUSKEGON WASTEWATER MANAGEMENT SYSTEM
8301. WHITE ROAD
MUSKEGON MICHIGAN 49442

REV 05/25/06 PARCEL "C" REVISED

Prein & Newhof
Engineers • Surveyors • Environmental • Laboratory

3355 Evergreen Drive NE Grand Rapids, Michigan 49525
Telephone : (616) 364-8491 Fax : (616) 364-6955
Project No. : 2051054 2051054_RS_020608 Date : 02/13/06

PARMENTER O'TOOLE

Attorneys at Law

John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom
Eric R. Gielow
John C. Schrier
Christopher L. Kelly
Linda S. Kaare
James R. Scheuerle
William J. Meier
Keith L. McEvoy
Anna Urlick Duggins
Scott M. Knowlton

601 Terrace Street ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

Thomas H. Thornhill

Scott R. Sewick
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Nancy Ann Hornacek
Adam G. Zuwerink
Douglas J. Winkle

Of Counsel

Thomas J. O'Toole
Eric J. Fauri
Michael M. Knowlton

George A. Parmenter, 1903-1993

January 18, 2007

Douglas M. Hughes
Williams, Hughes & Cook
120 W. Apple Ave.
P.O. Box 599
Muskegon MI 49443-0599

Re: Purchase Agreement – County Wastewater Lift Station C

Dear Mr. Hughes:

Enclosed please find the original recorded Quit Claim Deed from the City of Muskegon to the County of Muskegon.

It has been a pleasure working with you on this matter.

Sincerely,



John C. Schrier
Direct: 231.722.5401
jcs@parmenterlaw.com

c: Hope Mitchell
Linda Potter



Mark Fairchild, Muskegon Co ROD D02

Quit Claim Deed

City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Grantor"),

Conveys and Quit Claims To: County of Muskegon, Board of Public Works, of 990 Terrace Street, Muskegon, Michigan, 49440 ("Grantee")

the property in the City of Muskegon, County of Muskegon, State of Michigan, which is legally described in attached **Exhibit A** ("Premises").

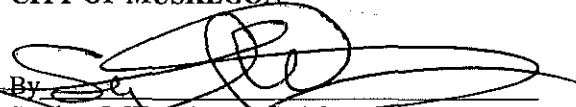
for the sum of: Ninety Three Thousand Eight Hundred Forty Dollars and Fifty Cents (\$93,840.50).

The Grantee covenants and agrees to topsoil, seed, and cover the Premises with mulch, and thereafter maintain the Premises not occupied by the re-constructed Lift Station C. Additional landscaping design for the premises shall be subject to the approval of the Grantor, which approval shall not be unreasonably withheld. It is agreed by the parties that this covenant shall run with the land.

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

Dated: September 7, 2006

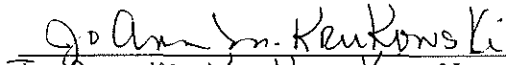
CITY OF MUSKEGON

By 
Stephen J. Warmington, Its Mayor

and 
Linda Potter, Its Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 7 day of September, 2006, by Stephen J. Warmington and Linda Potter, Mayor and Acting Clerk of the City of Muskegon, a municipal corporation.


Jo Ann M. Krulikowski, Notary Public
Muskegon County, Michigan
My commission expires: 05-13-2012
Acting in Muskegon County, Michigan

Drafted by & when recorded return to:
John C. Schrier
PARMENTER O'TOOLE
175 West Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

Send subsequent tax bills to:
Grantee

Exhibit A
Legal Descriptions

PARCEL "A"

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN REVISED PLAT OF 1903 BEING THE SOUTHERLY 40 FEET OF THE WESTERLY 75 FEET OF LOT 8 OF BLOCK 170 OF SAID PLAT.

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L-3727 P-378

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Page: 2 of 2



PRIVACY POLICY NOTICE

LandAmerica Financial Group, Inc. and its family of affiliated companies ("LandAmerica") respect the privacy of our customers' personal information. This Notice explains the ways in which we may collect and use personal information under the LandAmerica Privacy Policy.

LandAmerica provides title insurance and other real estate services through its affiliates. The three largest members of the LandAmerica family, Commonwealth Land Title Insurance Company, Lawyers Title Insurance Corporation, and Transnation Title Insurance Company, and their title affiliates, issue title policies and handle real estate closings across the country. You may review a complete list of the LandAmerica family of affiliates covered by this Privacy Policy on our website at <http://www.landam.com> under the privacy policy link or request a copy be sent to you from the address listed below. The LandAmerica Privacy Policy applies to all LandAmerica customers, former customers and applicants. Please visit our website for an explanation of our privacy practices relating to electronic communication.

What kinds of information we collect: Depending on the services you use, the types of information we may collect from you, your lender, attorney, real estate broker, public records or from other sources include:

- information from forms and applications for services, such as your name, address and telephone number
- information about your transaction, including information about the real property you bought, sold or financed such as address, cost, existing liens, easements, other title information and deeds
- with closing, escrow, settlement or mortgage lending services or mortgage loan servicing, we may also collect your social security number as well as information from third parties including property appraisals, credit reports, loan applications, land surveys, real estate tax information, escrow account balances, and sometimes bank account numbers or credit card account numbers to facilitate the transaction, and
- information about your transactions and experiences as a customer of ours or our affiliated companies, such as products or services purchased and payments made.

How we use and disclose this information: We use your information to provide you with the services, products and insurance that you, your lender, attorney, or real estate brokers have requested. We disclose information to our affiliates and unrelated companies as needed to carry out and service your transaction, to protect against fraud or unauthorized transactions, for institutional risk control, to provide information to government and law enforcement agencies and as otherwise permitted by law. As required to facilitate a transaction, our title affiliates record documents that are part of your transaction in the public records as a legal requirement for real property notice purposes.

We do not share any nonpublic personal information we collect from you with unrelated companies for their own use.

We do not share any information regarding your transaction that we obtain from third parties (including credit report information) except as needed to enable your transaction as permitted by law.

We may also disclose your name, address and property information to other companies who perform marketing services such as letter production and mailing on our behalf, or to other financial service companies (such as insurance companies, banks, mortgage brokers, credit companies) with whom we have joint marketing arrangements. Additionally, some LandAmerica affiliates may share information about their transaction and experiences with you in order to identify opportunities to market other LandAmerica services or products that may be useful to you.

How we protect your information: We maintain administrative, physical, electronic and procedural safeguards to guard your nonpublic personal information. We reinforce our privacy policy with our employees and our contractors. Joint marketers and third parties service providers who have access to nonpublic personal information to provide marketing or services on our behalf are required by contract to follow appropriate standards of security and confidentiality.

Title insurance agents may be covered by this policy: If your transaction goes through a title insurance agent that is not part of the LandAmerica family, the agent handling your transaction should provide you with the agent's own privacy policy or evidence that the agent has adopted our policy.

If you have any questions about this privacy statement or our practices at LandAmerica, please email us at customerservice@landam.com or write us at: LandAmerica Privacy, P.O. Box 27567, Richmond, VA 23261-7567

CONTINGENCY REMOVAL

Date: January 11, 2007

Property: 635 Ottawa Street
Muskegon, MI 49442

Seller(s): City of Muskegon, a Michigan municipal corporation

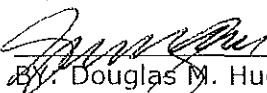
Buyer(s): County of Muskegon, Board of Public Works

Commitment No.: WMS2627

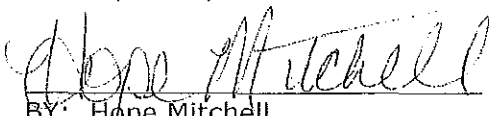
In reference to the sales agreement dated August 22, 2006 between the Buyer(s) and Seller(s) herein identified, and all subsequent addendums to that agreement for the property stated above, it is agreed by the Buyer(s) and Seller(s) that all contingencies pursuant to said agreement, have been met, resolved or removed to the satisfaction of all parties concerned.

Further, the undersigned agree to indemnify, save and hold harmless and and Transnation Title Insurance Company, from any responsibility and/or liability, loss or damage relative thereto.

County of Muskegon, Board
of Public Works


BY: Douglas M. Hughes
Assistant Corp. Counsel

City of Muskegon, a Michigan
municipal corporation


BY: Hope Mitchell,
Planner I

AFFIDAVIT BY OWNER/SELLER/BORROWER

The undersigned is an authorized representative of the owner/seller/borrower who personally knows the facts relative to the matters attested herein. The undersigned, as an authorized representative of the owner/seller/borrower, attests that he/she is empowered by the owner/seller/borrower to bind the owner/seller/borrower to the representations and undertakings made herein. The undersigned being first duly sworn on oath, deposes, states and warrants as follows:

1. That Affiant is the owner of the real estate referred to in Transnation Title Insurance Company Commitment No. WMS2627 above-referenced.
2. The Affiant is in sole possession of said property, and there are no unrecorded deeds, mortgages, leases, easements, land contracts for sale, purchase agreements or options except:
none
3. The Affiant has not negotiated to convey or assign any water, mineral or oil rights relative to said property.
4. The Affiant's has no knowledge of any covenants, conditions or restrictions of record affecting the Property, other than what is recorded, or unrecorded easements or claims of easements affecting said property.
5. That the Affiant is not aware of any boundary line disputes with any abutting property owners as to the location of property lines, nor is the owner/seller/borrower aware of any encroachments of their improvements onto the lands of any adjoining property owners or onto any easements. Likewise, the owner/seller/borrower is not aware of any improvements of adjoining owners encroaching onto said land.
6. That no work has been performed or materials delivered to said property for a period of (120) days prior to the date of this affidavit, and if any work has been performed or materials delivered during said 120 day period, proper sworn statements and waiver of liens showing payment or release of lien rights have been obtained and submitted to Transnation Title Insurance Company for its approval.
7. That the Affiant is not aware of any improvements made, or to be made, to said land, including, but not limited to, sidewalk, curb or street repairs or replacements, weed cutting, debris removal etc., that would result in an assessment or bill to the premises, except as addressed in the purchase agreement.
8. There are no other mortgages, equity loans, revolving credit loans, bridge loans, remodeling loans, judgment liens or tax liens affecting said property, except as set forth in the above-referenced title commitment.
9. There are no proceedings in bankruptcy or receivership by or against the owner/seller/borrower, which are now pending, nor have the owners made any assignment for the benefit of creditors.

Date: January 11 2007

Commitment No.: WMS2627

Property Address: 635 Ottawa Street, Muskegon, Michigan 49442

The undersigned hereby acknowledge receipt of a Request to Rescind Homeowner's Principle Residence Exemption Affidavit form (Michigan Department of Treasury Form No. 26092) as same is required by Public Act 237 of 1994.

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

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

Sellers:

City of Muskegon, a Michigan
municipal corporation



BY: Hope Mitchell,
Planner I

Transnation Title Insurance Company
570 Seminole Road, Suite 201, Muskegon, MI 49444
Phone: 231-737-9111 Fax: 231-737-7304

Quit Claim Deed

City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Grantor"),

Conveys and Quit Claims To: County of Muskegon, Board of Public Works, of 990 Terrace Street, Muskegon, Michigan, 49440 ("Grantee")

the property in the City of Muskegon, County of Muskegon, State of Michigan, which is legally described in attached Exhibit A ("Premises").

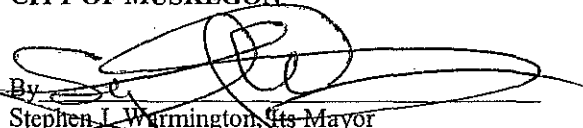
for the sum of: Ninety Three Thousand Eight Hundred Forty Dollars and Fifty Cents (\$93,840.50).

The Grantee covenants and agrees to topsoil, seed, and cover the Premises with mulch, and thereafter maintain the Premises not occupied by the re-constructed Lift Station C. Additional landscaping design for the premises shall be subject to the approval of the Grantor, which approval shall not be unreasonably withheld. It is agreed by the parties that this covenant shall run with the land.

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

Dated: September 7, 2006

CITY OF MUSKEGON

By 
Stephen J. Warmington, Its Mayor

and Linda Potter
Linda Potter, Its Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 7 day of September, 2006, by Stephen J. Warmington and Linda Potter, Mayor and Acting Clerk of the City of Muskegon, a municipal corporation.

Jo Ann M. Krukowski
Jo Ann M. Krukowski, Notary Public
Muskegon County, Michigan
My commission expires: 05-13-2012
Acting in Muskegon County, Michigan

Drafted by & when recorded return to:
John C. Schrier
PARMENTER O'TOOLE
175 West Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

Send subsequent tax bills to:
Grantee

ADDENDUM TO PURCHASE AGREEMENT

Relative to the Purchase Agreement by and between City of Muskegon, a Michigan municipal corporation as Seller(s) and County of Muskegon, Board of Public Works as Buyer(s) of property located at 635 Ottawa Street, Muskegon, MI 49442 dated August 22, 2006, it is hereby agreed that the said Purchase Agreement is amended as follows:

The complete legal description of the property as attached.

No Earnest Deposit.

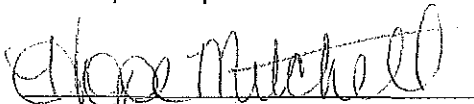
Buyer and Seller to split closing cost 50/50.

Closing date extended to January 11, 2007.

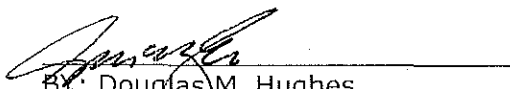
All other terms and conditions of said Purchase Agreement remain unchanged.

Date: 1-11-07

City of Muskegon, a Michigan
municipal corporation


BY: Hope Mitchell,
Planner I

County of Muskegon, Board
of Public Works


BY: Douglas M. Hughes
Assistant Corp. Counsel

Transnation Title Insurance Company
570 Seminole Road, Suite 201
Muskegon, MI 49444

Escrow Officer: Teresa LaVigne

Title No.: WMS2627
Date: 01/11/2007

SELLER'S SETTLEMENT STATEMENT

Seller(s): City of Muskegon, a Michigan municipal corporation Buyer(s): County of Muskegon, Board of Public Works
Property: 635 Ottawa Street
Muskegon, MI 49442
Section 20, T 010N, R 016W

	DEBIT	CREDIT
Contract Sales Price		\$93,840.50
Settlement or closing fee to LandAmerica Transnation	\$140.00	
Title insurance to LandAmerica Transnation	\$631.00	
	***** Sub Total	
	\$771.00	\$93,840.50
Balance Due To Seller	\$93,069.50	
Total	\$93,840.50	\$93,840.50

The above figures do not include sales or use taxes on personal property.
APPROVED AND ACCEPTED

City of Muskegon, a Michigan
municipal corporation


BY: Hope Mitchell,
Planner I

Quit Claim Deed

City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Grantor"),

Conveys and Quit Claims To: **County of Muskegon, Board of Public Works**, of 990 Terrace Street, Muskegon, Michigan, 49440 ("Grantee")

the property in the City of Muskegon, County of Muskegon, State of Michigan, which is legally described in attached **Exhibit A** ("Premises").

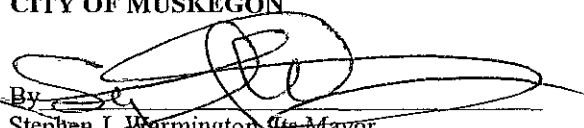
for the sum of: Ninety Three Thousand Eight Hundred Forty Dollars and Fifty Cents (\$93,840.50).

The Grantee covenants and agrees to topsoil, seed, and cover the Premises with mulch, and thereafter maintain the Premises not occupied by the re-constructed Lift Station C. Additional landscaping design for the premises shall be subject to the approval of the Grantor, which approval shall not be unreasonably withheld. It is agreed by the parties that this covenant shall run with the land.

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

Dated: September 7, 2006

CITY OF MUSKEGON

By 
Stephen J. Warmington, Its Mayor

and Linda Potter
Linda Potter, Its Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 7 day of September, 2006, by Stephen J. Warmington and Linda Potter, Mayor and Acting Clerk of the City of Muskegon, a municipal corporation.

JoAnn M. Krutowski
JoAnn M. Krutowski, Notary Public
Muskegon County, Michigan
My commission expires: 05-13-2012
Acting in Muskegon County, Michigan

Drafted by & when recorded return to:

John C. Schrier
PARMENTER O'TOOLE
175 West Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

Send subsequent tax bills to:
Grantee

Exhibit A
Legal Descriptions

PARCEL "A"

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN REVISED PLAT OF 1903 BEING THE SOUTHERLY 40 FEET OF THE WESTERLY 75 FEET OF LOT 8 OF BLOCK 170 OF SAID PLAT.

PARCEL "C"

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT A POINT ON THE EAST LINE OF BLOCK 170 OF SAID PLAT (WESTERLY LINE OF OTTAWA STREET) BEING N65°44'29"W ALONG EXTENSION OF THE SOUTH LINE OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE S24°15'31"W 74.90 FEET ALONG SAID EAST LINE; THENCE N01°27'58"W 107.61 FEET; THENCE EASTERLY 9.02 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF OTTAWA STREET (REALIGNED) ON A 209.86 FOOT RADIUS (27°18'07" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=02^{\circ}27'46''$ THE LONG CHORD BEARING N84°43'59"E 9.02 FEET; THENCE S01°27'58"E 29.39 FEET; THENCE S65°44'29"E 26.10 FEET TO THE POINT OF BEGINNING.

PARCEL "D" (DESCRIPTION TO VACATE PART OF OTTAWA STREET)

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE N65°44'99"W 66.00 FEET TO A POINT ON THE EAST LINE OF BLOCK 170 OF SAID PLAT (WESTERLY LINE OF OTTAWA STREET); THENCE S24°15'31"W 291.62 FEET ALONG SAID EAST LINE; THENCE NORTHEASTERLY 117.80 FEET ON A 669.29 FOOT RADIUS (8°33'38" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=10^{\circ}05'04''$, THE LONG CHORD BEARING N58°23'01"E 117.65 FEET TO THE WESTERLY LINE OF BLOCK 169 (EASTERLY LINE OF OTTAWA STREET) OF SAID BLOCK 169; THENCE N24°15'31"E 194.24 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 169 TO THE POINT OF BEGINNING.

PARCEL "E"

CITY OF MUSKEGON, SECTION 20 T10N R16W, MUSKEGON COUNTY, MICHIGAN, REVISED PLAT OF 1903 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 169 OF SAID PLAT; THENCE S24°15'31"W 194.24 FEET ALONG THE WESTERLY LINE OF BLOCK 169 (EASTERLY LINE OF OTTAWA STREET); THENCE NORTHEASTERLY 207.78 FEET ON A 669.29 FOOT RADIUS (8°33'38" DEG OF CURVE) CURVE TO THE LEFT, $\Delta=17^{\circ}47'16''$, THE LONG CHORD BEARING N44°26'51"E 206.95 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE N65°44'29"E 71.42 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.

ADDENDUM TO PURCHASE AGREEMENT

Relative to the Purchase Agreement by and between City of Muskegon, a Michigan municipal corporation as Seller(s) and County of Muskegon, Board of Public Works as Buyer(s) of property located at 635 Ottawa Street, Muskegon, MI 49442 dated August 22, 2006, it is hereby agreed that the said Purchase Agreement is amended as follows:

The complete legal description of the property as attached.

No Earnest Deposit.

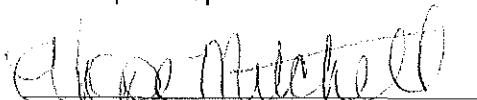
Buyer and Seller to split closing cost 50/50.

Closing date extended to January 11, 2007.

All other terms and conditions of said Purchase Agreement remain unchanged.

Date: 1-11-07

City of Muskegon, a Michigan
municipal corporation


BY: Hope Mitchell,
Planner I

County of Muskegon, Board
of Public Works


BY: Douglas M. Hughes
Assistant Corp. Counsel

EXHIBIT A

File Number - WMS2627

Legal Description:

City of Muskegon, Section 20, T10N, R16W, Muskegon County, Michigan, Revised Plat of 1903
Beginning at a point on the East line of Block 170 of said Plat (Westerly line of Ottawa Street)
begin N 65° 44' 29" W along extension of the South line of Lot 4 of Block 169 of said Plat; thence
S 24° 15' 31" W 74.90 feet along said East line; thence N 01° 27' 58" W 107.61 feet; thence
Easterly 9.02 feet along the Southerly right of way line of Ottawa Street (realigned) on a 209.86
foot radius (27° 18' 07" deg of curve) curve to the left, delta angle = 02° 27' 46", the long chord
bearing N 84° 43' 59" E 9.02 feet; thence S 01° 27' 58" E 29.39 feet; thence S 65° 44' 29" E 26.10
feet to the Point of Beginning.

AGENDA ITEM No. _____

MUSKEGON CITY COMMISSION – August 22, 2006

TO: Honorable Mayor & City Commissioners

FROM: Planning Department *CB*

DATE: August 1, 2006

SUBJECT: Approval of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Pierre and Tondalaya Tyson for the new construction of a home in the Marquette neighborhood at 1293 Marquette Avenue. The property is located in a Neighborhood Enterprise Zone for new construction. The application states that the estimated cost for construction will be \$191,537 in materials. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

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

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

Resolution No. 2006-71(b)

MUSKEGON CITY COMMISSION

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

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the Acting City Clerk by Pierre and Tondalaya Tyson to construct a home at 1293 Marquette Avenue in the Marquette neighborhood, 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 will be good for twelve (12) years;

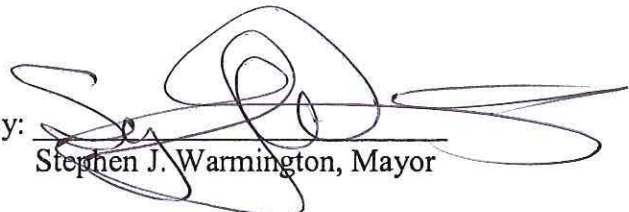
NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the new construction of a home by Pierre & Tondalaya Tyson be approved.

Adopted this, 22nd day of August, 2006.

Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

Absent: None

By: 

Stephen J. Warmington, Mayor

Attest: Linda Potter

Linda Potter

Acting City Clerk

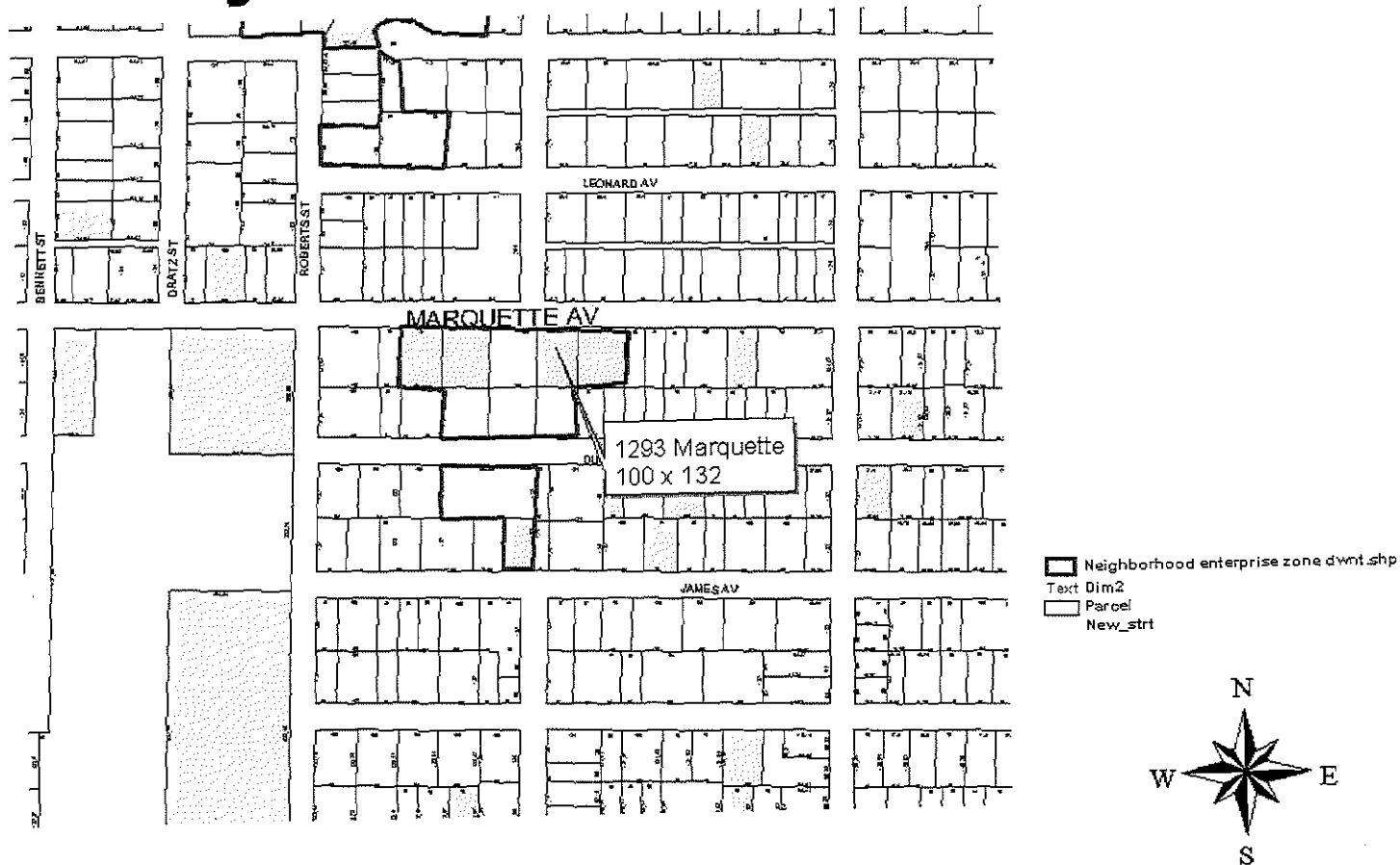
CERTIFICATION

2006-71(b)

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 22, 2006.

By: Linda Potter
Linda Potter
Acting City Clerk

City-Owned Property to Sell



Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CDC*
RE: Zoning Ordinance Amendment to the Sign Ordinance for Window Signage

SUMMARY OF REQUEST:

Request to amend Section 2334 (#5, h.) of Article XXIII (General Provisions) to amend the sign ordinance language to clarify window signage allotments.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language clarifying window signage allotments.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 8/10 meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

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

August 10, 2006

Hearing; Case 2006-35: Staff initiated request to amend Section 2334 (Signs, #5, h) of Article XXIII, to clarify window signage allotments.

BACKGROUND

The issues with this section of the sign ordinance were discussed at the June meeting. Since several businesses have been challenging the language as currently written, it was decided that a clarification of this section was needed. A subcommittee made up of John Aslakson, Bill Larson, and Tim Michalski met with Zoning staff to discuss the issues, and how to best redesign the language so the intent is clear and enforceable. Therefore, the following language is offered for your consideration.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are **bold**.

Changes to Section 2334, Signs, #5, h:

5. Window signage ~~covering~~ **may be up to twenty five percent (25%) of the structure's total window area of the commercial portion of the first floor of the front building face. This allotment may be divided between multiple windows on the commercial portion of the building.**

DELIBERATION

I move that the amendment to Sections 2334 (#5, h) of Article XXIII (Signs), of the Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2201

An ordinance to amend Section 2334 (#5, h.) of Article XXIII (General Provisions) of the Zoning Ordinance to amend the sign ordinance language clarifying window signage allotments.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (#5, h) of Article XXIII (General Provisions) is hereby amended to clarify the window signage allotment:

5. h. Window signage may be up to twenty five percent (25%) of the total window area of the commercial portion of the first floor of the front building face. This allotment may be divided between multiple windows on the commercial portion of the building.

This ordinance adopted:

Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

Adoption Date: August 22, 2006

Effective Date: September 8, 2006

First Reading: August 22, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC
Acting 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 22nd day of August, 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 22, 2006.

Linda S. Potter

Linda S. Potter, CMC

Acting City 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 August 22, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (10.) of Article XXIII (General Provisions) to amend the sign ordinance language to clarify window signage allotments.

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 August 29, 2006

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: August 22, 2006

Date: August 15, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – SAPPI

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, SAPPI, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 2400 Lakeshore Drive, Muskegon. The total capital investment is approximately \$4,173,595.00 in ^{personal} real property. This request qualifies SAPPI for a term of seven (7) years for personal property.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of seven (7) years for personal property.

COMMITTEE RECOMMENDATION: None



**City of Muskegon
Industrial Facilities Exemption Application
Summary Sheet**

Project Summary:

SAPPI, an existing company located at 2400 Lakeshore Drive, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. Due to the fact that the company is investing \$4,173,595 in real property it is eligible for a seven (7) year exemption for real property.

Employment Information:

Racial Characteristics:
 White 273 85%
 Minority 50 15%
 Total 323 100%

Gender Characteristics:
 Male 294 91%
 Female 29 9%
 Total 323 100%

Total No. of Anticipated New Jobs: 0

Investment Information:

Real Property: \$ 0
 Personal Property \$4,173,595
 Total: \$4,173,595

Property Tax Information: (Annual)

	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$ 102,253	\$ 22,954
Value of Abatement	\$ 51,126	\$ 11,477
Total New Taxes Collected	\$ 51,126	\$ 11,477

Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$ 0

Company Requirements:

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


 Joel Fitzpatrick
 Planner II

 Affirmative Action Director

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit 7/17/06
STC Use Only	
Application Number	Date Received by STC

APPLICATION INFORMATION

All boxes must be completed

1a. Company Name (Applicant must be the occupant/operator of the facility) Sappi Fine Paper North America		1b. Standard Industrial Classification (SIC) Code Sec. 2(10) (Four Digit Code) 2621	
1c. Location of Facility (Street, City, State, ZIP) 2400 Lakeshore Drive, Muskegon, MI 49443		1d. Name of City/Township/Village (Indicate which) City of Muskegon	1e. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ TRANSFER (1 copy to only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9)) ☐ REHABILITATION (SEC. 3(1))		3. School District Where Facility is Located Muskegon	a. School Code 61010
4. Amount of years requested for exemption (1 - 12 Years) 6 years after completion of project			
5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional pages(s) if more room is needed). The applicant is engaged in the manufacturing of high-quality coated commercial printing paper products.			
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. Real Property Costs Real Property Costs * Also attach a copy of building permit if project has already begun 6b. Cost of machinery, equipment, furniture and fixtures 4,173,595 * Attach itemized listing with month, day and year of beginning of installation plus total costs Personal Property Costs Personal Property Costs 4,173,595 6c. Total Project Costs Total of Real & Personal Costs			
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC. Begin Date (M/D/Y) End Date (M/D/Y) Real Property Improvements ☐ Owned ☐ Leased Personal Property Improvements 1/30/2006 9/1/2006 ☒ Owned ☐ Leased			
8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No			
9. Number of existing jobs at this facility that will be retained as a result of this project. 195		10. Number of new jobs at this facility expected to be created within two years of project completion. 0	
11. Rehabilitation applications only: Complete a, b, and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district. The SEV date below must be as of December 31 of the year prior to the rehabilitation. a. SEV of Real Property (excluding land) N/A b. SEV of Personal Property (excluding inventory) N/A c. Total SEV N/A			
12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District			
12b. Date district was established by local government unit 12/13/83		12c. Is this application for a speculative building (sec. 3(8)) ☐ Yes ☒ No	

Continue on Page 2

APPLICANT CERTIFICATION

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

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

13a. Preparer Name Cindy Hendon	13b. Phone Number 260-490-2121	13c. Fax Number 260-490-1707	13d. E-mail Address chendon@valutec.com
14a. Name of Contact Person Cindy Hendon	14b. Phone Number 260-490-2121	14c. Fax Number 260-490-1707	14d. E-mail Address chendon@valutec.com
15a. Name of Company Officer (No Authorized Agents) John O'Brien, Controller			
15b. Signature of Company Officer (No Authorized Agents)			15c. Date
15d. Mailing Address (Street, City, State, Zip) 2400 Lakeshore Drive, Muskegon, MI 49443		15e. Phone Number 231-759-5242	15f. E-mail Address john.o'brien@sappi.com

LOCAL GOVERNMENT ACTION & CERTIFICATION

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit ☐ Abatement Approved for _____ Years (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvement if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.		
12b. Date district was established by local government unit		12c. Is this application for a speculative building (sec. 3(8)) ☐ Yes ☐ No
17. Name of Government Body		

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City State, ZIP)	19e. Phone Number	19f. Fax Number

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Application received after October 31 may be acted upon in the following year

Local Unit: Mail one original and one copy of the completed application and all required attachments to:
 State Tax Commission
 Michigan Department of Treasury
 P.O. Box 30471
 Lansing, MI 48909-7971

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT
Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of
933 Terrace Street, Muskegon, Michigan 49441, ("City") and
("Company"), Sappi Fine Paper North America.

Recitals:

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

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

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

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

NOW THEREFORE THE PARTIES AGREE:

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

1.1 That _____ percent of the promised new jobs shall be in place with full time employees on or before _____, 20____, and _____ percent of the said jobs shall be in place with full time employees on or before _____, 20____. Finally, 100% of the jobs shall be filed and in existence with full-time employees by a date no later than (2) years from the date of the granting of the certificate by the State Tax Commission.

- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of 14% employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$4,173,595.00 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.
- 1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

certificate. Further, the City shall require the submission of the contract signed by the Company together with its applications, before creating the district.

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

- 3.1 Failure to meet any of the commitments set forth above.
- 3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.
- 3.3 Failure to afford to the City the documentation and reporting required.
- 3.4 The failure to create or retain jobs, meet affirmative actions goals or expend the funds on equipment and improvements as represented in the application within the times required hereby.
- 3.5 The bankruptcy or insolvency of the Company.
- 3.6 The failure to pay any and all taxes and assessment levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.
- 3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.
- 3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

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

- 4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:
 - 4.1.1 The company shall pay to the City for prorated distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.
 - 4.1.2 **Immediate Revocation.** The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this agreement to the State Tax Commission in connection with its revocation procedure, giving

notice that the default has occurred and immediate revocation should occur.

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

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

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

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

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

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

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

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

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

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

CITY OF MUSKEGON

By _____, Mayor

and _____
Gail A. Kunding, Clerk

SAPP FINE PAPER NORTH AMERICA

By _____

Its _____

Resolution No. 2006-72(a)

MUSKEGON CITY COMMISSION

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

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on December 13, 1983, this Commission by resolution established an Industrial Development District as requested by SAPPI, 2400 Lakeshore Drive, Muskegon, Michigan 49441; and

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

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on August 22, 2006, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

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

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

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

(See Attachment #1)

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of seven (7) years on personal property.

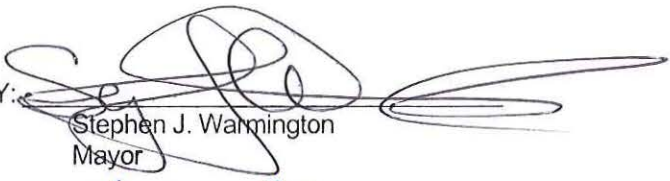
Adopted this 22nd Day of August 2006.

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

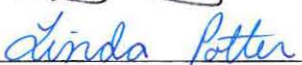
Nays: None

Absent: None

BY:

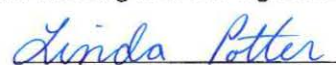

Stephen J. Warmington
Mayor

ATTEST:


Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 22, 2006.


Linda Potter, Acting City Clerk

Attachment A: Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLKS 598 599 600 601 602 603 & 604 EXC WLY 260 FT
ALSO RICHARDS ST VAC FROM N LN LAKESHORE DR TO SHORE OF MUSKEGON LAKE EXC C&O
ROW ALSO LOT 19 BLK 597 EXC COM @ SE COR SD LOT 19 TH NWLY ON ELY LN SD LOT 125 FT TH
WLY 70 FT TH SELY 125 FT TO S LN SD LOT TH ELY 70 FT TO BEG SUBJ TO UTILITY ESMT 2251/225
SUBJ TO UTILITY ESMT 2251/228

Commission Meeting Date: August 22, 2006

Date: August 15, 2006

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department W. G.**

**RE: Public Hearing to Review 2005-2006 Consolidated
Annual Performance Evaluation Report (CAPER)**

SUMMARY OF REQUEST: To conduct a public hearing on August 22, 2006 to review accomplishments and receive comments from the public concerning the 2005 – 2006 Consolidated Annual Performance Evaluation Report (CAPER) developed by the Community and Neighborhood Services department.

After the public hearing has been conducted and all the comments have been documented; the Community and Neighborhood Services office requests that the Commission direct the staff to submit the required documents to the U. S. Department of Housing and Urban Development (HUD) in compliance with 24 CFR 91.520, by no sooner than August 31, 2006.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to continue receiving Community Development Block Grant (CDBG) and HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

COMMITTEE RECOMMENDATION: None

Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Request for Final Planned Unit Development approval for Terrace Lots.

SUMMARY OF REQUEST:

The request for Final Planned Unit Development (PUD) approval at the Terrace Lots for a mixed use retail and commercial development. The request is by Carl Miskotten, Downtown Muskegon Believers, LLC.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the Preliminary PUD and the final PUD, with the conditions listed on the attached resolution, at their August 10, 2006 meeting. The vote was approved by majority vote, with T. Harryman voting no, and B. Smith absent.

CITY OF MUSKEGON

RESOLUTION #2006- 73(a)

RESOLUTION FOR FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR TERRACE LOTS.

WHEREAS, a petition for a planned unit development was received from Carl Miskotten, Downtown Muskegon Believers, LLC; and,

WHEREAS, a planned unit development will allow a mixed use retail and commercial development; and,

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

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

1. A landscaping plan will need to be submitted and approved by the Planning Department.
2. The Fire Department requirements listed in number 11 of the Planning Commission staff report must be met.

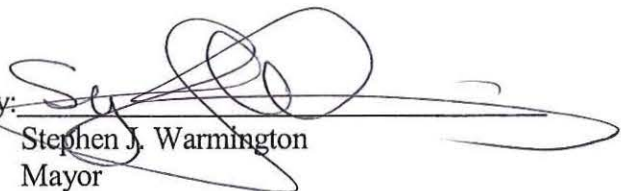
NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the final planned unit development is hereby approved.

Adopted this 22nd day of August, 2006

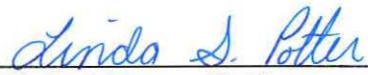
Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and
Shepherd

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Linda S. Potter, CMC
Acting City Clerk

CERTIFICATE (Final PUD Terrace Lots.)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of August, 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 22, 2006.



Linda S. Potter, CMC

Acting City Clerk, City of Muskegon

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

August 10, 2006

Hearing; Case 2006-32: Request for preliminary Planned Unit Development for mixed use retail and commercial approval for Terrace Lots, between Terrace Street, Western Avenue, and Shoreline Drive, by Carl Miskotten, Downtown Muskegon Believers, LLC.

BACKGROUND

Applicant: Carl, Miskotten, Downtown Muskegon Believers, LLC

Property Address/Location: "Terrace Lots", between Terrace Street, Western Avenue & Shoreline Drive

Request: Preliminary Planned Unit Development (PUD)

Present Land Use: Vacant

Zoning: B-2, Convenience and Comparison Business

STAFF OBSERVATIONS

Hearing; Case 2006-33: Request for final Planned Unit Development approval for mixed use retail and commercial for Terrace Lots, between Terrace Street, Western Avenue, and Shoreline Drive, by Carl Miskotten, Downtown Muskegon Believers, LLC.

BACKGROUND

Applicant: Carl, Miskotten, Downtown Muskegon Believers, LLC

Property Address/Location: "Terrace Lots", between Terrace Street, Western Avenue & Shoreline Drive

Request: Preliminary Planned Unit Development (PUD)

Present Land Use: Vacant

Zoning: B-2, Convenience and Comparison Business

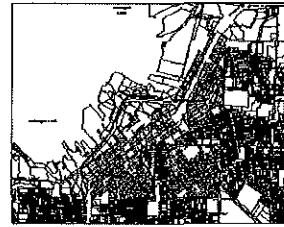
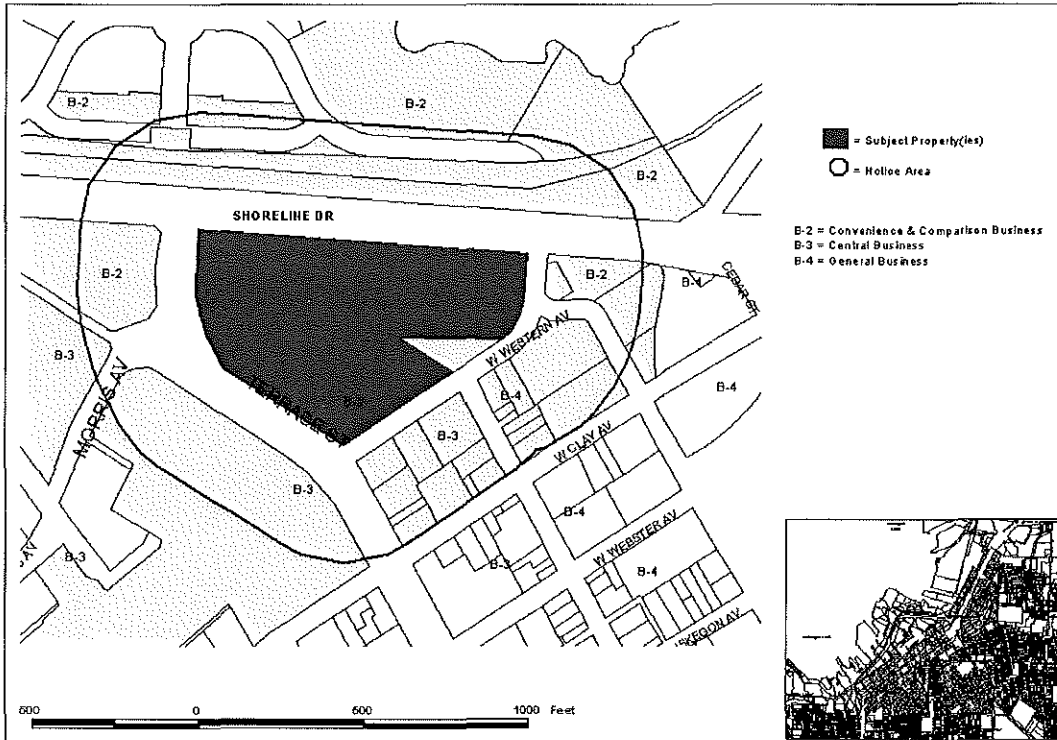
STAFF OBSERVATIONS

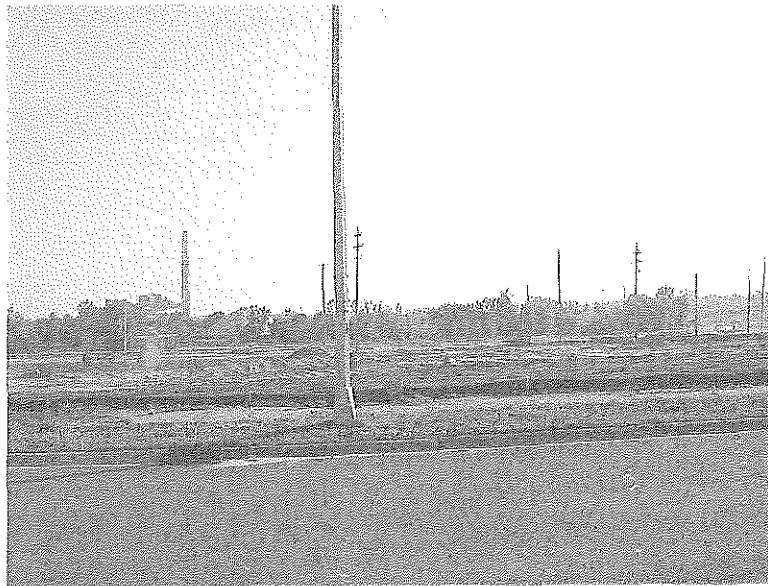
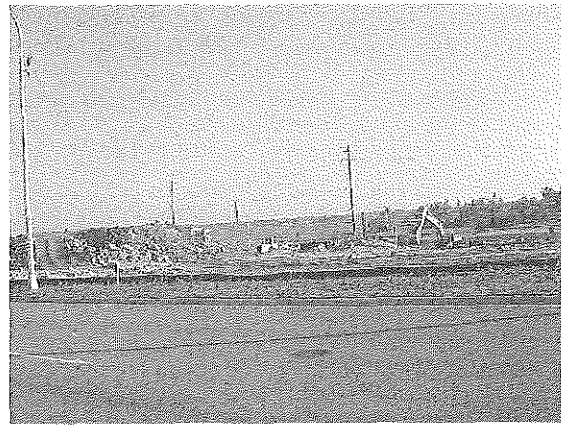
1. This property was formerly known as the "Terrace Lots", and was recently sold to the developer by the City of Muskegon.

2. The property is presently zoned B-2, Convenience and Comparison Business. All of the proposed uses can't be accommodated under the present zoning, therefore a PUD has been requested.
3. The properties to the north and west which includes National City Bank and the Smart Zone, is also zoned B-2. The zoning to the east is B-4, General Business District, and to the south is B-3, Central Business District
4. The request for the PUD is for development of retail/commercial and small specialty food establishments. A restaurant, a Harley Davidson dealership, as well as new and used car dealerships were included on the original site plan.
5. Staff has met with the developer to discuss the concerns of the previously submitted site plan. A new site plan was submitted on 8/9/06. The developer addressed many of the former issues that staff had with the site plan. Those concerns include the location of the buildings and how they are oriented to the street, as well as sidewalks, the used car dealership, and number of parking spaces.
6. The Harley building has been turned and pulled closer to Terrace Street from Shoreline Drive. The car dealership has been turned and reconfigured. The restaurant building has been moved from beside the Central Fire Station property to behind it. The used car dealership building was removed from the site plan.
7. The large parking area located closest to Shoreline Drive, between the Harley and car dealerships, will be used for motorcycle testing and Fire Department training.
8. Five motorcycle display pads and a patio area have been added as part of the Harley dealership plan.
9. Pedestrian circulation has been provided by adding sidewalks on the perimeter and through the site (see #10).
10. The following issues still remain:
 - a. Sidewalks are provided on the Terrace and Western sides of the site, connecting to the sidewalks on the Central Fire Station property. A pedestrian walkway is now provided from Western Avenue past the rear of the restaurant building and connecting to the Harley Davidson building. This is a big improvement for pedestrian access, but there needs to be more connectivity throughout the site. For example, a sidewalk needs to be provided between the restaurant building and the car dealership.
 - b. Indicate size of motorcycle parking spaces. This area should have signs that indicate it is for motorcycles only, or pipe bollards preventing cars from entering the motorcycle parking area.
 - c. Height of the proposed structures need to be shown.
 - d. Location, type, height and design of all outdoor lighting must be shown. All lighting must 100% cut-off style.
 - e. Show specs for dumpster screening.
 - f. Show locations of all fire lanes, fire lock boxes, hydrants, standpipes and security lighting.
 - g. A landscaping plan still needs to be submitted.
 - h. The areas of the parking lot that is planned for "future development" should be so designated on the site plan.
 - i. Permits are required for all signage on the site.
11. In addition, the Fire Department has the following requirements:

- a. Project shall comply with NFPA 1141 standard for fire protection in planned building groups.
 - b. Additional hydrants shall be installed to meet the fire flow and water supply requirements per International Fire Code 2003, Section 508. An amended drawing shall be submitted showing all existing and proposed fire hydrants.
12. Planning staff has the following concerns:
- a. The new plan has over 120 fewer parking spaces than the original. There are 328 parking spaces shown for cars and 93 spaces for motorcycles, for a total of 421 spaces. The previous plan had 549 spaces. With several different businesses sharing the parking, it is difficult to calculate the proper amount of parking. Without details of the interiors of the buildings, staff can't make that calculation. The ordinance requirements would be for "Open Air Business" for the car dealership and Harley Davidson, but would also include office, retail and repair area calculations. The restaurant parking would be determined by maximum occupancy load.
 - b. Although a landscaping plan wasn't submitted with the site plan, there are several open areas designated for landscaping. Since the site has approximately 1,258 of street frontage, the landscaping required for the site would be extensive. The scattered open areas designated for landscaping, should be well done, and provide a relief for the large paved parking areas. The public space, located along the frontage on Shoreline Drive, could also be used by the developer to locate the landscaping needed along that side of the development. Staff could work with the developer and architects to develop an aesthetically pleasing plan that preserves the views and display areas, but also meets the requirements of the zoning ordinance.
13. Staff has received no comments regarding this request.

**City of Muskegon
Planning Commission
Case # 2006-32 & 33**





Planned Unit Developments

Excerpted from Section 2101: Development Options

1. Planned Unit Development (PUD) Purpose

The purpose of this option is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Muskegon and encourage the use, reuse, and improvement of existing sites and buildings when the uniform regulations contained in zoning districts do not provide adequate protection and safeguards for the site or surrounding area.

This option is intended to accommodate developments with mixed or varied uses, to allow some degree of flexibility in the application of standards and regulations in this Ordinance to achieve innovation to development on sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this option is sought primarily to avoid the imposition of standards and requirements of zoning classifications rather than to achieve the stated purposes above.

a. Planned Unit Development Regulations, Standards and Requirements

- 1) The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
- 2) The application shall meet the criteria established in each specified zoning district.

b. PUD Review Procedures

- 1) A petition for a PUD approval shall be submitted in accordance with Section 2332 of this ordinance.
- 2) The review shall be in two phases:
- 3) The preliminary phase shall involve a review of a conceptual PUD plan to determine its suitability.
- 4) The final phase shall require a detailed development plan for any part of the approved conceptual PUD plan.

c. Standards for Approval of PUD Plans

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards.

- 1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
- 2) The uses proposed should be consistent with the land use plans adopted by the City.
- 3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.
- 7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

2. Preliminary PUD Plan Submission

The applicant shall submit together with the application for PUD preliminary phase approval:

- a. A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features.

- 1) Approval by the Planning Commission of the PUD Preliminary Plan shall remain in effect for a period not to exceed three (3) years from the date of approval.
3. Final PUD Plan Submission

The applicant shall submit together with the application for PUD final phase approval, development plans in sufficient detail and in so far as possible the specific locations and dimensions of:

 - a. all streets, sidewalks, public and private utilities, parking areas, truck docks and service drives;
 - b. all buildings and structures, elevations and spacial relationships;
 - c. landscaping, buffers, fences, and protective walls;
 - j. open space areas and other significant environmental features;
 - k. existing and final topographic changes;
 - l. identification and directional signage;
 - m. a property survey prepared and certified by a licensed land surveyor;
4. Amendments to an Approved Final PUD Plan
 - a. Incidental or minor changes may be approved by the Planning Commission if the proposed modifications do not alter the basic design or land uses of the plan.
 - b. If the Planning Commission determines that the proposed modifications are significant or major, a public notice and public hearing in accordance with Section 2332 must be conducted prior to approval or denial.
5. PUD Development Time Limits
 - a. Construction of the improvements shown on the approved final PUD plan with all proposed buildings, parking areas, landscaping and infrastructure must commence within one year of approval by the City Commission.
 - b. Construction must be continued in a reasonable, diligent manner and be completed within five (5) years.
 - a. Said five (5) year period may be extended if applied for in writing by the petitioner and granted by the City Commission following public notice and public hearing in accordance with Section 2332 of this ordinance. Failure to secure an extension shall result in a stoppage of all construction.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary PUD for the Terrace Lots, between Terrace Street, Western Avenue, and Shoreline Drive.

DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2331 of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

MOTION FOR CONSIDERATION

I move that the Preliminary PUD for a mixed-use retail and commercial development on the "Terrace Lots", between Terrace Street, Western Avenue and Shoreline Drive be (approved/denied) pursuant to the determination of (compliance/lack of compliance) with the intent of the City Zoning Ordinance and City Master Land Use Plan, with the following conditions:

1. A revised site plan be submitted and approved by the Planning Department, which addresses items 10 and 11 of the staff report.

Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CPD*
RE: Tool & Die Recovery Zone Status for Eagle
Aluminum Cast Products

SUMMARY OF REQUEST: To approve the attached Development Agreement and Resolution establishing a Tool & Die Recovery Zone for Eagle Aluminum Cast Products, for property located at 664 W. Clay Street.

FINANCIAL IMPACT: The loss to all units would be over \$181,000. This property is located in the Downtown Development Authority but City staff has been unable to calculate the impact on the DDA's budget. In addition any future investments would be tax exempt also.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

2006-73(b)
Resolution to Request a Renaissance Recovery Zone

WHEREAS, the City of Muskegon desires to promote economic activity and maintain/increase the number of jobs available to residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity;

WHEREAS, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by the business enabling it to reposition itself to compete globally, and;

WHEREAS, the business has entered into a collaborative agreement with other business entities having the appropriate North American industrial classification, and;

WHEREAS, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations;

WHEREAS, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the city, county, and other units of government as provided under this Act, and;

WHEREAS, we estimate that the tax revenue lost, which is estimated on the attached schedule, would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community.

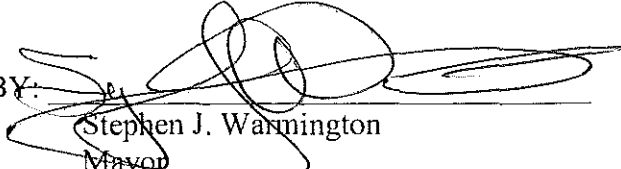
THEREFORE BE IT RESOLVED, that the City of Muskegon requests that the State of Michigan designate Eagle Aluminum Cast Products, 5142 Evanston Avenue, Muskegon, MI 49442, Property ID # 61-24-205-318-0001-00, 61-24-900-351-0320-00 and 61-24-205-318-0008-00, identified by the resolution a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of 15 years.

Adopted this 22nd Day of August 2006.

Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

Absent: None

BY: 

Stephen J. Warmington
Mayor

ATTEST: Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 22, 2006.

Linda Potter
Linda Potter, Acting City Clerk

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON TOOL AND DIE RENAISSANCE RECOVERY ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49443 ("City") and EAGLE ALUMINUM CAST PRODUCTS, INC. (the Company), a Michigan corporation, of 664 W. Clay Avenue, Muskegon, MI.

Recitals:

A. The City has received a request from the Company and intends to consider the location designation of a Tool and Die Renaissance Recovery Zone, and as a condition thereof this Agreement must be approved and executed by the Company prior to the establishment of the Tool and Die Renaissance Recovery Zone. Upon approval of Tool and Die Renaissance Recovery Zone status for the Property, the City will sign this Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Tool and Die Renaissance Recovery Zone, and the City relies upon the undertakings of Company in the Agreement to allow and to continue the Tool and Die Renaissance Recovery Zone status of the Company.

B. The Company intends to install the projects set forth in its Application for the Tool And Die Recovery Zone. The Company understands that the City relies upon the undertakings of the Company in the Agreement to establish and to continue the Company's status as a Tool And Die Renaissance Recovery Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. **DOCUMENTS ATTACHED.** Included in this Agreement are the following documents which have been collected and relied upon by the parties:
 - 1.1 Copy of the Michigan Renaissance Zone Act, as amended to date.
2. **COMPANY AGREEMENT.** The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner.
 - 2.1 Maintain the current level of employment at the same level, or better.

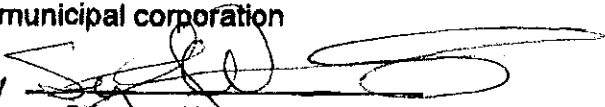
3. **AGREEMENT BY THE CITY.** Provided this Agreement has been executed and further provided all applications concerning Tool and Die Renaissance Recovery Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary with the State of Michigan and with all local review entities by law. The City may consider this agreement in a meeting separate from and prior to the meeting in which the City or any entity considers the approval of the applicant for Tool and Die Renaissance Recovery Zone status.
4. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company.
 - 4.1 Failure to meet any of the commitments set forth above.
 - 4.2 Failure to afford to the City the documentation and reporting required.
 - 4.3 The failure to pay any taxes other than those exempted by the Michigan Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal.
 - 4.4 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.
 - 4.5 Relocation of the Company to a location outside of the City limits of the City of Muskegon.
5. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process.
 - 5.1 **Failure to Install Improvements.** In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
 - 5.2 **Failure to Expend the Funds Represented.** Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its application that it would invest, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company.

- 5.3 Failure to Maintain the Current level of employment. Whether or not the installations have been completed, if the Company has not maintained the number of employees at the same level as when the application for a Tool and Die Renaissance Recovery Zone Designation was submitted, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company
- 5.4 Relocation of the Company to a location outside of the City limits of the City of Muskegon. In the event the Company relocates outside of the City of Muskegon, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court or entity with authority.
- 5.6 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration:
- 5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.
- 5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.
- 5.6.3 Whether the effect on the City's finances of the Company's actions is material and substantial.
- 5.6.4 Whether the circumstances affecting the status of the company was created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

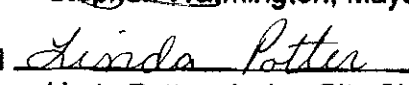
6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Michigan Renaissance Zone Act of the State, as amended.
7. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.
8. Benefits. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors assigns and personal representatives.
9. Effective Date. This Agreement shall be effective on the date the State of Michigan grants the Tool and Die Renaissance Recovery Zone designation.
10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By


Stephen Warmington, Mayor

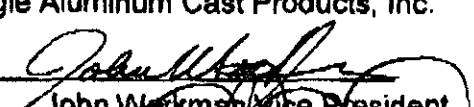
and


Linda Potter, Acting City Clerk

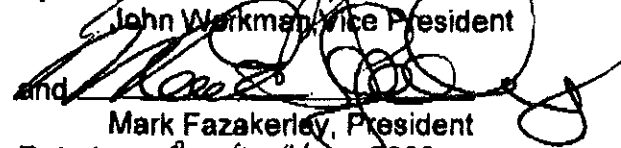
Dated: August 30, 2006

Eagle Aluminum Cast Products, Inc.

By


John Workman, Vice President

and


Mark Fazakerley, President

Dated: 8-9-06, 2006

Revenue Loss For Eagle Alloy Tool & Die Zone

	Real property	Personal Property	Personal Property
Taxable Value	\$138,800	\$102,900	\$500
Yearly loss for all units	\$6,945	\$5,145	\$25
Yearly City tax loss	\$1,500	\$1,131	\$5

Total loss for all units	\$181,725
Total loss for City	\$39,540

Commission Meeting Date: August 22, 2006

Date: August 14, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBE*
RE: Tool & Die Recovery Zone Status for Beckstrom
Mold Technology, Inc

SUMMARY OF REQUEST: To approve the attached Development Agreement and Resolution establishing a Tool & Die Recovery Zone for Beckstrom Mold Technology, Inc., 771 Access Hwy.

FINANCIAL IMPACT: The City will forgo approximately \$68,075.00 in taxes for the 15 year period of the zone. In addition any future investments would be tax exempt also.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

2006-73(c)

Resolution to Request a Renaissance Recovery Zone

WHEREAS, the City of Muskegon desires to promote economic activity and maintain/increase the number of jobs available to residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity;

WHEREAS, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by the business enabling it to reposition itself to compete globally, and;

WHEREAS, the business has entered into a collaborative agreement with other business entities having the appropriate North American industrial classification, and;

WHEREAS, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations;

WHEREAS, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the city, county, and other units of government as provided under this Act, and;

WHEREAS, we estimate that the tax revenue lost, which is estimated on the attached schedule, would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community.

THEREFORE BE IT RESOLVED, that the City of Muskegon requests that the State of Michigan designate Beckstrom Mold Technologies Inc- ID # 61-24-205-001-0003-94, 61-24-900-351-0080-00 and 61-24-982-097-0407-00, 61-22-982-097-0407-00, identified by the resolution a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of 15 years.

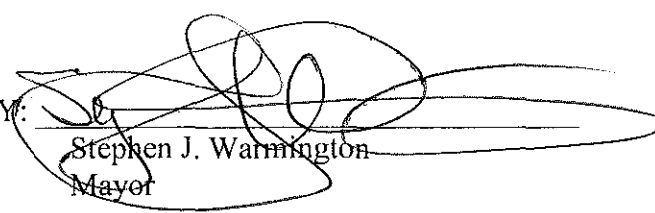
Adopted this 22nd Day of August 2006.

Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

Absent: None

BY:


Stephen J. Warmington
Mayor

ATTEST: Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 22, 2006.

Linda Potter
Linda Potter, Acting City Clerk

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON TOOL AND DIE RENAISSANCE RECOVERY ZONE

2006-73(c)

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49443 ("City") and Beckstrom Mold Technologies a limited liability corporation of 771 Access Hwy, Muskegon, MI 49442.

Recitals:

A. The City has received a request from the Company and intends to consider the location designation of a Tool and Die Renaissance Recovery Zone, and as a condition thereof this Agreement must be approved and executed by the Company prior to the establishment of the Tool and Die Renaissance Recovery Zone. Upon approval of Tool and Die Renaissance Recovery Zone status for the Property, the City will sign this Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Tool and Die Renaissance Recovery Zone, and the City relies upon the undertakings of Company in the Agreement to allow and to continue the Tool and Die Renaissance Recovery Zone status of the Company.

B. The Company intends to install the projects set forth in its Application for the Tool And Die Recovery Zone. The Company understands that the City relies upon the undertakings of the Company in the Agreement to establish and to continue the Company's status as a Tool And Die Renaissance Recovery Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. DOCUMENTS ATTACHED. Included in this Agreement are the following documents which have been collected and relied upon by the parties:
 - 1.1 Copy of the Michigan Renaissance Zone Act, as amended to date.
2. COMPANY AGREEMENT. The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner.
 - 2.1 Maintain the current level of employment at the same level.
3. AGREEMENT BY THE CITY. Provided this Agreement has been executed and further provided all applications concerning Tool and

Die Renaissance Recovery Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary with the State of Michigan and with all local review entities by law. The City may consider this agreement in a meeting separate from and prior to the meeting in which the City or any entity considers the approval of the applicant for Tool and Die Renaissance Recovery Zone status.

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

- 4.1 Failure to meet any of the commitments set forth above.
- 4.2 Failure to afford to the City the documentation and reporting required.
- 4.3 The failure to pay any taxes other than those exempted by the Michigan Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal.
- 4.4 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.
- 4.5 Relocation of the Company to a location outside of the City limits of the City of Muskegon.

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

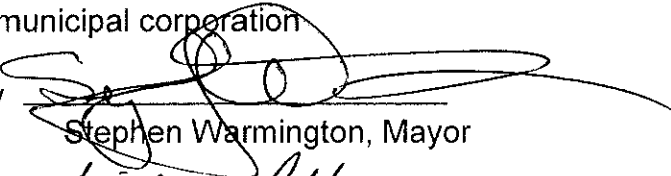
- 5.1 Failure to Install Improvements. In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.2 Failure to Expend the Funds Represented. Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its application that it would invest, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company.

- 5.3 Failure to Maintain the Current level of employment. Whether or not the installations have been completed, if the Company has not maintained the number of employees at the same level as when the application for Industrial Facility Tax Abatement was submitted, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company
- 5.4 Relocation of the Company to a location outside of the City limits of the City of Muskegon. In the event the Company relocates outside of the City of Muskegon, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court or entity with authority.
- 5.6 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration:
- 5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.
- 5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.
- 5.6.3 Whether the effect on the City's finances of the Company's actions is material and substantial.
- 5.6.4 Whether the circumstances affecting the status of the company was created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

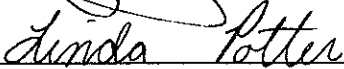
6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Michigan Renaissance Zone Act of the State, as amended.
7. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.
8. Benefits. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors assigns and personal representatives.
9. Effective Date. This Agreement shall be effective on the date the State of Michigan grants the Tool and Die Renaissance Recovery Zone designation.
10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By


Stephen Warmington, Mayor

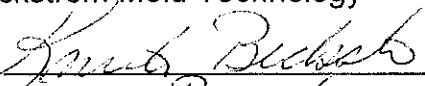
and


Linda Potter, Acting City Clerk

Dated: August 28, 2006

Beckstrom Mold Technology

By


Its President

and _____
Its _____

Dated: August 14, 2006

Revenue Loss For Beckstrom Mold Technology Tool & Die Zone

	Real property (12 years of Tool and Die Zone after expiration of IFT)	Real property (3 years of Tool and Die Zone with IFT in place)	Real Property	Personal Property
Taxable Value	\$175,196	\$175,196	\$14,881	\$222,500
	\$9,986	\$4,993	\$848	\$12,683
Yearly loss for all units	\$8,760	\$4,380	\$744	\$11,125
Yearly City tax loss	\$1,927	\$964	\$164	\$2,448

Total loss for all units	\$286,044
Total loss for City	\$68,075

Date: August 22, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
**RE: Designation of Voting Delegates for the Michigan
Municipal League Annual Business Meeting**

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the annual meeting; and, if possible, to designate one other official to serve as alternate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

PLEASE RETURN BY SEPTEMBER 1, 2006

Our official representative at the Annual Business
Meeting of the Michigan Municipal League will be:

Name Clara Shepherd

Title City Commissioner

Our alternate official representative will be:

Name _____

Title _____

Official action of governing body on August 22, 2006
(date)

Submitted by Linda Potter, Acting Clerk

Municipality City of Muskegon

Mailed 8-24-06



OFFICIAL VOTING DELEGATES
ANNUAL BUSINESS MEETING
Michigan Municipal League

In accordance with the accompanying MML Annual Meeting Notice, each member city and village is to appoint one Official Voting Delegate and one Official Alternate Voting Delegate to represent the city or village at the Annual Business Meeting of the Michigan Municipal League.

The purpose of these instructions is to familiarize the voting delegate, especially those officials serving in this capacity for the first time, with the procedure to be followed during the Annual Business Meeting.

1. Prior to entering the Business Meeting, Official Voting Delegates should check-in at the registration desk located just outside of the meeting room. Official Voting Delegates will then be given a pass to enter in the reserved seating area for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate should check-in at the registration desk to be given the Voting Delegate pass.

Only the Official Voting Delegate will be seated in the area reserved for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate will take the Delegate's place in the reserved area as the Voting Delegate. Therefore, each member city and village will have only one person seated in the reserved area. All other municipal officials, and all other Alternate Voting Delegates, may be seated outside the reserved area.

2. In general, Robert's Rules of Order, Newly Revised, will govern the conduct of the Annual Business Meeting. Parliamentary decisions will be made by the President of the League who will preside at the Annual Business Meeting. The President will be assisted by a Parliamentarian. Parliamentary decisions by the Chair, if challenged from the floor, are subject to be sustained or overturned by a majority of the voting delegates.

3. The Bylaw governing the submission of policy resolutions provides:

Section 4.5 - Resolutions

- A. No resolution or motion shall be submitted to debate or vote at the annual meeting or any special meeting unless it is germane to the functions and purposes of the League.
- B. No resolution or motion, excepting procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by official action of the governing body of a member city or village at least thirty (30) days preceding the date of the annual meeting**.

- C. Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof. If time permits, each such resolution with the recommendation of the Board shall be printed in the *Michigan Municipal Review*.

** The deadline for receiving resolutions is August 29, 2006.

4. If a Voting Delegate wishes to speak, the Delegate should rise and proceed to one of the microphones available in the reserved area and after recognition by the Chair, may then speak. Since the Annual Business Meeting is being recorded, each Voting Delegate who wishes to speak for any reason, after being recognized by the Chair, should first announce the Delegate's name, title and municipality slowly and clearly into the microphone.

A member of the Board of Trustees, an Honorary Life Member, or a Chair or a designated member of a League Standing or Special Committee may speak on a question, but may not vote unless serving also as a Voting Delegate. If a question is raised about a proposed policy or resolution, or an amendment is offered and seconded, the Chair or designated member of the proper League Standing or Special Committee or a member of the Board of Trustees will be called upon to speak at an appropriate time to explain the Committee's views before the vote is put on the question. In addition, upon request of the Chair, a member of the League staff may speak on a question. Any other person present may speak only with the approval of the Voting Delegate body.

5. If a Voting Delegate who has been seated wishes to have the Alternate Voting Delegate from the Delegate's city or village speak on an issue, the Voting Delegate should request, after being recognized by the Chair, to be excused from the reserved area and that the other person be permitted to take the Delegate's place temporarily or for the balance of the meeting. Upon being excused by the Chair, the Alternate Voting Delegate may then take the Voting Delegate's place in the reserved seating area and may speak and vote as the Official Voting Delegate.
6. The above procedure is necessary to assure that, in the event of a vote on a question by show of hands or by voice vote of the Delegates, no city or village will have more than one person seated in the reserved area



July 20, 2006

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council or Commission Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Marquette, September 27-29, 2006. **The annual meeting is scheduled for 10:30 a.m. on Thursday, September 28, at the Don H. Bottum University Center on the Northern Michigan University campus. The meeting will be held for the following purposes:**

1. **Election of Trustees.** To elect six members of the Board of Trustees for terms of three years each (see page 2).
2. **Policy.** To vote on statements of policy and resolutions properly brought before the annual meeting. All member cities and villages planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for receiving resolutions is August 29, 2006 (see page 2).
3. **Other Business.** To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than September 1, 2006.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML Bylaws:

“Section 4.4 - Votes of Members. Each member city and village shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

President
Michael N. Matheny
Mayor, Grand Blanc

Vice President
Clara M. Shepherd
Commissioner,
Muskegon

Trustees
Vicki Barnett
Mayor,
Farmington Hills

Robin E. Beltrami
Councilmember, Troy

Kathleen Buckner
Mayor Pro Tem,
Center Line

Deborah L. Doyle
Councilmember,
Durand

Dana W. Foster
City Manager, Brighton

George Heartwell
Mayor, Grand Rapids

Kwame M. Kilpatrick
Mayor, Detroit

Linda L. Gedeon-Kuhn
Commissioner,
Bridgman

Florence E. Schrader
Treasurer, Ubly

John C. Siira
City Manager,
Wakefield

Gladys A. Solokis
Mayor, Gaylord

William R. Stewart
City Manager,
Coldwater

Karl S. Tomion
City Manager, Midland

Kenneth Tousignant
Mayor, Iron Mountain

Gary Tuzinowski
Councilmember,
Algonac

John J. Zech
City Manager, Wayne

Executive Director
Daniel P. Gilmartin

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions *

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the MML Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member city or village at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the MML to receive resolutions is August 29th.

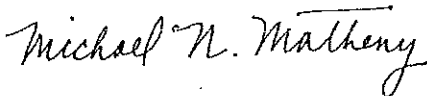
"Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting for the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

The proposed 2006-07 Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the MML website*, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, September 27, at the Don H. Bottum University Center on the Northern Michigan University campus in Marquette for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

* The proposed 2006-07 MML Policies are available on the MML website at <http://www.mml.org>. If you would like to receive a copy of the proposed policies by fax, please call the League at 800-653-2483.

Sincerely,



Michael N. Matheny
President



Daniel P. Gilmartin
Executive Director

Enc.

Commission Meeting Date: August 22, 2006

Date: August 14, 2006

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services W.G.
Department**

RE: Purchase of 466 Mulder

SUMMARY OF REQUEST: To approve the purchase of 466 Mulder (Revised Plat 1903 lot 6 Block 18) from Arburt Golidy and Billie J. Quinn. For the agreed upon price of *two thousand six hundred twenty five dollars (\$2,625)*

After 466 Mulder is obtained the City will combined the lot with the parcel at 458 Mulder. The CNS office is currently completing a rehabilitation project at that site. By adding the additional land the future buyer of the house at 458 Mulder will now have added yard for possible later expansion and or a garage.

FINANCIAL IMPACT: The funding for the purchase will be taken from program income produce from the sale of the CNS properties

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the parcel.

COMMITTEE RECOMMENDATION: None needed



24-205-018-0006-00

466 MULDER ST

STREET VIEW 11-2000

Commission Meeting Date: August 22, 2006

Date: August 15, 2006

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services W.G.
Department

**RE: Approval of Sale of City owned home at 458
Mulder**

SUMMARY OF REQUEST: To approve the sale of 458 Mulder to Ms. Angela D. Major of 1170 Allen Avenue for the purchase price of \$63,500 (Sixty-three thousand five hundred dollars)

The house at 458 Mulder was donated to the City of Muskegon. At the time the Community and Neighborhood Services office obtained the structure it was a non-conforming two-unit in a single family zoned neighborhood. The Community and Neighborhood Services office contracted to have the house rehabilitated back to a single family home, under the program Operation "And Two Shall Become As One".

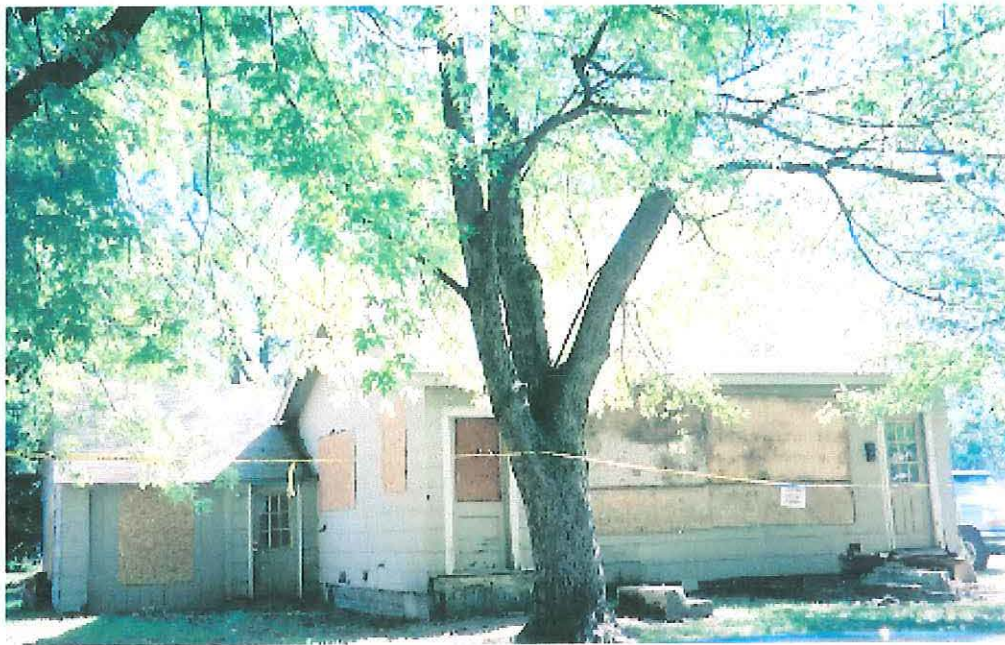
Ms. Major will be purchasing this as an owner-occupied resident.

FINANCIAL IMPACT: The program income derived from the sale will be deposited in the City's HOME account.

BUDGET ACTION REQUIRED: None at this time

STAFF RECOMMENDATION: To approve the sale to Ms. Major and direct the Mayor and Clerk to sign the resolution

COMMITTEE RECOMMENDATION: None at this time



MUSKEGON CITY COMMISSION

2006-73(f)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 458 Mulder

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and its housing stock;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

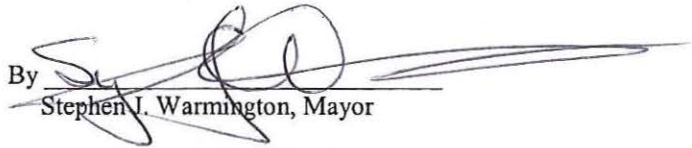
WHEREAS, the City of Muskegon is dedicated to promoting homeownership for its low and moderate-income residents throughout its neighborhood;

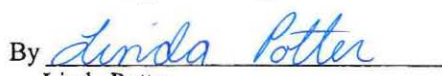
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the newly rehabilitated single family home located at 458 Mulder to Ms. Angela Major for the estimated price of \$63,500.

Adopted this 22nd day of August, 2006

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo,
Carter, and Davis

Nays: None

By 
Stephen J. Warmington, Mayor

By 
Linda Potter
Acting City Clerk

2006-73(f)

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on August 22, 2006. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Linda Potter
Linda Potter
Acting Clerk

DATE: August 14, 2006

TO: Honorable Mayor and City Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-060017-Address: 1282 Terrace

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1282 Terrace – Area 11b** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: #EN060017 – 1282 Terrace.

Location and ownership: This structure is located on Terrace between Catherine and Isabella and is owned by US Bank National Assoc, 17500 Rockside Rd, Bedford, OH 44146.

Staff Correspondence: A dangerous building inspection was conducted on 03/31/06. The Notice & Order was sent 04/19/06. The HBA on 06/01/06 declared the structure dangerous and substandard and a public nuisance. An interior inspection was scheduled by Marianne Rose from Remax realty on 07/25/06.

Owner Contact: No one was present to represent property at the HBA meeting dated 06/01/06. The Inspection Department has received several calls from interested buyers.

Financial Impact: CDBG Funds

Budget Action Required: None

State Equalized Value: \$15,600

Estimated Cost of Repairs: \$20,000

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

INSPECTION SUMMARY

FOR : 1282 Terrace

The home is a two story, wood frame, 2 unit apartment.

The building exterior landings and stairs are in a state of disrepair and must be repaired or replaced. The interior floors are not level in many places, indicating a possible problem with the floors structural supports. The interior walls, floors, and ceilings are in need of repairs. The plumbing, mechanical and electrical systems have been neglected and in need of numerous repairs.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Wednesday, April 19, 2006

Enforcement # EN060017 **Property Address** 1282 TERRACE ST
Parcel #24-205-252-0003-10 **Owner** US BANK NATIONAL ASSOC

Inspector: Henry Faltinowski

Date completed: 03/31/2006

DEFICIENCIES:

Uncorrected

1. Repair/replace front entry landings and stairs, porch.
2. Rebuild back upper steps and landing to code.
3. Replace -repair back outer door.
4. Scape and paint home, fascia soffit.
5. Repair/replace damaged doors and windows.
6. Remove debris from yard.
7. Replace basement windows or use treated wood.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



D.B.

1282 TERRACE ST. 3/31/2006



DATE: August 14, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060036.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1114 E. Dale is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-060036 – 1114 E. Dale

Location and ownership: This structure is located on E. Dale between Roberts and Vulcan and is owned by Deutsche Bank Trust Company, 9350 Waxie Way, San Diego, CA 92123

Staff Correspondence: A dangerous building inspection was conducted on 05/09/06. The Notice and Order to Repair was issued on 05/11/06. On 07/06/06 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present to represent property at the HBA meeting dated 07/06/06. The Inspection Department has gotten several complaints from neighbors regarding the property. A rental housing interior inspection was last conducted in January of 2004. Property was sold on land contract July 2003. Property went into foreclosure in February 2006.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$12,200

Estimated cost to repair: \$12,000 Exterior Only

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

INSPECTION SUMMARY

FOR : 1411 E. Dale

The home is a one story, wood frame, single-family dwelling. The roof covering is missing on many parts of the carport and dwelling unit exposing the sheeting, framing and interior of the structure to the weather. The carport columns are not protected from decay and are starting to rot. The carport itself has deteriorated to the point of being in danger of collapse, and the siding is also exposed to the weather and is starting to rot.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Tuesday, May 9, 2006

Enforcement # EN060036 **Property Address** 1114 E DALE AVE
Parcel #24-128-300-0039-00 **Owner** EVERY TYLER/DAWN

Inspector: Henry Faltinowski

Date completed: 05/09/2006

DEFICENCIES:

Uncorrected

1. Repair foundation.
2. Repair or replace rotted missing siding.
3. Repair - replace window frames and broken glass.
4. Replace all structural damage to roof system, rafters, sheathing, roof fascia.
5. Replace roof covering.
6. Remove or rebuild carport to code.
7. Replace damaged doors to code.
8. Scrape and paint entire exterior of home.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

475/42h RE

CITY OF MUSKEGON INSPECTION REPORT

ary 16, 2004

AT 11:06 a.m.

FOR E. DALE 1114

PAGE 1

No	Cat	Violation
1	B	BATHROOM Fixture wiring is improper.
2	B	BATHROOM switch is broken, loose or not working.
3	B	BATHROOM Floor covering is missing.
4	B	BATHROOM Door is broken or missing.
5	B	BATHROOM Drywall is unfinished.
6	B	BATHROOM Tub or shower walls are deteriorated or not constructed of waterproof material.
7	B	BATHROOM - WINDOW Has trim that has holes in it or is rotted or missing.
8	A	BEDROOM Switch cover is missing or broken.
9	B	BEDROOM Light fixture is inoperative.
10	A	BEDROOM Outlet cover is missing or broken.
11	B	EXTERIOR Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
12	B	EXTERIOR Side of the roof has rotted or missing roof boards.
13	B	EXTERIOR Roof has shingles that are deteriorated and need replacing.
14	B	EXTERIOR Storm windows are incomplete.
15	B	EXTERIOR South storm door is incomplete.
16	A	EXTERIOR - EAST Window sash is broken, rotted or missing.
17	B	EXTERIOR - FRONT Light fixture globe is broken or missing.
18	B	EXTERIOR - REAR Door is delaminating or is delaminated - it must be replaced.
19	B	EXTERIOR - WINDOWS Window has glazing that is missing or deteriorated.
20	B	EXTERIOR - WINDOWS Operable window(s) do not have a screen - must cover the complete bottom sash.
21	B	FRONT PORCH Glass is missing from the window.
22	B	KITCHEN Ceiling tile are missing or falling down.
23	B	KITCHEN Window is not weathertight and in good repair.
24	B	KITCHEN There is a natural gas odor in the room.

CITY OF MUSKEGON INSPECTION REPORT

January 16, 2004 AT 11:06 a.m. FOR E. DALE 1114

PAGE 2

No	Cat	Violation
25	B	KITCHEN DOOR Has trim that has holes in it or is rotted or missing.
26	B	KITCHEN SINK Sink cabinet or floor is rotted or rusting away.
27	B	LAUNDRY ROOM Doesn't have a smoke detector as required by code.
28	A	LAUNDRY ROOM Switch cover is missing or broken.
29	A	LAUNDRY ROOM Has a gas line that is not capped.
30	B	LAUNDRY ROOM - WASHER Doesn't have a trap.
31	A	LIVING ROOM Smoke detector is missing or inoperative near the bedrooms.
32	B	LIVING ROOM Outlet is broken, loose or not working.
33	B	LIVING ROOM Ventless heater is not allowed.
34	A	LIVING ROOM Switch cover is missing or broken.
35	A	LIVING ROOM Window has broken or cracked glass.
36		NOTE: Exterior defects must be corrected on vacant properties.

END OF LIST



1114 E. Dale

DATE: August 14, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050110.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 500 Amity- Area 11 is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050110 – 500 Amity

Location and ownership: This structure is located on Amity between Williams and Scott Streets and is owned by Roger/Tracy Verway, 14330 State Rd H3, Nunica, MI 49448

Staff Correspondence: A dangerous building inspection was conducted on 09/02/05. The Notice and Order to Repair was issued on 09/22/05. A interior inspection was conducted 10/20/05. On 12/1/05 the HBA tabled case until March 2006 to allow owner time to obtain permits, schedule monthly progress inspections. Case came back before the HBA 03/01/06 and declared the structure substandard and dangerous. A letter was sent to the owners 07/21/06 stating no permits had been issued and asking the intention of owners to complete repairs.

Owner Contact: Tracy and Roger Verway was present for the HBA meeting dated 12/01/05 and stated they had acquired the property from parents. Mrs. Verway called the Inspections Department on 03/03/06 stating she did not receive the notice in time for the HBA meeting dated 03/01/06 because of a change of address. A phone call to Don LaBrenz, the owners stated they were trying to get financing to complete repairs in May 2006. There has not been any contact with owners since that time. No permits have been issued.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$13,000

Estimated cost to repair: \$20,000

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

INSPECTION SUMMARY

FOR : 500 Amity

The home is a two story, wood frame, single family dwelling and is currently unoccupied. This building has had the exterior siding removed and the building sheathing is exposed to the weather. The interior of this building has been gutted out and some work has been done on the exterior.

City of Muskegon
933 Terrace St., P.O. Box 536, Muskegon, MI 49443
(231) 724-6715

Tuesday, August 15, 2006

DANGEROUS BUILDING INTERIOR INSPECTION REPORT

Property Address: 500 AMITY AVE **Parcel #** 24-205-047-0011-00

Owner: VERWAY ROGER A/TRACY L

Inspection Type: DB Interior Inspection **Inspector:** Henry Faltinowski

Date completed: 10/20/2005

DEFICIENCIES:

Uncorrected – Exterior 09/02/05

1. Building permit on work at home has expired 9/29/03. No progress/no inspections have been scheduled.
2. Home has exposed weather barrier with no siding or permits for siding.
3. Appears work is being done on home with no permits.

Uncorrected-10/20/05 Progress Inspection

1. Bathroom 20 amp circuits to stay within bathroom.
2. Support NM Cable Properly.
3. Range & dryer outlets to be 4 wire.
4. Lights in closet to be above door.
5. Need Smoke Alarms.
6. All bedroom outlets to be ARC-Fault Pro.
7. Need electric service.
8. Rough electric is approx 60% done.
9. Recessed lights in insulation to be rated for use.

Uncorrected –10/20/05 Progress Inspection

1. Draft stop penetrations thru floors.
2. Must have gas pressure test.
3. Outside faucets to be vac breaker style.

***Note - Mech 80% rough complete**
Plumbing - 80% rough complete

Uncorrected –10/20/05 Progress Inspection

1. One egress window per bedroom.
2. Fire block - where required.
3. All stairs must meet MRC 2003 Code 8 1/4" max rise/ 9" run tread..

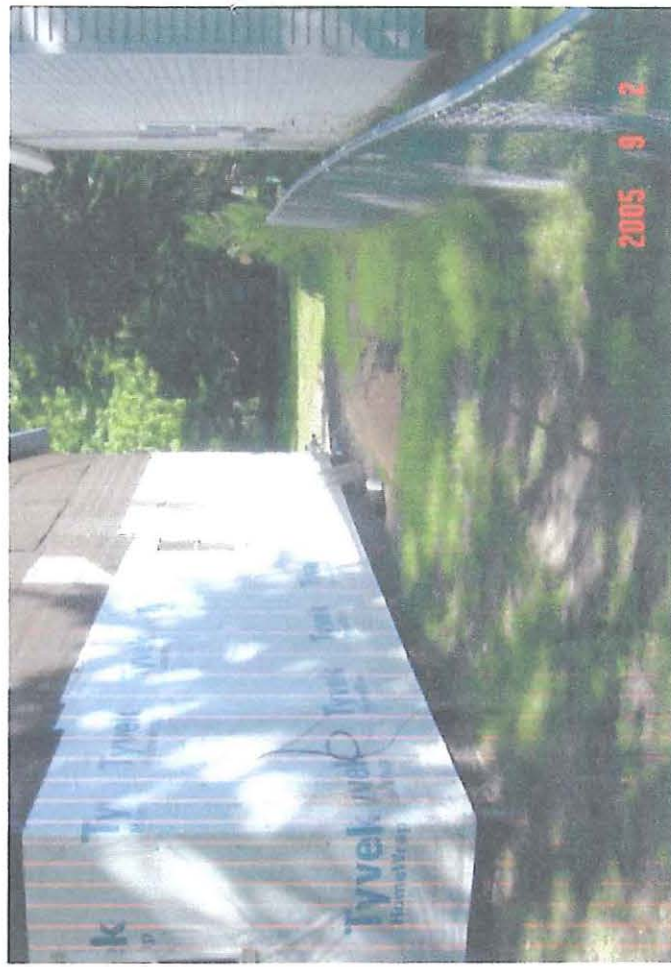
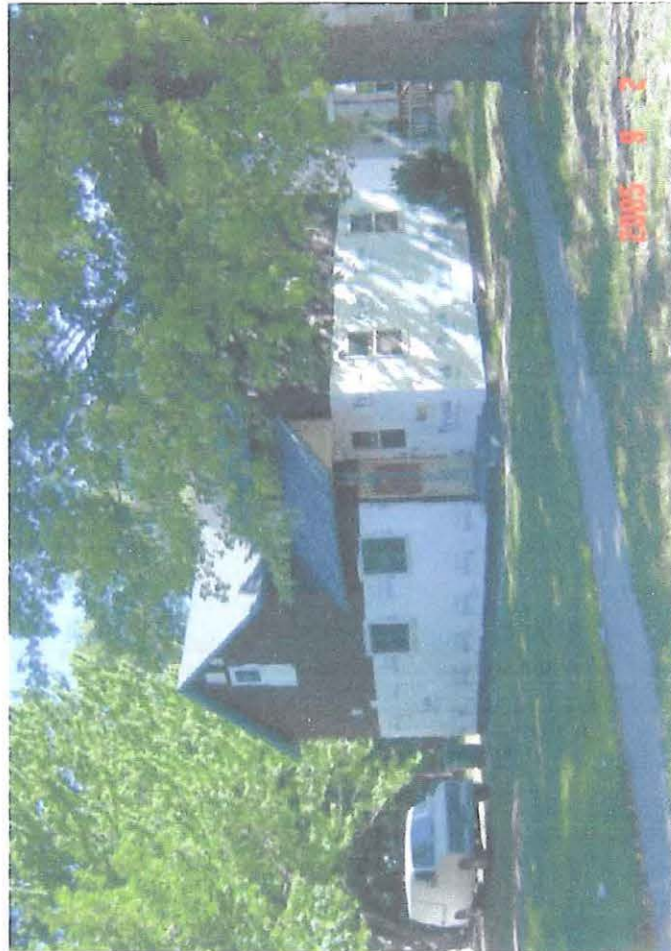
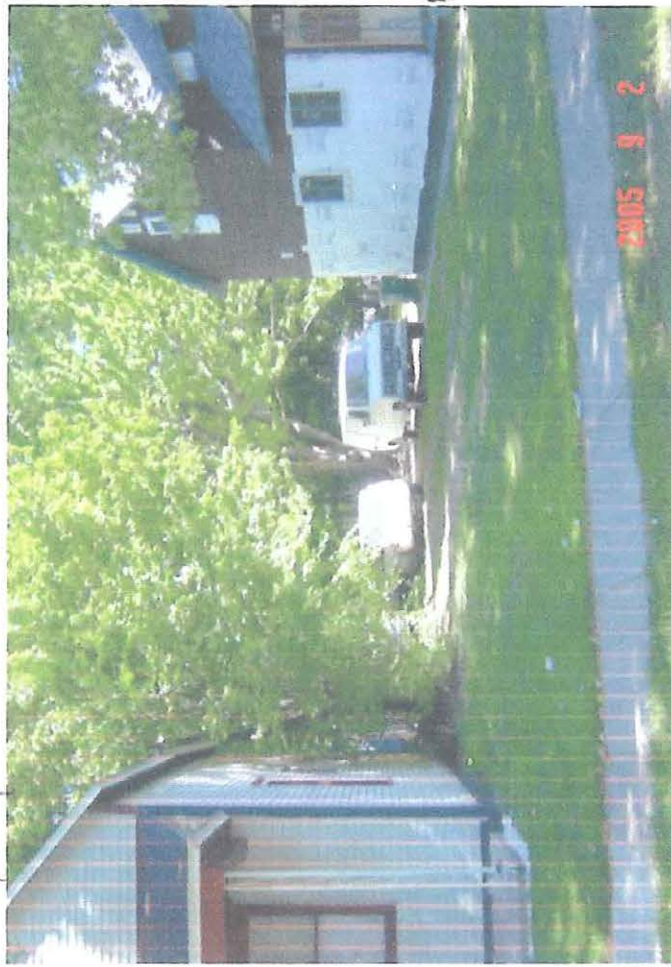
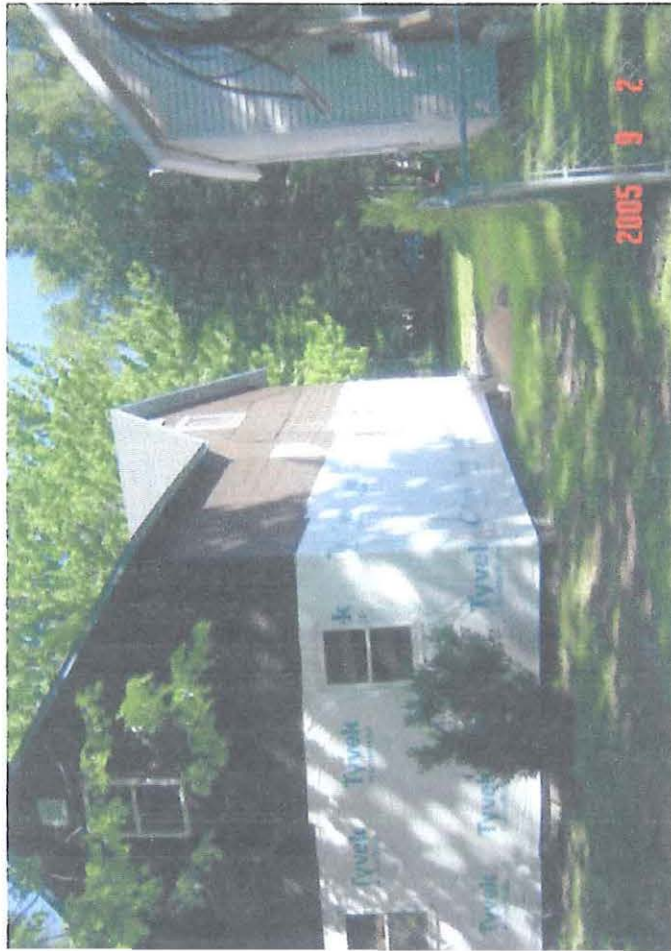
4. Handrails, guardrails, frame stair opening to code.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

HENRY FALTINOWSKI BUILDING INSPECTOR

DATE

500 Anlity 4/2/2005



Homeowners list
Get the permit Sept. 8th

Plan for Rough-cls inspection by
mid Oct.

Siding on by Mid Nov.

Final inspection by Jan.

residing at presently

7089 E. Farr Rd
Nunica 49448

Was off work for 5 months
just now getting back on our
feet, and this time line is
our goal.

