

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 22, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL MEETING TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **PRESENTATION:**
- ❑ **HONORS AND AWARDS:**
- ❑ **CONSENT AGENDA:** Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.
 - a. Approval of Minutes. CITY CLERK
 - b. Zoning Ordinance Amendment for Handicap Wheelchair Ramps.
PLANNING & ECONOMIC DEVELOPMENT
 - c. Alley Vacation in Block 684 (between Philo & LeTarte Aves.)
PLANNING & ECONOMIC DEVELOPMENT
 - d. City – ESCO Agreement, Watermain Construction. ENGINEERING
 - e. Concurrence with Housing Board of Appeals Finding and Order for:
 - 1. 350 Bauer
 - 2. 388 Catawba
 - 3. 1328 Palmer (Garage)
 - 4. 1237 Sanford
 - 5. 1237 Seventh
 - 6. 146 Strong

f. Dangerous Building Ordinance. INSPECTIONS

❑ PUBLIC HEARINGS:

- a. Amendment to the Special Assessment Roll – Sidewalk Replacement Program for 1999 (Area W3). ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

- a. SECOND READING -Seat Belt Ordinance. CITY CLERK

- b. Concurrence with Housing Board of Appeals Finding and Order for 1212 Jefferson. INSPECTIONS

❑ NEW BUSINESS:

- a. Rezoning Request for Verplank Property on Muskegon Lake. PLANNING & ECONOMIC DEVELOPMENT

- b. Release and Settlement Agreement – Estate of Mary Williams. POLICE

- c. Water Service to Muskegon Township. CITY MANAGER

- d. Payment to Muskegon Township for Sewer Service to the Correctional Facilities. CITY MANAGER

- e. Notice of Intent to Terminate Utility Easements. CITY ATTORNEY

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ CLOSED SESSION: To discuss pending litigation.

❑ ADJOURNMENT:

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

Date: August 22, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, August 7, 2000; and the Regular Commission Meeting that was held on Tuesday, August 8, 2000. *And August 1, 2000, Special Meeting.*

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 22, 2000

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, 2000.

Mayor Nielsen opened the meeting with a prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioners John Aslakson, Jone Wortelboer Benedict, Robert Schweifler, Clara Shepherd, Lawrence Spataro

Absent: None

2000-081 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes.

CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, August 7, 2000; and the Regular Commission Meeting that was held on Tuesday, August 8, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

c. Alley Vacation in Block 684 (between Philo & LeTarte Aves.)

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the west part only (west of the west property lines of parcels #24-205-684-0004-00 and #24-205-684-0017-00) of the east/west alley in Block 684, bounded by Philo Ave., Grove St., LeTarte Ave. and Fountain St.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the west part only, as described above, of the proposed alley with the condition that all City easement rights be retained.

The Planning Commission recommended vacation of the west part only, as described above, of the proposed alley with the condition that all City easement rights be retained. The vote was unanimous.

d. City – ESCO Agreement, Watermain Construction.

ENGINEERING

SUMMARY OF REQUEST: To approve the agreement with ESCO Company for the construction of a new 12" watermain from the easterly end of Barney (about 540' east of Roberts) to the Consumer's Energy easement to the north and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: ESCO and the City will pay equal shares of the total project cost (engineering & construction). The total cost is not expected to exceed \$65,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to sign the agreement.

e. Concurrence with Housing Board of Appeals Finding and Order for:

1. 350 Bauer
2. 388 Catawba
3. 1328 Palmer (Garage)
4. 1237 Sanford
5. 1237 Seventh
6. 146 Strong

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structures are unsafe, substandard and are public nuisances and that they be demolished within thirty (30) days.

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

FINANCIAL IMPACT: (350 Bauer) The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (350 Bauer) None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: (350 Bauer) This commercial garage is located on Bauer near Spring Street. The last known owner is Jim Bauer of 3023 Henry Street, Muskegon, MI.

A Notice and Order was sent out on March 29, 2000. A permit was pulled on May 4, 2000 before the Housing Board of Appeals meeting. Mr. Bauer requested 60 days to complete repairs and the Board agreed to give him the time to complete the repairs. The case was revisited by the HBA on July 6, 2000 due to no progress being made. To this date, there has been no contact from the owner and the condition of the property remains in the same dangerous condition.

Attached are copies of the following: minutes to the HBA May 4, 2000 and July 6, 2000 meetings; finding of facts dated May 8, 2000 and July 10, 2000; notice of hearing dated May 1, 2000 and June 23, 2000; notice and order dated March 31, 2000 and the dangerous building inspection report dated March 29, 2000.

The estimated cost to repair the structure is \$10,000.00.

FINANCIAL IMPACT: (388 Catawba) The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (388 Catawba) None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: (388 Catawba) This residential one (1) unit rental is located on Catawba near Wood Street. The home was previously owned by Annie Churchwell and now owned by Mark Himes of Himes Home Improvement in Spring Lake, MI.

On December 4, 1998 the Housing Board of Appeals made a determination that the subject property is unsafe and ordered that the structures be demolished or repaired by January 4, 1999. February 9, 1999 the case was brought before the City Commission and it was recommended to give the interested party six (6) months to obtain permits and bring the property up to code, submit a written time table on the scheduled repairs and obtain a permit. The case was revisited by the City Commission on January 25, 2000 where it was recommended to defer all action until the next meeting for an update of the property. On May 11, 2000 a letter was sent to the owner requesting that they contact the Inspection Services Department within 10 days. Since there was no contact and no change in repairs, the case was visited by the Housing Board of Appeals on July 6, 2000 where the board declared the structure(s) to be dangerous and forward to the City Commission for concurrence with the decision for demolition. There has been no change in the progress of repairs.

Attached are copies of the following: Finding of facts and order dated July 10, 2000, inspection report dated September 9, 1998, Notice of hearing dated June 23, 2000, Letter to Mark Whims dated May 11, 2000 and January 19, 2000, Commission meeting minutes dated January 25, 2000 and February 9, 1999, written work schedule submitted by Mark Whims not dated, Housing Board of Appeals meeting minutes dated December 3, 1998 finding of facts and order dated December 4, 1998.

The estimated cost to repair the property is \$15,000.00.

FINANCIAL IMPACT: (1328 Palmer (Garage)) The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (1328 Palmer (Garage)) None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: (1328 Palmer (Garage)) This residential, owner occupied property is located on Palmer Avenue near McGraft. The last known owner is Paul Johnson of 1328 Palmer Ave., Muskegon, MI.

An exterior housing inspection was conducted on December 2, 1998 which revealed the garage to be in poor condition. Please see attached report dated December 2, 1999. On March 29, 2000 a dangerous building inspection was conducted and a notice and order was sent on March 31, 2000. There had been no change in the condition of the garage and the case was referred by staff to the Housing Board of Appeals. The case was discussed at the Housing Board of Appeals July 6, 2000 meeting where the board declared the building substandard, unsafe, a public nuisance and forwarded to the City Commission for concurrence. Please see attached minutes. To this date, there has been no contact from the owner and there has been no change in the condition of the garage.

The estimated cost to repair the structure is \$2,500.00.

FINANCIAL IMPACT: (1237 Sanford) The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (1237 Sanford) None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: This residential, 2-unit rental is located on Sanford Street near Strong. The last known owner is Lakeshore Properties of Muskegon, MI.

A housing inspection was done on November 2, 1999, which revealed the attached list of 56 defects that have not been corrected. Please see attached report. On March 8, 2000 a dangerous building inspection was conducted which disclosed unsafe conditions. A notice and order was sent on March 9, 2000. There had been no contact from the owner and the case was referred to the Housing Board of Appeals by staff. The case was heard at the July 6, 2000 meeting. The Board declared the structure(s) to be unsafe, substandard, a public nuisance and ordered it to be demolished. Please see attached minutes of the Housing Board of Appeals July 6, 2000 meeting.

The estimated cost to repair the property is \$20,000.00.

FINANCIAL IMPACT: (1237 Seventh) The cost of demolition will be paid with CDBF funds.

BUDGET ACTION REQUIRED: (1237 Seventh) None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: (1237 Seventh) This residential, owner occupied single family home is located on Seventh Street near Houston. The last known owner is Lebron Moore of 1237 Sanford St., Muskegon, MI.

A dangerous building inspection was conducted on March 15, 2000 which revealed dangerous living conditions. A notice and order was sent on March 20, 2000. The Housing Board of Appeals heard the case on July 6, 2000. The Housing Board of Appeals declared

the property substandard, unsafe and a public nuisance. The condition of the property remains the same with no repairs attempted.

Attached are copies of the following: dangerous building inspection report dated March 15, 2000, Notice and Order dated March 20, 2000 and a copy of the Housing Board of Appeals July 6, 2000 meeting minutes.

The estimated cost of repairs is \$25,000.00.

FINANCIAL IMPACT: (146 Strong) The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (146 Strong) None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: (146 Strong) This one (1) unit rental is located on Strong near Jefferson Street. The last known owner is Ed Backing of Muskegon, MI.

A notice and order was sent on March 28, 2000. Please see attached. There had been no change in the condition of the property and no contact from the owner. Staff referred the case to the Housing Board of Appeals on July 6, 2000. The Board declared the structure(s) unsafe, substandard and a public nuisance. Please see attached minutes.

The estimated cost to repair the property is \$20,000.00.

Motion by Commissioner Shepherd, second by Commissioner Spataro to adopt the Consent Agenda with the exception of items (b) and (f).

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki
Nays: None

ADOPTED

2000-082 ITEMS REMOVED FROM CONSENT

b. Zoning Ordinance Amendment for Handicap Wheelchair Ramps. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to amend Section 2307 (Permitted Yard Encroachments) of Article XXIII (General Provisions) of the Zoning Ordinance to add language to permit the zoning administrator to waive the front setback requirement for handicap wheelchair ramps, under certain conditions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include the proposed language in the section described above. Staff would also recommend a second small change to #4 (Additions) in the same section, changing the lot coverage from 75% to 50%. The lot coverage was changed when the Table I amendment passed earlier this year and this section should also be changed to reflect that. This request was not part of the Planning Commission action, but staff is asking the City Commission to also make this minor adjustment.

The Planning Commission recommended approval of the request at their August 9, 2000 meeting. The vote was unanimous.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to amend Section 2307 of Article XXIII of the Zoning Ordinance to add language to permit the zoning administrator to waive the front setback requirement for handicap wheelchair ramps, under certain conditions and to add side setbacks.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro
Nays: None

ADPOTED

f. Dangerous Building Ordinance.
INSPECTIONS

SUMMARY OF REQUEST: To adopt the ordinance, which is meant to clean up the dangerous building procedure. The procedure has proven to be somewhat cumbersome and troublesome in Circuit Court. This will give us a better chance in Circuit Court to overcome due process difficulties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to adopt the ordinance to clean up the dangerous buildings procedure.

ROLL VOTE: Ayes: Benedict, Nielsen, Schweifler, Shepherd, Spataro, Aslakson
Nays: Sieradzki

REQUIRES SECOND READING

Motion by Vice Mayor Sieradzki, second by Commissioner Benedict to allow Cal Deets to speak for 3 minutes on item (f).

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict
Nays: None

ADOPTED

2000-083 PUBLIC HEARINGS:

a. Amendment to the Special Assessment Roll – Sidewalk Replacement Program for 1999 (Area W3).

ENGINEERING

SUMMARY OF REQUEST: A Public Hearing to amend special assessment for the 1999 Sidewalk Replacement Program be held and to adopt the resolution confirming the amended Special Assessment Roll to include 1447 Palmer (parcel #24-205-525-0006-00). In addition, hear from the owners of: 1332 Palmer, 1779 Ruddiman, 1154 Washington, 1190 W. Dale, 1645 Franklin, and 1526 Hudson regarding their ineligibility to receive CDBG funds.

FINANCIAL IMPACT: A total of \$528,853.22 will be assessed against 624 parcels.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:53 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer gave an overview of the item. Victoria Rozyski, 115 Campus is opposed.

Motion by Commissioner Aslakson, second by Commissioner Benedict to close the Public Hearing at 6:09 p.m. and to amend the special assessment for the 1999 Sidewalk Replacement Program and to adopt the resolution confirming the amended Special Assessment Roll to include 1447 Palmer.

**ROLL VOTE: Ayes: Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen
Nays: None**

ADOPTED

CITY MANAGER'S REPORT:

Regina Vanlinden, Civil Engineer was introduced to the Commission.

The 2001 Budget will be discussed at the Commission Worksession that will be held on September 11, 2000.

2000-084 UNFINISHED BUSINESS:

a. SECOND READING -Seat Belt Ordinance. CITY CLERK

SUMMARY OF REQUEST: To adopt the ordinance amending the City Code of Ordinances, Chapter 20, Section 20-6 amending the Uniform Traffic Code concerning mandatory safety belt usage.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Adoption of the ordinance.

Motion by Commissioner Benedict, second by Commissioner Aslakson to adopt the ordinance amending the City Code of Ordinances, Chapter 20, Section 20-6 amending the Uniform Traffic Code concerning mandatory safety belt usage.

**ROLL VOTE: Ayes: Shepherd, Spataro, Aslakson, Benedict, Nielsen, Schweifler
Nays: Sieradzki**

ADOPTED

b. Concurrence with Housing Board of Appeals Finding and Order for 1212 Jefferson.
INSPECTIONS

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1212 Jefferson and legally described as N ½ Lot 2, Block 384 is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION/HISTORY OF PROPERTY: This residential 5-unit rental, is located on Jefferson Street near Strong. The last known owner is Rudy Santos who resides at 11982 White Road, Ravenna, MI.

The property had a fire in the basement on October 16, 1998, please see report. On June 14, 1999 a dangerous building inspection was conducted and a notice and order was sent on June 18, 1999. There had been no contact from the owner and the case was visited by the Housing Board of Appeals on August 5, 1999, an audio tape of the meeting can be obtained in the Inspection Services Department. To this date there has been no change in the progress of repairs.

The estimated cost to complete repairs is \$18,000.00.

Motion by Commissioner Spataro, second by Commissioner Schweifler to refer this item back to staff.

Motion and second withdrawn after discussion.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to concur with the Housing Board of Appeals and demolish the structure.

Amended by Commissioner Aslakson to set the date for demolition 60 days from today's date to allow for permits and to bring the structure up to code.

Amendment dies for lack of support.

Motion by Commissioner Aslakson, second by Commissioner Benedict to concur with the demolition but not before 60 days from today's date to allow for permits to be obtained.

ROLL VOTE: Ayes: Benedict, Nielsen, Schweifler, Sieradzki, Aslakson

Nays: Shepherd, Spataro

ADOPTED

2000-085 NEW BUSINESS:

a. Rezoning Request for Verplank Property on Muskegon Lake.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located on Muskegon Lake, north of Fisherman's Landing, from LR, Lakefront Recreation to WI-PUD, Waterfront Industrial Planned Unit Development.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request due to compliance with Master Land Use Plan and Waterfront Redevelopment Plan.

The Planning Commission recommended approval of the request at their August 9, 2000 meeting. The vote was unanimous.

Motion by Commissioner Benedict, second by Commissioner Schweifler to rezone property located on Muskegon Lake from LR, Lakefront Recreation to WI-PUD, Waterfront Industrial Planned Unit Development.

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

Nays: None

ADOPTED

b. Release and Settlement Agreement – Estate of Mary Williams.

POLICE

SUMMARY OF REQUEST: To authorize and execute the settlement agreement between the City of Muskegon and the Estate of Mary Williams. This agreement addresses the impoundment and subsequent sale at auction of a 1999 Mercury Villager van belonging to the late Mary Williams. The agreement stipulates that the Estate of Mary Williams will accept a balance of \$9,645.00 plus interest which was received by the city at the time of the auction.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Acceptance of the agreement.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to authorize and execute the settlement agreement between the City of Muskegon and the Estate of Mary Williams.

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

Nays: None

ADOPTED

c. Water Service to Muskegon Township.

CITY MANAGER

SUMMARY OF REQUEST: To authorize City staff to implement the 1972 Consent Judgement between the City and Muskegon Township and to notify the Township of the same. This is necessary because an agreement has not been reached between the two parties for a successor agreement to the 1972 Consent Judgement.

FINANCIAL IMPACT: 1) The water rates for water users in the Township will be reduced to City rates, except where a higher rate is justified (subject to arbitration). 2) The City becomes owner of the water system within the Township.

BUDGET ACTION REQUIRED: The appropriate adjustments to the Muskegon Township Water Fund will be made at the next quarterly review.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Benedict, second by Commissioner Aslakson to authorize City staff to implement the 1972 Consent Judgement between the City and Muskegon Township and to notify the Township of the same.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

Nays: None

Absent: Schweifler (stepped out of room)

ADOPTED

d. Payment to Muskegon Township for Sewer Service to the Correctional Facilities.

CITY MANAGER

SUMMARY OF REQUEST: To authorize the payment of up to \$337,022 to Muskegon Township for sanitary sewer flow to the Muskegon Township system for the E. C. Brooks and Temporary Correctional Facilities. These facilities are located in the City but utilize the Township's sanitary sewer system. It was discovered in 1998 that the City was not billed or paid for this service since the connections were made in the 1980's. The payment will be made using the rates set forth in and totaling the amounts which are currently payable pursuant to a 1980 agreement, which was the basis for Muskegon Township's agreement to allow the hook-up of City properties and the City's decision to connect. Muskegon Township disputes this amount and claims the 1980 agreement is not in effect.

FINANCIAL IMPACT: \$337,022.00.

BUDGET ACTION REQUIRED: The 2000 Sewer Budget will need to be adjusted accordingly.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Aslakson, second by Commissioner Spataro to authorize the payment of up to \$337,022 to Muskegon Township for sanitary sewer flow to the Muskegon Township system for the E. C. Brooks and Temporary Correctional Facilities.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd
Nays: None

ADOPTED

e. Notice of Intent to Terminate Utility Easements.

CITY ATTORNEY

SUMMARY OF REQUEST: Consider the passage of the proposed resolutions terminating public, public service and private easements in rights of ways.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, second by Commissioner Aslakson to terminate the utility easements.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki
Nays: None

ADOPTED

PUBLIC PARTICIPATION:

Various comments were heard from the public.

CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to adjourn to Closed Session at 7:53 p.m. to discuss pending litigation.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro
Nays: None

ADOPTED

Motion by Commissioner Benedict, second by Commissioner Shepherd to return to the Regular Commission Meeting at 8:00 p.m. and to accept the attorney's recommendation.

ADJOURNMENT:

The Regular Commission meeting was adjourned at 8:01 p.m.

Respectfully submitted,



Gail A. Kunderinger, CMC/AEE
City Clerk

Commission Meeting Date: August 22, 2000

Date: August 10, 2000
To: Honorable Mayor and City Commissioners 
From: Planning & Economic Development
RE: Alley Vacation in Block 684 (between Philo & LeTarte Aves.)

SUMMARY OF REQUEST:

Request for vacation of the west part only (west of the west property lines of parcels #24-205-684-0004-00 and #24-205-684-0017-00) of the east/west alley in Block 684, bounded by Philo Ave., Grove St., LeTarte Ave. and Fountain St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the west part only, as described above, of the proposed alley with the condition that all City easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the west part only, as described above, of the proposed alley with the condition that all City easement rights be retained. The vote was unanimous.

CITY OF MUSKEGON

RESOLUTION 2000-81(c)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the west part only (west of the west property lines of parcels #24-205-684-0004-00 and #24-205-684-0017-00) of the alley in Block 684 of the Revised Plat of 1903, City of Muskegon; and

WHEREAS, the Planning Commission held a public hearing on August 9, 2000 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, 2000 City Commission meeting to consider the recommendation of the Planning Commission;

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

BE IT FURTHER RESOLVED that the City Commission does hereby declare the west part only (west of the west property lines of parcels #24-205-684-0004-00 and #24-205-684-0017-00) of the said alley vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

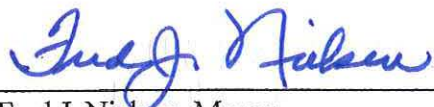
BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be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

Adopted this 22nd day of August, 2000.

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

Nays: None

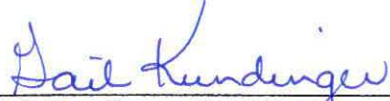
Absent: None

By: 
Fred J. Nielsen, Mayor

Attest: 
Gail A. Kunderinger, Clerk

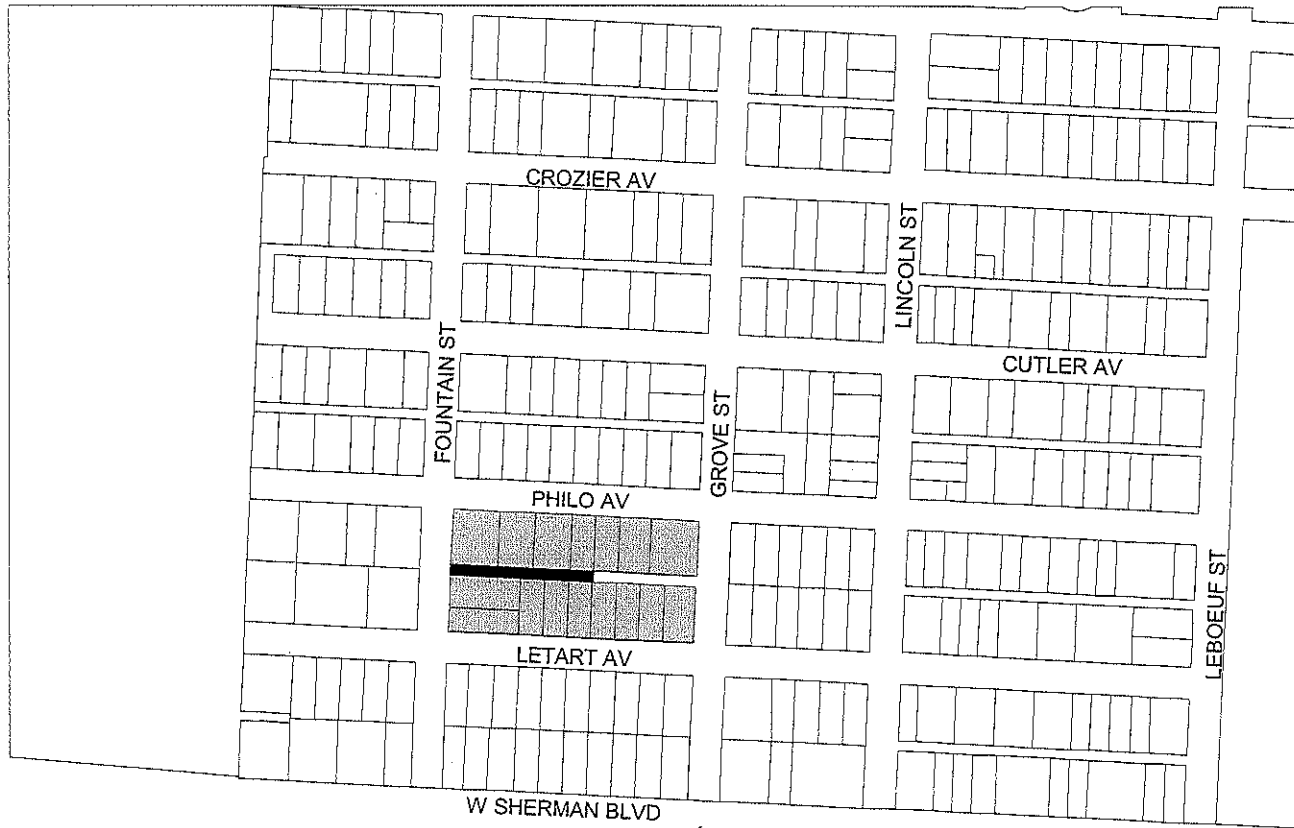
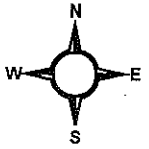
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on August 22, 2000.



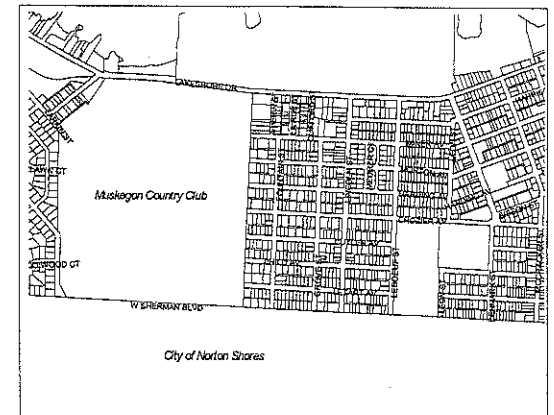
Gail Kunderinger, CMC/AAE
Clerk, City of Muskegon

City of Muskegon
Planning Commission
Case #2000-31



-  = Subject Property(ies)
-  = Notice Area

City of Norton Shores



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

August 9, 2000

Hearing; Case 2000-31: Request for vacation of the east/west alley in Block 684 (bounded by Philo Ave., Grove St., LeTarte Ave., and Fountain St.), by Ronald Archer.

BACKGROUND

The proposed alley is located in Lakeside neighborhood, in the block bounded by Philo Ave., Grove St., LeTarte Ave., and Fountain St. The eastern portion of the alley is graveled and appears to be well-maintained. The western portion of the alley is not as well maintained. The applicant surveyed all of the neighbors who adjoin the alley (see enclosed survey) and most agreed. However, there is one home which does use the alley for access to their garage.

The Department of Public Works has no issues with water and sewer and is ok with vacating the alley. The Fire Marshal is ok with vacating the western half of the alley, but requires that the eastern half remain open due to the garage which needs access to the alley.

Date: August 22, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: City – ESCO Agreement
Watermain Construction

SUMMARY OF REQUEST:

To approve the attached agreement with ESCO Company for the construction of a new 12" watermain from the easterly end of Barney (about 540' east of Roberts) to the Consumer's Energy easement to the north and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

ESCO and the City will pay equal shares of the total project cost (engineering & construction). The total cost is not expected to exceed \$65,000.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to sign the agreement.

COMMITTEE RECOMMENDATION:

RESOLUTION 2000-81(d)

RESOLUTION FOR APPROVAL OF AN AGREEMENT CONTRACT AGREEMENT BETWEEN THE ESCO COMPANY LIMITED PARTNERSHIP AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF A WATERMAIN BETWEEN BARNEY AND THE CONSUMER ENERGY EASEMENT TO THE NORTH AND AUTHORIZATION FOR MAYOR FRED J. NIELSEN AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID AGREEMENT.

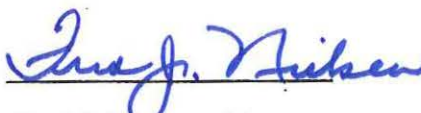
Moved by Commissioner Shepherd and supported by
Commissioner Spataro that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into AN AGREEMENT between the THE ESCO COMPANY LIMITED PARTNERSHIP AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF A WATERMAIN BETWEEN BARNEY AND THE CONSUMER ENERGY EASEMENT TO THE NORTH Within the City is in the best interests of the City of Muskegon.

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

Adopted this 22nd day of August, 2000.

BY



Fred J. Nielsen, Mayor

ATTEST



Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on August 22, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderger, Clerk

AGREEMENT FOR PUBLIC WATER MAIN AND EASEMENT

THIS AGREEMENT is effective August 22, 2000, between the **CITY OF MUSKEGON**, a Michigan Municipal Corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and **ESCO COMPANY LIMITED PARTNERSHIP**, a Michigan limited partnership, of 1221 E. Barney, Muskegon, Michigan 49444 ("ESCO").

RECITALS

1. ESCO owns property in the City of Muskegon as described in annexed Exhibit A, which shall be, in this Agreement, the burdened property upon which the easement (one of the subjects of this Agreement) shall be located.
2. The City operates and maintains a public water main in the following streets adjacent to the ESCO property above described: Barney Street and Roberts Street.
3. ESCO is in need of increased capacity for City water and the parties have determined that an increase in the size of the water lines serving ESCO, including public water lines installed on its property in the easement, will benefit the public and additional users of the City's water service in the vicinity.

AGREEMENT

THE PARTIES, INCORPORATING THE ABOVE RECITALS, HEREBY AGREE:

1. **Grant of Easement.** ESCO shall grant to the City an easement for the installation, maintenance, operation, repair and removal of any utilities including the water line, the subject of this Agreement. The easement shall be legally described as set forth in attached Exhibit B. The easement shall be granted by ESCO and executed in the form of Utility Easement attached as Exhibit C to this Agreement.
2. **Construction by the City.** The City shall construct a water main or mains, known hereinafter as the "12-inch loop," to serve ESCO and other properties.
3. **Public Water Main.** The water main to be constructed in the easement and in any public right of way is determined and agreed by the parties to be a publicly owned, operated and maintained water main. It will be built so as to afford a connection or connections to the buildings on the ESCO property and serve other properties.
4. **Allocation of Costs; Definitions.** The parties agree that the cost of construction, engineering and other costs concerning the public water main, and a determination of what installations shall constitute the public water main, are as follows:

4.1 The public water main shall consist of the 12-inch main located on and nearby the ESCO property, and the connection of the said main to any additional public or trunk water mains of the City and the public right of way.

4.2 The public water main shall not include lines running from the said 12-inch looped main to any ESCO building or installation, or the connections to either the main or the building or building water systems.

4.3 The cost, including engineering, design, construction, and incidental costs of the public water main, as defined, shall be split equally between the City and ESCO, ~~except the City's share shall not exceed Thirty-two Thousand Five Hundred (\$32,500) Dollars, and ESCO shall pay or reimburse the balance of the costs.~~ ^{BCR} _{KL} The costs shall not include any valuation of the land in the easement, which shall be contributed in addition by ESCO. ESCO shall immediately remit to the City its full share of the said costs upon notice from the City that any periodic payment and the final payment to any contractor, engineer, consultant or for any incidental cost is due. The City shall perform the design and construction supervision engineering "in house" and periodically inform ESCO of the cost for reimbursement in accordance with this agreement.

4.4 Notwithstanding anything in this Agreement, upon selection of a bid to perform the design, engineering and construction of the loop, the City will provide ESCO with a copy of the bid for review. ESCO may, within ten days of receipt of the selected bid, notify the City of its election not to participate in the cost of the line and to terminate this Agreement, without further liability or obligation under this Agreement, except that ESCO shall, in such case, reimburse the City for all amounts it has expended on the design of the 12" Loop. Failure to deliver written notification of the election to the City within the ten days shall signify acceptance of the bid by ESCO.

5. **Right of Entry.** ESCO grants to the City right of entry on all its lands in or adjacent to the easement granted pursuant to this Agreement for the purpose of construction, installation, maintenance and repair of the public water main.

6. **Warranties and Subordination or Consent.** ESCO warrants that it has good and marketable title to the land where the easement is located as described on Exhibits A and B. Further, ESCO shall cause any mortgagee, lienholder, or other party with an interest in the property to subordinate its interest and consent to the City's priority title to the easement. The City may procure title insurance on its easement interest at its cost.

7. **Construction and Engineering.** The City shall cause the design and engineering of the 12-inch loop to be accomplished forthwith. It shall formulate and advertise for bids for construction. It shall obtain and maintain, as City property, drawings both for design and "as built," and shall supply copies of the same to ESCO. The contracts for construction shall adhere to all City requirements, including prevailing wage, civil rights, non-discrimination, and other requirements of the City.

8. **Legal Status of the Water Main and Easement.** The public water main shall be owned and maintained by the City, which shall have the sole and exclusive right to operate, repair, maintain and remove the said water main.

9. **Indemnity.** ESCO hereby agrees to indemnify the City from and against any and all claims concerning the construction and installation of the water main or any activities in the easement during construction.

10. **Insurance.** ESCO and the City shall be added to the commercial general liability, automobile and other appropriate insurances, as normally required by the City of its contractors. The construction contract shall so provide and copies of the contract and declarations of insurance coverage shall be forwarded to ESCO promptly.

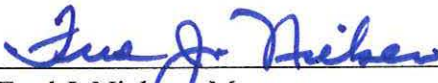
11. **No Third Party Beneficiary.** This Agreement shall benefit only the parties to this Agreement, and not any third party.

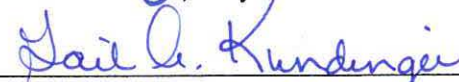
12. **Binding and Benefit.** This Agreement shall be binding upon and inure to the benefit of the respective parties, their affiliates, successors, personal representatives and assigns.

13. **Michigan Law Applies.** 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.

This Agreement is executed effective upon the date first above set forth.

CITY OF MUSKEGON,
a Michigan Municipal Corporation

By 
Fred J. Nielsen, Mayor

By 
Gail A. Kunderger, City Clerk

ESCO Company Limited Partnership
a Michigan Limited Partnership

By 

Its President

By 

Its V.P. operations

EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR'S BURDENED PROPERTY

Premises situated in the City of Muskegon, Muskegon County, Michigan, and legally described as:

The West 727.74 feet of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Town 10 North, Range 16 West, except the North 33 feet and the West 33 feet thereof reserved for street right of way, subject to use and zoning restrictions and utility easements.

Part of the Northwest 1/4 of the Southeast 1/4 and part of the Southwest 1/4 of the Northeast 1/4 of Section 33, Town 10 North, Range 16 West, described as: Commence at the South 1/4 corner of said Section 33; thence North 01°02'52" East, along the North/South Quarter line, a distance of 2011.75 feet; thence North 89°27'40" East, along the South line of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said section a distance of 233.0 feet; thence North 01°02'52" East, parallel with the North/South Quarter line a distance of 33.01 feet to the point of beginning; thence continuing North 01°02'52" East parallel with the North/South Quarter line a distance of 637.66 feet to a point of intersection with the East/West Quarter line; thence North 01°00'40" East, parallel with the North/South Quarter line a distance of 79.74 feet; thence South 71°06'53" East, along the Southerly right of way line of Consumers Power Company a distance of 288.83 feet; thence South 01°02'52" West, parallel with the North/South Quarter line a distance of 621.31 feet; thence South 89°27' 40" West, along the North right of way line of Barney Avenue, a distance of 275 feet to the point of beginning

Commencing at a point 33 feet North and 508 feet East of the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4, Section 33, Town 10 North, Range 16 West; thence North 621.59 feet to the Southerly line of Consumers Power Company right of way, thence Southeasterly along said right of way 866.09 feet, thence South 458.50 feet, thence Northwesterly 586.01 feet to the North line of Barney, extended, thence West 252.00 feet to the point of beginning.

EXHIBIT B

LEGAL DESCRIPTION OF THE EASEMENT

WATERMAIN EASEMENT FOR THE CITY OF MUSKEGON FROM THE ESCO COMPANY OVER A STRIP OF LAND 10.0 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: COMMENCE AT THE SOUTH WEST CORNER OF THE NORTH WEST QUARTER OF THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, IN THE CITY OF MUSKEGON, THENCE NORTH 89 DEGREES 31 MINUTS 25 SECONDS EAST ALONG THE EAST WEST QUARTER LINE OF THE NORTH WEST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION 33, 539.45 FEET, THENCE SOUTH 01 DEGREE 07 MINUTS WEST 10.00 FEET FOR POINT OF BEGINNING, THENCE NORTH 1 DEGREE 07 MINUTS EAST 147.99 FEET, THENCE NORTH 89 DEGREES 31 MINUTS 25 SECONDS EAST 201.81 FEET, THENCE NORTH 07 DEGREES 09 MINUTS 20 SECONDS EAST 411.81 FEET MORE OR LESS TO THE SOUTH LINE OF CONSUMER ENERGY RIGHT OF WAY FOR POINT OF ENDING.

CENTER LINE OF ROBERTS ST. AND
N. S. 1/4 LINE SECTION 33 T.10 N. R.16 W.

NORTH 1 DEGREE 07 MINUTES EAST



SOUTH WEST CORNER OF N.W. 1/4 OF N.W. 1/4 OF
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EAST WEST QUARTER LINE OF N.W. 1/4 OF S.E. 1/4
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NORTH 1 DEGREE 07 MINUTES EAST 147.99 FEET

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POINT OF BEGINNING

PROP. 20 FOOT WATER MAIN EASEMENT

POINT OF ENDING

NORTH 7 DEGREE 09 MINUTES 20 SECONDS EAST
411.81 FEET MORE OR LESS

SOUTH LINE CONSUMER ENERGY RIGHT OF WAY

PROPOSED WATERMAIN EASEMENT MAP FOR ESCO

EXHIBIT C

UTILITY EASEMENT

THIS AGREEMENT is made this 22nd day of August, 2000 between **ESCO Company Limited Partnership**, 1221 E. Barney Avenue, Muskegon, Michigan 49444, as **Grantor**, and the **CITY OF MUSKEGON, a Michigan municipal corporation**, of 933 Terrace Street, Muskegon, Michigan 49440, **Grantee**.

1. RECITALS:

1.1 Grantor has an interest in certain real property located in the City of Muskegon, County of Muskegon, and State of Michigan. Grantor is willing to grant and convey to the Grantee an Easement for the purposes and upon the terms and conditions hereinafter set forth over and across that portion of the land owned by Grantor ("Burdened Property," described in Exhibit A, attached).

2. AGREEMENT

2.1 Grantor, for and in consideration of the sum One Dollar (\$1) the receipt whereof is hereby confessed and acknowledged does by these presents convey and quit claim to Grantee and its successors and assigns, forever, or unless abandoned by the Grantee, a permanent, non-exclusive Easement and right for a public water line and related utilities installed or permitted by Grantee, to enter upon the Easement, to construct, operate, maintain, repair, inspect, replace, improve, and remove the said utilities.

Also, conveying the right, from time to time, and at no additional cost to Grantee, to cut, trim, remove, destroy, or otherwise control any trees, brush and other vegetation now or hereafter standing or growing upon the Easements, provided reasonable replanting of grass or acceptable ground cover shall be required, and the opening, closing and repair of any necessary excavation for the said purposes.

The legal description of the Easement granted by this instrument is set forth in Exhibit B, attached.

THE GRANTEE AGREES:

2.2 Any construction, maintenance, or replacement shall be performed by Grantee so as not to unreasonably interfere with the use of land in which the Easements are located. Upon completion of the construction, maintenance, replacement or repairs, Grantee will restore the Easement to the same condition as it

was prior to such construction, maintenance, replacement or repairs and without cost to the Grantor. The Grantee shall cooperate with the Grantor to cause the least inconvenience to Grantor during such construction, maintenance, alteration, and repairs and complete such work as soon as reasonably possible.

3. MISCELLANEOUS

3.1 The Grantor retains all other property rights in the Easement, including but not limited to, the right to utilize the property to construct thereon parking lots, fill and environmental capping, sidewalks, driveways, curbs, gutters and landscaping. Grantor shall not construct any buildings or other temporary or permanent improvements within the Easement which would in any way interfere with Grantee's rights set forth herein.

3.2 The benefits herein shall accrue to and the obligations hereof shall bind the successors and assigns of the respective parties.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed as of the year and day first above written.

WITNESSES:

GRANTOR: ESCO COMPANY LIMITED PARTNERSHIP

By Bruce Price

Its President

By L.R. Kuntz

Its V.P. operations

WITNESSES:

GRANTEE: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kundinger
Gail A. Kundinger, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing Utility Easement was acknowledged before me this 7TH day of AUGUST, 2000, by BRUCE RICE and RAY KUNK, the PRESIDENT and V.P., OPERATIONS, of ESCO Company Limited Partnership, on behalf of the partnership.

Eane R. Gergin

Notary Public, Muskegon County, Michigan
My Comm. Expires: 03/28/2004

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing Utility Easement was acknowledged before me this 29th day of August, 2000, by FRED J. NIELSEN and GAIL A. KUNDINGER, the Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a Michigan municipal corporation, on behalf of the corporation.

Linda S. Potter
Linda S. Potter

Notary Public, Muskegon County, Michigan
My Comm. Expires: 9-25-02

Prepared By:
G. Thomas Johnson
Parmenter O'Toole
P.O. Box 786
Muskegon, MI 49443-0786

After Recording Return To:
City of Muskegon
933 Terrace
Muskegon, MI 49442

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NORTH 7 DEGREE 09 MINUTES 20 SECONDS EAST
411.81 FEET MORE OR LESS

SOUTH LINE CONSUMER ENERGY RIGHT OF WAY

PROPOSED WATERMAIN EASEMENT MAP FOR ESCO

CDATE: August 10, 2000

TO: Honorable Mayor and City Commissioners

FROM: Inspection Services Department

RE: Concurrence with Housing Board of Appeals Finding and Order
For case #00-24, aka, 350 Bauer

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **350 Bauer** and legally described as **LOT 5 BLK 268** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION/HISTORY OF PROPERTY:

This Commercial Garage is located on Bauer near Spring Street. The last known owner is Jim Bauer of 3023 Henry St., Muskegon, MI.

A Notice and Order was sent out on 3/29/00. A permit was pulled on 5/4/00 before the Housing Board of Appeals meeting. Mr. Bauer requested 60 days to complete repairs and the Board agreed to give him the time to complete the repairs. The case was revisited by the HBA on 7/6/00 due to no progress being made. To this date, there has been no contact from the owner and the condition of the property remains in the same dangerous condition.

Attached are copies of the following: minutes to the HBA 5/4/00 & 7/6/00 meetings, finding of facts dated 5/8/00 & 7/10/00; notice of hearing dated 5/1/00 & 6/23/00; notice and order dated 3/31/00 and the dangerous building inspection report dated 3/29/00

The estimated cost to repair the structure is: \$10,000.00

Bauer
350 Bauer



REVIEW CASES (CONTINUED):

#00-24-350 Bauer Ave – Jim Bauer, 3023 Henry Street, Muskegon MI

The owner and/or a representative of the property did not attend the meeting. Mr. Grabinski reminded the board that at the May Meeting Mr. Bauer attended and they granted him 60 days to complete repairs and pull a permit. According to the staff, a permit was pulled, however no repairs have been completed as far as they can see and no inspections have been scheduled. When permits are issued, work can not cease for a 30-day period. Staff recommended to declare structure(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation. A roll call vote was taken.

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

#98-50 – 388 CATAWBA – MARK HIMES, SPRING LAKE MI.

The owner and/or a representative of the property did not attend the meeting. Grabinski informed the Board that there has been no contact with the owner and the staff has not seen any change in the property. Staff recommended to declare unsafe, substandard and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to declare the structure(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken.

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

DATE: July 10, 2000
CASE: #00-24 - 350 Bauer, Muskegon MI

Mark Himes
Himes Home Improvement
15948 Wood Lawn Ave
Spring Lake MI 49456

FINDING OF FACTS AND ORDER

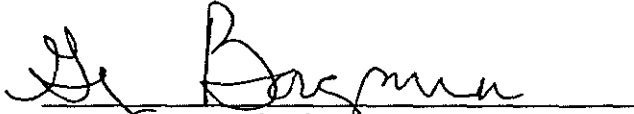
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on July 6, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Lot 5, Blk 268, also know as, 350 Bauer, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in black ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

June 23, 2000

Jim Bauer
3023 Henry Street
Muskegon MI 49441

SUBJECT: Dangerous Building Case # 00-24-350 Bauer, Muskegon MI.

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, July 6, 2000 at 5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

**MUSKEGON HOUSING BOARD OF APPEALS
APRIL 6, 2000 MEETING MINUTES**

#00-23 - 1349 Arthur (garage). - John Tomas, 1349 Arthur, Muskegon MI.

Randy asked if the owner is in attendance to step forward at the microphone. The owner or a representative of the owner was not in the attendance. Grabinski informed the board of the repairs needed on the structure, which is listed on the dangerous building inspection report. a notice and order was sent out on 3/31/00 to repair or demolish the structure in 30 days and there has been no contact with the owner since the notice and order. Staff recommended to Declare a dangerous substandard, unsafe, a public nuisance and to forward to city commission for concurrence. A motion was made to accept staff's recommendation by Randy Mackie and supported by John Warner. A roll call vote was taken.

AYES:

Randy Mackie
Fred Neilson
John Warner
Rev. William Anderson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The motion carried.

Case # 00-24 - 350 Bauer -- Jim Bauer 1396 Pine, Muskegon MI

Mr. Bauer was not in attendance because Bob Grabinski told him he would represent him to the board. Grabinski informed the board that Mr. Bauer came to the office to pull a permit to make the repairs. An extension was requested. Bob stated that the staff recommended to extend for sixty days. If repairs are not complete and an inspection is not completed in 60 days, to bring the case back for review at the July 6, 2000 meeting. Nielson made a motion, supported by John Warner to accept the staff's recommendation. A roll call vote was taken.

AYES:

Randy Mackie
Fred Nielsen
William Anderson
John Warner

NAYES:

EXCUSED:

Greg Borgman
Clint Todd

ABSENT:

The motion carried.

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

Assessor
231/724-6708
FAX/726-5181

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231/724-6783
FAX/726-5617

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

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231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
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231/724-6707
FAX/727-6904

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FAX/724-6768

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FAX/722-4301

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231/724-6704
FAX/724-1196

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FAX/722-1214

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FAX/722-1214

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FAX/726-2501

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FAX/724-6790

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FAX/722-4188

Treasurer
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FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

May 8, 2000

Jim Bauer
Muskegon Monument & Stone
3023 Henry Street
Muskegon MI 49441

Dear Property Owner:

Subject: Dangerous Building Case #00-24 – 350 Bauer

FINDING OF FACTS & ORDER

At the May 4, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to grant Case #00-24 – 350 Bauer until July 3, 2000 to complete all repairs. If repairs are made and final inspections are completed within the agreed upon timetable you will not have to come back to the Housing Board of Appeals. If repairs are not complete and an inspection has not been scheduled, this case will be heard before the Board again on July 6, 2000.

Sincerely,

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

Robert Grabinski
Fire Marshal/Inspection Services

BUILDING PERMIT APPLICATION

CITY OF MUSKEGON

No. 00-0297

JOB ADDRESS 350 Bauer LOT _____ BLK _____ TRACT _____
OWNER Jim Bauer MAIL ADDRESS 3023 Henry PHONE _____
CON. NAME Bauer MAIL ADDRESS _____ PHONE _____
ARCHITECT OR DESIGNER _____ ADDRESS _____ PH _____ LIC # _____ EXP _____
LICENSE NUMBER _____ EXPIRATION DATE _____

FEDERAL EMPLOYER ID# OR REASON FOR EXEMPTION _____

WORKERS COMP. INSURANCE CARRIER OR REASON FOR EXEMPTION _____

MESC EMPLOYER # OR REASON FOR EXEMPTION _____

ALL CONTRACTOR INFORMATION REGISTERED WITH THE CITY OF MUSKEGON YES ☐ NO ☐CLASS OF WORK NEW ADDITION ☐ ALTERATION ☐ REPAIR ☐RESIDENTIAL ☒ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER _____

SPECIAL CONDITIONS _____

DESCRIBE WORK Repair Garage - New RoofRepair foundation + Block Repair

USE OF BUILDING _____ CHANGE USE TO _____

STARTING DATE _____ DATE READY _____

INSPECTION REPORTS		
DATE	REMARKS	INSP.

APP. APPROVED BY <u>[Signature]</u>	PLANS CK BY _____	APPROVED FOR ISS. BY _____
-------------------------------------	-------------------	----------------------------

NOTICE

SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THIS PERMIT BECOMES VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 30 DAYS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 30 DAYS AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

VALUATION OF WORK

PERMIT FEE 38.75

CALL ADMINISTRATIVE AUTHORITY A MINIMUM OF 24 HOURS PRIOR TO INSPECTION

SPECIAL CONDITION: POUR NO CONCRETE UNTIL FORMS ARE APPROVED

Type of Const. _____ Occupancy Group _____ Division _____

No. of Dwelling Units _____ Parking spaces _____ Bsmt _____

Front Yard _____ Side Yard _____ Rear Yard _____

Use Zone _____ Fire Sprinkler Required _____

Special Zoning _____

Footing Type _____ Size _____ Depth Below Grade _____

Foundation Wall _____

Floor System _____ Size _____ Spacing _____

Roof System _____ Size _____ Spacing _____

Exterior Wall System _____ Size _____ Spacing _____

Chimney Type _____ Size _____

Heating Type _____

TOTAL PERMIT FEE IS DOUBLED IF WORK IS STARTED BEFORE PERMIT IS APPLIED FOR

* SECTION 23a OF THE STATE CONSTRUCTION CODE ACT OF 1972, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, BEING SECTION 125.1523a OF THE MICHIGAN COMPILED LAWS, PROHIBITS A PERSON FROM CONSPIRING TO CIRCUMVENT THE LICENSING REQUIREMENTS OF THIS STATE RELATING TO PERSONS WHO ARE ABLE TO PERFORM WORK ON A RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE. VIOLATORS OF SECTION 23a ARE SUBJECT TO CIVIL FINES. NOTE TO HOMEOWNERS (WHEN NO OTHER CONTRACTOR ASSISTANCE IS BEING USED), UNDER REASON FOR EXEMPTION STATE THAT YOU ARE THE HOMEOWNER AND WILL BE DOING THE WORK.

SIGNATURE OF APPLICANT [Signature] DATE 5-4-00

WHITE - INSPECTOR

YELLOW - APPLICANT

PINK - ASSESSOR

GOLD - AUDIT

Formative Action
724-6703
AX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: May 1, 2000

TO: Muskegon Monument & Stone
1396 Pine Street
Muskegon MI 49442

SUBJECT: Dangerous Building Case #00-24 – 350 Bauer

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on May 4, 2000 at 5:30 p.m. at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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



NOTICE AND ORDER

March 31, 2000

Muskegon Monument & Stone
1396 Pine Street
Muskegon MI 49442

Dear Property Owner:

Subject: 350 Bauer
Lot 5 BLK 268

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at (231) 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

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FAX/724-5290



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION

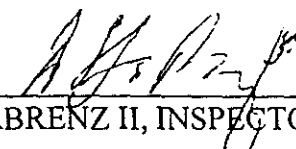
350 Bauer

March 29, 2000

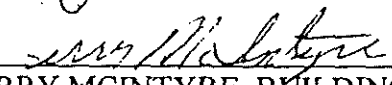
1 STORY CEMENT BLOCK STORAGE BUILDING.

1. Roof in disrepair and rotted
2. Mortar missing in block walls
3. Roof rafters exposed to weather.
4. Structural beam exposed to weather.
5. Trash and debris in yard.
6. Brick façade falling off building.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


DON LABRENZ II, INSPECTOR

DATE 29-MAR-00

CONCURRED IN: 

JERRY MCINTYRE, BUILDING OFFICIAL

CDATE: August 10, 2000

TO: Honorable Mayor and City Commissioners

FROM: Inspection Services Department

RE: Concurrence with Housing Board of Appeals Finding and Order
For case #98-50, aka, 388 Catawba

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **388 Catawba** and legally described as **Lot 6, BLK 263** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION/HISTORY OF PROPERTY:

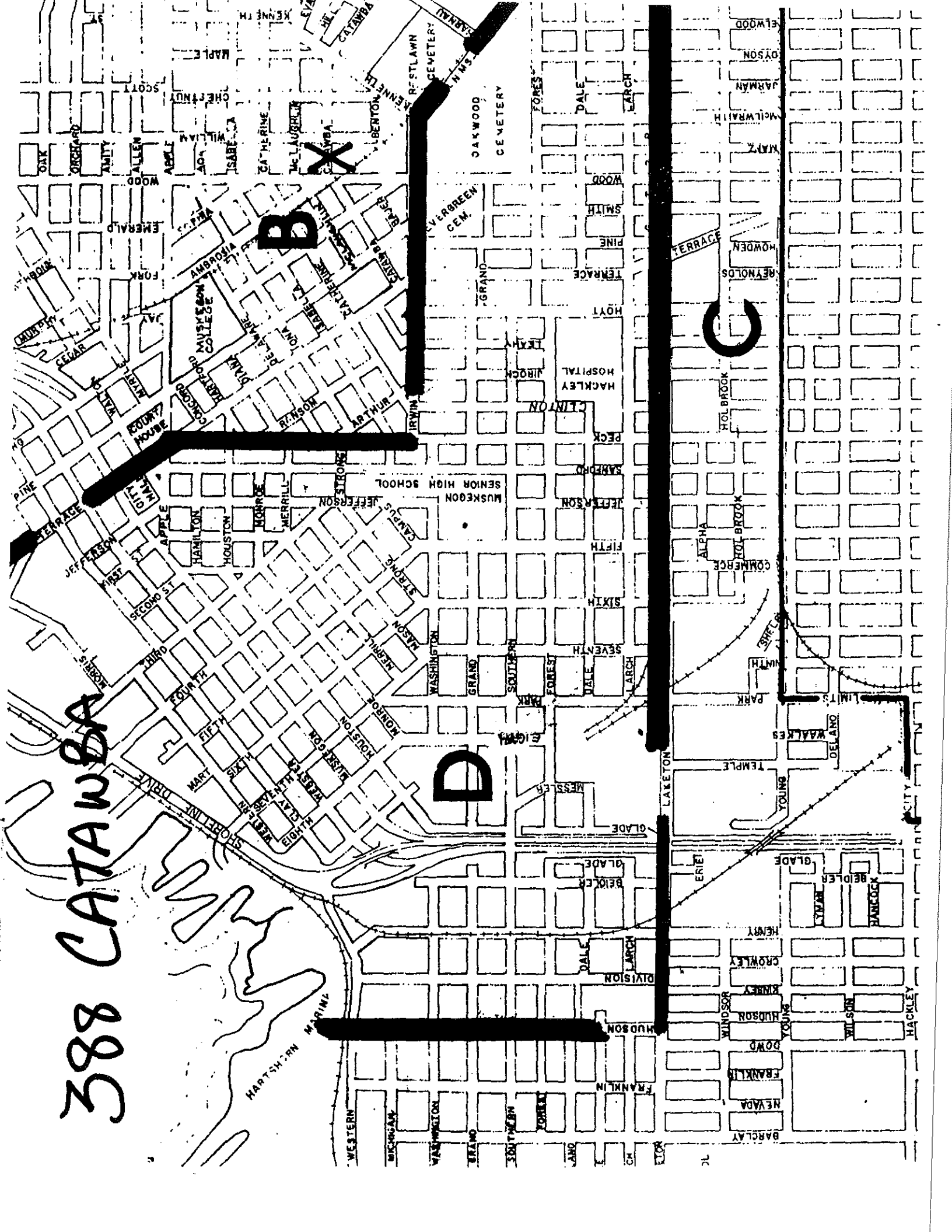
This residential one (1) unit rental is located on Catawba near Wood Street. The home was previously owned by Annie Churchwell and now owned by Mark Himes of Himes Home Improvement in Spring Lake, MI.

On December 4, 1998 the Housing Board of Appeals made a determination that the subject property is unsafe and ordered that the structures be demolished or repaired by January 4, 1999. February 9, 1999 the case was brought before the City Commission and it was recommended to give the interested party six (6) months to obtain and bring the property up to code, submit a written time table on the scheduled repairs and obtain a permit. The case was revisited by the City Commission on January 25, 2000 where it was recommended to defer all action until the next meeting for an update on the property. On May 11, 2000 a letter was sent to the owner requesting that they contact the inspection services department within 10 days. Since then there was no contact and no change in repairs, the case was visited by the HBA on 7/6/00 where the board declared the structure(s) to be dangerous and forward to the City Commission for concurrence with the decision for demolition. There has been no change in the progress of repairs.

Attached are copies of the following: Finding of Facts and Order dated 7/10/00, inspection report dated 9/09/98, Notice of hearing dated 6/23/00, Letter to Mark Whims dated 5/11/00 & 1/19/00, Commission meeting minutes dated 1/25/00 & 2/9/99, written work schedule submitted by Mark Whims not dated, HBA meeting minutes dated 12/3/98 finding of facts order dated 12/4/98,

The estimated cost to repair the property is: \$15,000.00

388 CATAWBA



REVIEW CASES (CONTINUED):

#00-24-350 Bauer Ave – Jim Bauer, 3023 Henry Street, Muskegon MI

The owner and/or a representative of the property did not attend the meeting. Mr. Grabinski reminded the board that at the May Meeting Mr. Bauer attended and they granted him 60 days to complete repairs and pull a permit. According to the staff, a permit was pulled, however no repairs have been completed as far as they can see and no inspections have been scheduled. When permits are issued, work can not cease for a 30-day period. Staff recommended to declare structure(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation. A roll call vote was taken.

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

NAYS:

EXCUSED

ABSENT:

The motion Carried.

#98-50 – 388 CATAWBA – MARK HIMES, SPRING LAKE MI.

The owner and/or a representative of the property did not attend the meeting. Grabinski informed the Board that there has been no contact with the owner and the staff has not seen any change in the property. Staff recommended to declare unsafe, substandard and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to declare the structure(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken.

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

NAYS:

EXCUSED

ABSENT:

The motion Carried.

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

DATE: July 10, 2000
CASE: #98-50 – 388 Catawba, Muskegon MI

Mark Himes
Himes Home Improvement
15948 Wood Lawn Ave
Spring Lake MI 49456

FINDING OF FACTS AND ORDER

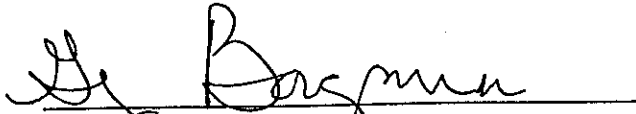
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on July 6, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Lot 6, Blk 263, also know as, 388 Catawba, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in black ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

DANGEROUS BUILDING INSPECTION

9/09/98

388 CATAWBA

RESIDENTIAL DWELLING

1. Missing siding
2. Rotting soffit
3. Broken windows and sash damage
4. Chimney missing brick, in state of collapse
5. Garage door deteriorated beyond repair
6. Deteriorated foundation
7. Guard rails falling off of exterior steps
8. Peeling paint on entire house
9. Infestation of rodents
10. Hazardous and unsanitary premises, garbage and numerous combustibles in home
11. Interior ceiling damage - drywall - ceiling joists

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry C. Faltinowski 9/17/98
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

Mayor's Office
231/724-6701
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Inspection Services
231/724-6715
FAX/726-2501

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

June 23, 2000

Annie Churchwell
388 Catawba
Muskegon MI 49442

Mark Himes
Himes Home Improvement
15948 Woodlawn Ave
Spring Lake MI 49456

SUBJECT: Dangerous Building Case # 98-50- 388 Catawba, Muskegon MI.

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on Thursday, July 6, 2000 at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

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

Assessor
231/724-6708
FAX/726-5181

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FAX/724-6768

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



May 11, 2000

Mark Himes
Himes Home Improvement
And Inspection Services
15848 Woodlawn Avenue
Spring Lake MI 49456

Dear Mr. Himes:

Subject: 388 Catawba
Muskegon MI

As you know, the subject property has been ordered to be repaired or demolished under the provisions of the City's dangerous building ordinance.

Although you have elected to repair the structure, we are concerned about the length of time it is taking to complete these repairs. To this date there has been no mechanical, electrical, or plumbing inspection scheduled. If we do not see evidence of significant progress toward completion of this work within the next 30 days, we will be forced to continue on with enforcement action and request a hearing before the City Commission.

Call this office at (231) 724-6715 within 10 days to schedule an inspection.

Sincerely,

Robert B. Grabinski

Robert B Grabinski
Fire Marshal/Inspection Services

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

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616/724-6708
FAX/724-4178

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Info. Systems
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FAX/724-6768

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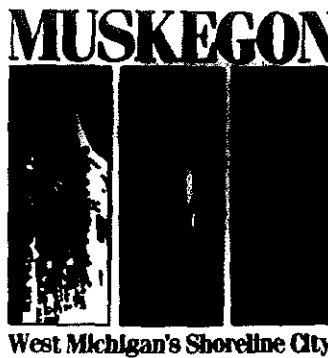
Police Dept.
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Water Dept.
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FAX/724-6768

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



January 19, 2000

Mark Himes
Himes Home Improvement
and Inspection Services
15848 Woodlawn Avenue
Spring Lake, Mi. 49456

Dear Mr. Himes

SUBJECT: 388 Catawba
Muskegon, Mi.

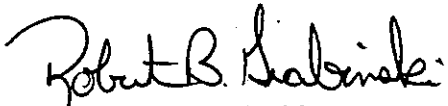
On December 4, 1998 the Muskegon Housing Board of Appeals made a determination that the subject property is unsafe, a public nuisance and a dangerous building under City Code and ordered that it be demolished or repaired by January 4, 1999. February 9, 1999 the case was brought before the City Commission Committee of the Whole and a recommendation was made at that time to give the interested party six months to obtain and bring the property up to code, submit a written timetable on the scheduled repairs and obtain a building permit. To date the work has not been done to an acceptable level.

Because such action was not taken by that date, the findings of the Board will now be sent to the City Commission as part of a request for concurrence in the Board's determination. The Commission will consider this request at its regularly scheduled legislative meeting on Tuesday, January 25, 2000 at 5:30 p.m. The meeting will be held in the Commission chambers on the first floor of City Hall, 933 Terrace Street. The Commission, acting as a Committee of the Whole will also meet at 5:00 p.m. on January 24, 2000 in the Commission Chambers to review agenda items for the following day and to make a recommendation of action.

At either of these meetings, you or your representative will be given the opportunity to show cause why the building should not be demolished.

If you have any questions concerning this matter, please do not hesitate to contact me at 724-6715.

Sincerely yours,

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

Robert B. Grabinski
Fire Marshal/Inspection Services

STAFF RECOMMENDATION: (449 McLaughlin) This property has been in a state of substantial disrepair since at least June of 1998. The housing inspector referred the case as a dangerous building and a notice to repair or demolish was issued on June 2, 1998. The case was referred to the Housing Board of Appeals on August 5, 1999 because the owner made no attempt to correct the violations stated in the order.

No one appeared at the meeting on behalf of the owner and the Board found the property to be unsafe, substandard and a public nuisance and ordered it demolished. 449 McLaughlin and 447 McLaughlin occupied the same lot. 447 McLaughlin was brought before the City Commission and the City Commission concurred in the demolition of 447 McLaughlin. 447 McLaughlin is one of the properties originally owned by Jonathon Brandel and is now in the hands of Spectrum Mortgage Group, Inc. The house has been boarded up a number of different times, has been a home to cats and varmints. The front lower apartment had been occupied for months with no water.

Delinquent taxes for winter of 1997, 1998 and 1999 are owed as well as board up costs, sidewalk assessment and delinquent water bill for a total of \$8,890.61.

The estimated cost of bringing the property into compliance with City codes of about \$30,000.

Attached are copies of the minutes of the August 5, 1999 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated August 10, 1999 and the inspection report date 4/12/99.

COMMITTEE RECOMMENDATION: The Committee of the Whole recommended postponing any action on 388 Catawba until the next meeting when City Commission will be given an update on the property. The Committee of the Whole recommended concurrence with Housing Board of Appeals findings and order for 449 McLaughlin.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the Consent Agenda as submitted.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

Absent: Benedict

ADOPTED

2000-020 PUBLIC HEARINGS:

- a. Request for Transfer of Industrial Facilities Exemption Certificate No. 98-624, Source One Signs.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Source One Signs, 1756 Lakeshore Drive, Muskegon, Michigan, manufacturer of fleet and vinyl graphics, interior store signage and exterior signage, has requested the transfer of an Industrial Facilities Exemption Certificate from Fruitport Township to the City of Muskegon. Total capital investment for this project is \$468,000 in personal property. The project will not result in the

HIMES HOME IMPROVEMENT AND INSPECTION SERVICES

Mr Daniel Schmeltzinger
Director, Neighborhood and Construction Services

SUBJECT: 388 Catawba Schedule of repairs as requested

DANGEROUS BUILDING INSPECTION LIST

1. Items 3, 4, 5, 6, 7, 9, 10, 11, on the list will be done at the end of February.
2. Items 1, 2, 8, will be done no later than April 30th, these items will be corrected by the installation of new vinyl siding. *Painting House*
3. New electrical 100 amp. service upgrade installed by Lakeshore Electric by March 1st.
4. Bring all electrical wiring up to city code by June 1st
5. Remodel kitchen and bathroom by June 30th.
6. Interior new paint and carpet and fixtures by July 15th
7. Final inspection July 30th.
8. I will pull all nessary permits required to complete work.

Thank you,

Mark Himer

FINANCIAL IMPACT: (877 Amity) The cost of demolition will be paid with budgeted general funds.

BUDGET ACTION REQUIRED: (877 Amity) None

STAFF RECOMMENDATION: (877 Amity) A dangerous building inspection was conducted in August of 1998 following a referral from the housing inspector working the case. The property was vacant and boarded and the owner had made no effort to correct code violations nor had established any contact with the inspector. In addition, three civil infraction citations had been issued to the owners. The order to repair did not result in any improvements to the structure; therefore, the case was referred to the Housing Board of Appeals on December 3, 1998. No one appeared at the meeting to contest the department's recommendation that the structure be demolished and there has been no contact with the owner since the Board's action.

Property taxes for 1997 and 1998 are due. The estimated cost of bringing the property into compliance with City codes is \$18,000 - \$22,000.

Attached are copies of the minutes of the December 1998 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated December 7, 1998 and the findings from an August 25, 1998 inspection of the property.

COMMITTEE RECOMMENDATION: (372-74 E. Forest and 877 Amity) Committee of the Whole recommended concurrence with Housing Board of Appeals Findings and Order for 372-74 E. Forest and 877 Amity.

5) 388 Catawba

FINANCIAL IMPACT: (388 Catawba) The cost of demolition will be paid with budgeted CDBG funds.

BUDGET ACTION REQUIRED: (388 Catawba) None

STAFF RECOMMENDATION: (388 Catawba) A dangerous building inspection was conducted in September of 1998 following a referral from the housing inspector working the case. The property was vacant and the owner had made no effort to correct code violations nor had established any contact with the inspector. The order to repair did not result in any improvements to the structure; therefore, the case was referred to the Housing Board of Appeals on December 3, 1998. No one appeared at the meeting to contest the department's recommendation that the structure be demolished and there has been no contact with the owner since the Board's action.

Property taxes for 1993 through 1998 are due. The estimated cost of bringing the property into compliance with City codes is \$20,000 - \$24,000.

Attached are copies of the minutes of the December 1998 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated December 4, 1998 and the findings from a September 9, 1998 inspection of the property.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended giving the interested party six months to obtain and bring the property up to code, and that the interested party submit a written timetable on the scheduled repairs and that a building permit be pulled within 30 days for repairs.

c. Request for Encroachment Agreement - Muskegon County Transit System.
ENGINEERING

NEW CASES:

**#98-47 – 1698 DYSON (GARAGE) – MCA MORTGAGE CORP.
23999 NORTHWESTERN HIGHWAY
SOUTHFIELD, MI. 48075**

No one was in attendance. It was reported that there have been about 14 police reports on this property. Greg Borgman, supported by Randy Mackie, made a motion to declare the garage at 1698 Dyson to be unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

EXCUSED:

Clint Todd

None

Boyd Arthur

Bob Johnson

Greg Borgman

Fred Nielsen

Randy Mackie

John Warner

The motion carried.

#98-50 – 388 CATAWBA (HOUSE) – ANNIE CHURCHWELL, 388 CATAWBA

Dan Schmelzinger said that there has been no contact from anyone. Staff recommendation is to declare the structure substandard. Randy Mackie, supported by Robert Johnson, made a motion to accept staff recommendation and declare the structure at 388 Catawba to be unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

EXCUSED:

Clint Todd

None

Boyd Arthur

Bob Johnson

Greg Borgman

Fred Nielsen

Randy Mackie

John Warner

The motion carried.

~~#98-51 – 150 WHITE – 150 WHITE – 150 WHITE~~

~~withdrew from the agenda. Dan Schmelzinger explained that it is owner occupied and she has some financial problems. Dan Schmelzinger asked if it would be on next month's agenda. Dan Schmelzinger said that it would.~~

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
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FAX/724-6790

Clerk
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FAX/724-4178

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FAX/724-6768

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



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: December 4, 1998
CASE: #98-50- 388 Catawba

Annie Churchwell
388 Catawba
Muskegon, Mi. 49442

Equivest Ltd. Partnership
% Ketih Sotiroff
30400 Telegraph Road, Suite 444
Bingham Farms, Mi. 48025

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the 3rd of October 1998.

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Lot 6, Block 263 also known as 388 Catawba found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

CDATE: August 10, 2000

TO: Honorable Mayor and City Commissioners

FROM: Inspection Services Department

RE: Concurrence with Housing Board of Appeals Finding and Order
For case #00-30, aka, 1328 Palmer (Garage)

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1328 Palmer (Garage)** and legally described as **NE 5 FT of SE 93 ½ FT LOT 18 & SW 36 FT of SE 93 ½ FT LOT 19 & NW 20 FT of PALMER BLVD ABBUTTING SAME BLK 496** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION/HISTORY OF PROPERTY:

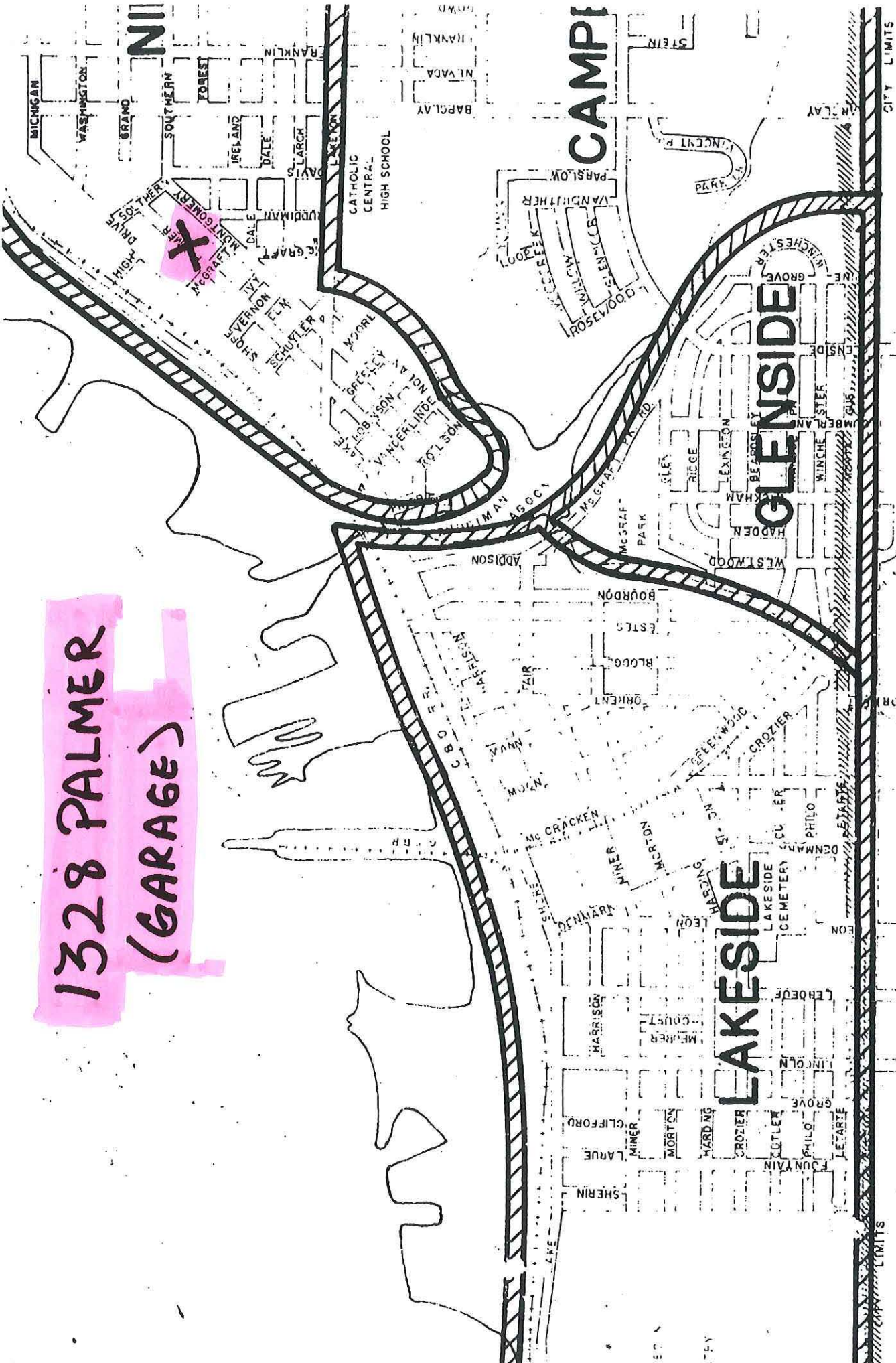
This residential, owner occupied property is located on Palmer Avenue near McGraft. The last known owner is Paul Johnson of 1328 Palmer Ave, Muskegon, MI.

An exterior housing inspection was conducted on 12/2/098 which revealed the garage to be in poor condition. Please see attached report dated 12/2/98. On 3/29/00 a dangerous building inspection was conducted and a notice and order was sent on 3/31/00. There had been no change in the condition of the garage and the case was referred by staff to the Housing Board of Appeals. The case was discussed at the HBA 7/6/00 meeting where the board declared the building substandard, unsafe a public nuisance and forwarded to the City Commission for concurrence. Please see attached minutes. To this date, there has been no contact from the owner and there has been no change in the condition of the garage.

The estimated cost to repair the structure is: \$2,500.00

1328 PALMER

(GARAGE)



NEW CASES:

#00-30 – 1328 PALMER (GARAGE) – PAUL V JOHNSON – MUSKEGON MI

Grabinski briefed the Board on the case. This has been a neighborhood complaint from Nims Neighborhood Association. A Notice and order was sent on 3/31/00 and to this date there has been no contact from the owner. The staff recommends to declare the structure(s) unsafe, substandard, a public nuisance and forward to the City commission for concurrence.

Randy Mackie, Supported by John Warner, made a motion to declare the structure(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken.

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

#00-31 - 1086 SANFORD – THOMAS BOWNE, TWIN LAKE, MI

The owner, Mr. Bowne, attended the meeting. Mr. Kenneth and Mr. Scott Johnson, who are interested parties of the property, also attended the meeting.

Grabinski informed the Board that a notice and order was sent on 4/5/00 and that there had been no contact with the owner. This is not a bad house and it can be repaired but we need someone to come forward and say they are going to complete the repairs, take out all appropriate permits and have inspections done.

Mr. Bowne discussed with the Board how he had talked with Jerry McIntyre regarding the items that are on the inspections report that need to be wrapped up. He issued some pictures to show some of the progress that has been made.

Grabinski informed the Board that there has been no permits applied for or issued for the work that has been done. He recommended that Mr. Bowne come get permit and give a reasonable time plan for the completion of the work.

Randy Mackie, supported by John Warner, made a motion to give the owner time to complete the repairs, turn in a work schedule, apply for all necessary permits and have inspections completed.

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

Assessor
231/724-6708
FAX/726-5181

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MUSKEGON



West Michigan's Shoreline City

FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

DATE: July 10, 2000
CASE: #00-30 - 1328 Palmer (Garage), Muskegon MI

Paul V Johnson
1328 Palmer
Muskegon MI 49441

FINDING OF FACTS AND ORDER

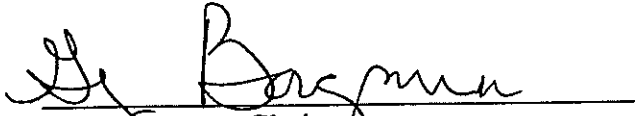
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on July 6, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure (Garage) located upon the property described as North East 5 ft of Southeast 93 ½ ft Lot 18 and South West 36 ft of Southeast 93 ½ ft Lot 19 and Northwest 20 ft of Palmer Boulevard a butting same Block 496, also know as, 1328 Palmer (Garage), found that the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in black ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

June 23, 2000

Paul V Johnson
1328 Palmer Ave
Muskegon MI 49441

SUBJECT: Dangerous Building Case # 00-30 – 1328 Palmer (Garage), Muskegon MI.

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on Thursday, July 6, 2000 at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

Affirmative Action

616/724-6703

FAX/724-6790

Assessor

616/724-6708

FAX/724-6768

Cemetery

616/724-6783

FAX/722-4188

Civil Service

616/724-6716

FAX/724-6790

Clerk

616/724-6705

FAX/724-6768

Comm. & Neigh.

Services

616/724-6717

FAX/724-6790

Engineering

616/724-6707

FAX/724-6790

Finance

616/724-6713

FAX/724-6768

Fire Dept.

616/724-6792

FAX/724-6985

Income Tax

616/724-6770

FAX/724-6768

Info. Systems

616/724-6975

FAX/724-6768

Leisure Service

616/724-6704

FAX/724-6790

Manager's Office

616/724-6724

FAX/724-6790

Mayor's Office

616/724-6701

FAX/724-6790

Neigh. & Const.

Services

616/724-6715

FAX/724-6790

Planning/Zoning

616/724-6702

FAX/724-6790

Police Dept.

616/724-6750

FAX/722-5140

Public Works

616/724-4100

FAX/722-4188

Treasurer

616/724-6720

FAX/724-6768

Water Dept.

616/724-6718

FAX/724-6768

Water Filtration

616/724-4106

FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

March 31, 2000

Paul V. Johnson
1328 Palmer Ave
Muskegon MI 49441

Dear Property Owner:

Subject: 1328 Palmer Ave (Garage)
NE 5 FT of SE 93 ½ FT LOT 18 & SW 36 FT of SE 93 ½ FT LOT 19 &
NW 20 FT of PALMER BLVD ABUTTING SAME BLK 496

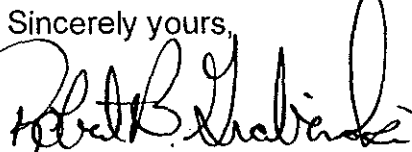
The City of Muskegon Building Official has recently inspected the subject property and has found the GARAGE to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at (231) 724-6715.

Sincerely yours,


Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

Water Filtration
616/724-4106
FAX/724-6790



DANGEROUS BUILDING INSPECTION REPORT

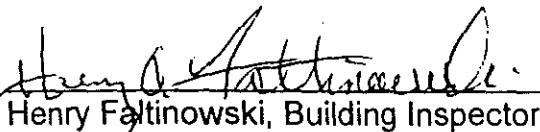
1328 PALMER AVE.
3/29/00

GARAGE

Inspection Noted:

1. Garage roof missing roof covering; sheathing rotting.
2. Siding rotting, exposed, peeling paint.
3. Doors on garage damaged.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector

3/31/2000
Date

CONCURRED IN:


Jerry McIntyre, Building Official

4-3-2000
Date

FINAL NOTICE

No	Cat	Violation
----	-----	-----------

1

NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.

2 EXTERIOR - GARAGE

Roof is totally deteriorated - must be replaced.

3 B EXTERIOR - GARAGE

Siding has holes in it or is rotted or missing.

4 B EXTERIOR - GARAGE

Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.

END OF LIST

CDATE: August 10, 2000
TO: Honorable Mayor and City Commissioners
FROM: Inspection Services Department
RE: Concurrence with Housing Board of Appeals Finding and Order
For case #00-32, aka, 1237 Sanford

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1237 Sanford** and legally described as **N ½ LOT 9, BLK 384** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

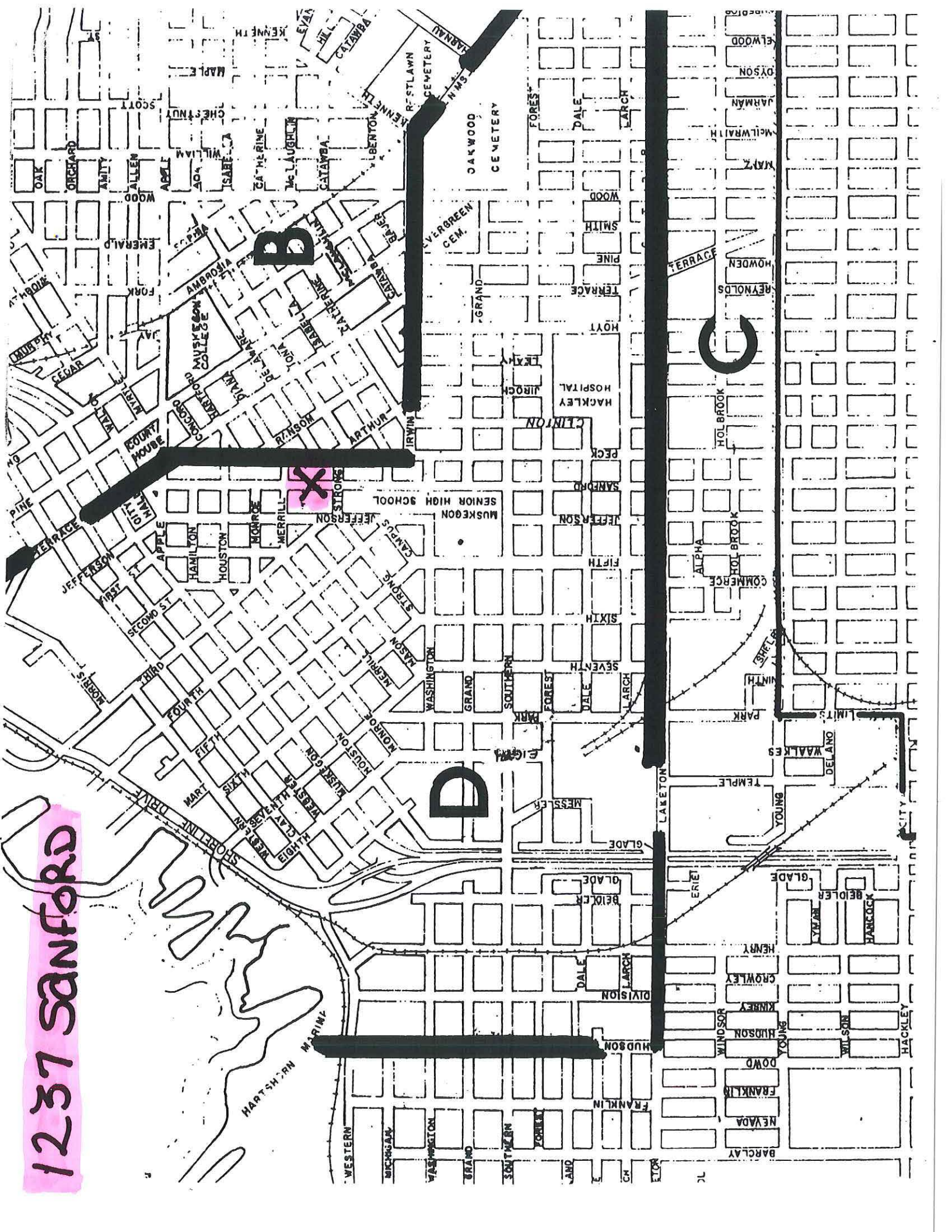
STAFF RECOMMENDATION/HISTORY OF PROPERTY:

This residential, 2-unit rental is located on Sanford Street near Strong. The last known owner is Lakeshore Properties of Muskegon, MI.

A housing inspection was done on 11/2/99, which revealed the attached list of 56 defects that have not been corrected. Please see attached report. On 3/8/00 a dangerous building inspection was conducted which disclosed unsafe conditions. A notice and order was sent on 3/9/00. There had been no contact from the owner and the case was referred to the Housing Board of Appeals by staff. The case was heard the 7/6/00 meeting. The Board declared the structure(s) to be unsafe, substandard, a public nuisance and ordered it to be demolished. Please see attached minutes of the HBA 7/6/00 meeting.

The estimated cost to repair the property is: \$20,000.00

1237 Sanford



~~#00-31 – 1086 SANFORD (CONTINUED):~~

~~A roll call vote was taken:~~

~~AYES:~~

~~Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen~~

~~NAYS:~~

~~EXCUSED~~

~~ABSENT:~~

~~The motion Carried.~~

#00-32 – 1237 SANFORD – Lakeshore Properties, 1638 Hudson, Muskegon MI

The owner and/or a representative of the property did not attend the meeting. Grabinski informed Board of the condition of the structure(s) and recommended to declare unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Some discussion took place regarding neighbors complaining of the lawn not being kept up, the structure having broken windows, being an eyesore, and a peculiar smell coming from the home that is rancid.

Greg Borgman, supported by Randy Mackie, made a motion to declare the structure(s) unsafe, substandard, a public nuisance and to forward to the City Commission for concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

NAYS:

EXCUSED

ABSENT:

The motion Carried.

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/724-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: July 11, 2000

CASE: #00-32 – 1237 Sanford St., Muskegon MI

Muskegon Commerce Bank
4215 Grand Haven Road
Muskegon MI 49441

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on July 6, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as North ½ Lot 9, Block 384, also know as, 1237 Sanford, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6775
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

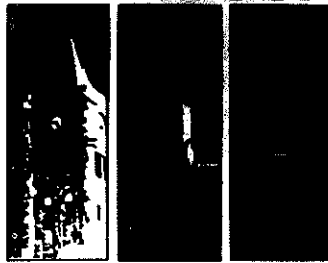
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

March 9, 2000

Lakeshore Properties
1638 Hudson
Muskegon MI 49441

Dear Property Owner:

Subject: 1237 Sanford
N ½ Lot 9, Block 384

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION

1237 Sanford

March 8, 2000

2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. Front window boarded up.
2. Foundation failing (numerous cracks and settling).
3. Windows broken.
4. Interior of building partially demolished.
5. Fascia boards rotting
6. Window sashes rotted.
7. Front porch exposed to the weather.
8. Door opening on second floor covered with unprotected OSB board.
9. Trash and debris in yard.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


DON LABRENZ II, INSPECTOR

DATE 8-MAR-00

CONCURRED IN :


JERRY MCINTYRE, BUILDING OFFICIAL

CITY OF MUSKEGON INSPECTION REPORT

November 2, 1999

AT 3:05 p.m.

FOR SANFORD 1237

PAGE 1

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3		NOTE: Non owner-occupants must use licensed contractors for most electrical, plumbing or mechanical repair work. Call 724-6758 for more information.
4		NOTE: Unit cannot be occupied until a certificate of compliance is issued.
5	APT. UPPER	NOTE: Unit cannot be occupied until a certificate of compliance is issued.
6	A BASEMENT	Handrail is missing.
7	B BASEMENT	Doesn't have a smoke detector as required by code.
8	B BASEMENT	Dwelling is balloon constructed - must be sealed in the basement or crawl space.
9	B BASEMENT	Foundation walls have missing mortar or open cracks.
10	A BASEMENT	Sewer line is open letting sewer gas escape.
11	A BASEMENT	Has odor of gas - check for gas leak.
12	A BASEMENT - BOTH	Furnace needs an inspection by a mechanical contractor and must be certified safe.
13	A BASEMENT - BOTH	Furnaces disconnected.
14	A BASEMENT - DRUM TRAP	Waste is leaking.
15	B BASEMENT - LAUNDRY 220	Outlet is broken, loose or not working.
16	B BASEMENT LANDING DOORS	Door does not fit tight-install weatherseal.
17	B EXTERIOR	Window has glazing that is missing or deteriorated.
18	B EXTERIOR	Foundation walls have missing mortar or open cracks.
19	A EXTERIOR	Handrail is missing.
20	A EXTERIOR	Has unguarded side more than 30" high from ground or floor, need 36" guardrail with balusters no further apart than 4".

CITY OF MUSKEGON INSPECTION REPORT

November 2, 1999

AT 3:05 p.m.

FOR SANFORD 1237

PAGE 2

No	Cat	Violation
21	A	EXTERIOR Window sash is broken, rotted or missing.
22	B	EXTERIOR Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
23	B	EXTERIOR Window sill is broken, missing or rotted.
24	A	EXTERIOR House does not have house numbers. Numbers must be at least 2" in height.
25	B	EXTERIOR - FRONT Concrete steps are deteriorated.
26	A	EXTERIOR - MANY Window has broken or cracked glass.
27	B	EXTERIOR - N.REAR Door is broken or missing.
28	B	EXTERIOR - REAR Foundation footing is sinking or missing.
29	B	EXTERIOR - REAR Concrete steps are deteriorated.
30	B	EXTERIOR - S.REAR Door glass is missing.
31	B	EXTERIOR - STUCCO Broken and cracked.
32	B	EXTERIOR - UPPER FRONT Opening in the wall has been closed off with material that does not blend with the rest of the structure.
33		EXTERIOR UPPER FRONT PORCH Floor joist undersized and spliced and notched substandard.
34		GENERAL - GUTTED PORTION Seal where ceilings meet the walls.
35		GENERAL - GUTTED PORTION Walls and ceiling plaster removed.
36		GENERAL NOTE: Need building, electrical, mechanical and plumbing permits.
37	B	LOWER APT. BATH Anti-siphon ballcock is short--needs to be tall enough to give 1" between bottom of ballcock and overflow tube.
38		LOWER APT. BATH Walls have settled.
39	A	LOWER APT. KITCHEN Waste is leaking.
40	B	LOWER APT. THRU OUT Floor covering has holes, rips or is missing or is not sealed on edges.
41	A	LOWER APT. THRU OUT Floor boards are loose, deteriorated or missing.
42	A	LOWER APT. THRU OUT Outlet cover is missing or broken.
43	A	LOWER APT. THRU OUT Switch cover is missing or broken.

CITY OF MUSKEGON INSPECTION REPORT

November 2, 1999

AT 3:05 p.m.

FOR SANFORD 1237

PAGE 3

No	Cat	Violation
44	B	LOWER APT. THRU OUT Door is broken or missing.
45	B	UPPER APT. BATH Anti-siphon ballcock is short--needs to be tall enough to give 1" between bottom of ballcock and overflow tube.
46	A	UPPER APT. DINING ROOM Outlet cover is missing or broken.
47	A	UPPER APT. DINING ROOM Smoke detector is missing or inoperative near the bedrooms.
48	A	UPPER APT. DINING ROOM Switch cover is missing or broken.
49		UPPER APT. DINING ROOM Thermostat missing.
50	B	UPPER APT. KITCHEN Trim is broken, missing or incomplete.
51	B	UPPER APT. KITCHEN Ceiling has peeling paint.
52	B	UPPER APT. LIVING ROOM Ceiling has a hole or holes or large cracks in it.
53	A	UPPER APT. LIVING ROOM Outlet cover is missing or broken.
54	A	UPPER APT. REAR BEDROOM Outlet cover is missing or broken.
55	B	UPPER APT. REAR PORCH Window check stop or window stop is missing.
56	A	UPPER APT. STAIRWAY Window has broken or cracked glass.

END OF LIST

CDATE: August 10, 2000
TO: Honorable Mayor and City Commissioners
FROM: Inspection Services Department
RE: Concurrence with Housing Board of Appeals Finding and Order
For case #00-34, aka, 1237 Seventh

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1237 Seventh** and legally described as **Erwin and Keatings addition, Lots 14 & 15, BLK 7** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION/HISTORY OF PROPERTY:

This residential, owner occupied single family home is located on Seventh Street near Houston. The last known owner is Lebron Moore of 1237 Sanford St., Muskegon, MI.

A dangerous building inspection was conducted on 3/15/00, which revealed dangerous living conditions. A notice and order was sent on 3/20/00. The Housing Board of Appeals heard the case on 7/6/00. The HBA declared the property substandard, unsafe and a public nuisance. The condition of the property remains the same with no repairs attempted.

Attached are copies of the following: dangerous building inspection report dated 3/15/00, Notice and Order dated 3/20/00 and a copy of the HBA 7/6/00 meeting minutes.

The estimated cost of repairs is: \$25,000.00

[illegible]

#00-33 – 1632 SANFORD – Tonie Moore, Muskegon MI

A realtor from Century 21, located at 2440 Glade street, attended the meeting for the mortgage company. He stated that the mortgage is not in default and it is a pretty sizable mortgage. The Mortgage Company does not want to see it tore down but has had no luck with trying to contact the owner.

Grabinski informed the board that it is the Staff's recommendation to give 30 to 60 days to complete repairs.

Randy Mackie, supported by John Warner, made a motion to give 60 days to complete repairs.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

NAYS:

EXCUSED

ABSENT:

The motion Carried.

#00-34 – 1237 SEVENTH – LEBRON MOORE, 1237 SEVENTH ST. MUSKEGON

Mr. Moore did not attend the meeting. Mrs. Mae Covington, Mr. Moore's Sister attended the meeting. Mrs. Covington resides at 1425 Benjamin NE, Grand Rapids. Mrs. Covington informed the board that Mr. Moore was in the hospital. Her request to the board was to find out what the board intended to do regarding this property so that she could inform her brother of the proceedings.

Grabinski informed the Board of the condition of the property and as staff, recommended that the Board declare unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation and forward the case to the City Commission. A roll call vote was taken:

#00-34 – 1237 SEVENTH (CONTINUED):

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

#00-35 – 146 Strong – Ed Backing – 1586 Sanford, Muskegon MI

The owner and/or a representative did not attend the meeting. Grabinski informed the Board of the condition of the home and as staff, recommended to declare the building(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to declare the structure (s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken.

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

DATE: July 11, 2000
CASE: #00-34 – 1237 Seventh St., Muskegon MI

Lebron Moore
1237 Seventh St.
Muskegon MI 49442

FINDING OF FACTS AND ORDER

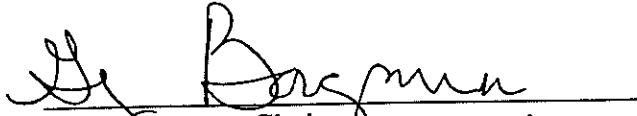
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on July 6, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Erwin and Keating Addition, Lots 14 & 15 Block 7, also know as, 1237 Seventh St., found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in black ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
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FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
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Fire Dept.
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Income Tax
231/724-6770
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Info. Systems
231/724-6744
FAX/722-4301

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

Manager's Office
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FAX/722-1214

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Inspection Services
231/724-6715
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Planning/Zoning
231/724-6702
FAX/724-6790

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

June 23, 2000

Lebron Moore
1237 Seventh
Muskegon MI 49442

SUBJECT: Dangerous Building Case #00-34-1237 Seventh, Muskegon MI.

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, July 6, 2000 at 5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

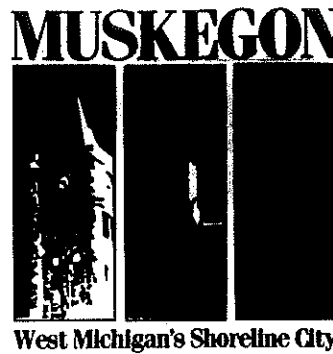
Police Dept.
616/724-6750
FAX/722-5140

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

Treasurer
616/724-6720
FAX/724-6768

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

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



FILE COPY

NOTICE OF ORDER

March 20, 2000

Mr. Lebron Moore
1237 Seventh Street
Muskegon MI 49441

Dear Property Owner:

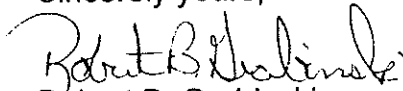
Subject: 1237 Seventh
Erwin And Keatings addition, Lots 14 & 15, BLK 7

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,


Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
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Comm. & Neigh.
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FILE COPY

DANGEROUS BUILDING INSPECTION REPORT

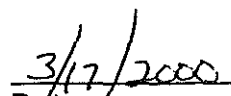
1237 SEVENTH STREET

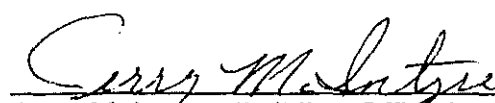
March 15, 2000

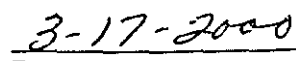
1. Foundation wall and beam supports are rotting and improperly supported.
2. Front porch foundation wall failing, porch leaning, separating, and rotting.
3. Chimney has collapsed venting dangerous exhaust gas into attic of home – broken liner.
4. Open roof eaves into attic.
5. Missing fascia around entire roof system. Attic area exposed to weather and animals.
6. Plastic falling off walls.
7. Peeling paint, rotting and missing siding.
8. Stairway to upper bedroom unstable, detached treads, pole cut through rising and is protruding out causing a trip hazard.
9. Combustibles placed around hot water heater and furnace.
10. Major cockroach infestation.
11. Bathtub tilted off floor support.
12. Waste from washer pouring onto basement floor.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector


Date


Jerry McIntyre, Building Official


Date

DATE: August 10, 2000

TO: Honorable Mayor and City Commissioners

FROM: Inspection Services Department

RE: Concurrence with Housing Board of Appeals Finding and Order
For case #00-35, aka, 146 Strong

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **146 Strong** and legally described as **WLY 35 ½ FT LOT 8 BLK 393** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION/HISTORY OF PROPERTY:

This one (1) unit rental is located on Strong near Jefferson Street. The last known owner is Ed Backing of Muskegon, MI.

A notice and order was sent on 3/28/00. Please see attached. There had been no change in the condition of the property and no contact from the owner. Staff referred the case to the Housing Board of Appeals on 7/6/00. The Board declared the structure(s) unsafe, substandard and a public nuisance. Please see attached minutes.

The estimated cost to repair the property is: \$20,000.00

1416 Strong



#00-34 – 1237 SEVENTH (CONTINUED):

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

#00-35 – 146 Strong – Ed Backing – 1586 Sanford, Muskegon MI

The owner and/or a representative did not attend the meeting. Grabinski informed the Board of the condition of the home and as staff, recommended to declare the building(s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Randy Mackie, supported by John Warner, made a motion to declare the structure (s) unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

EXCUSED

ABSENT:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

The motion Carried.

Affirmative Action
231 724-6703
FAX/722-1214

Assessor
231 724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
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FAX/724-4405

Clerk
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FAX/724-4178

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

June 23, 2000

Ed Backing
1586 Sanford
Muskegon MI 49441

SUBJECT: Dangerous Building Case # 00-35- 146 Strong, Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, July 6, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

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616/724-6703
FAX/724-6790

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616/724-6708
FAX/724-6768

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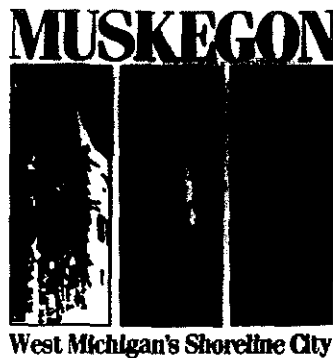
Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
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Treasurer
616/724-6720
FAX/724-6768

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

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



NOTICE AND ORDER

March 28, 2000

Mr. Edwin Backing
1586 Sanford
Muskegon MI 49441

Dear Property Owner:

Subject: 146 Strong
WLY 35 1/2 FT LOT 8 BLK 393

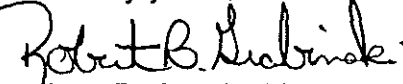
The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at (231) 724-6715.

Sincerely yours,


Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

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Planning/Zoning
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FAX/724-6790

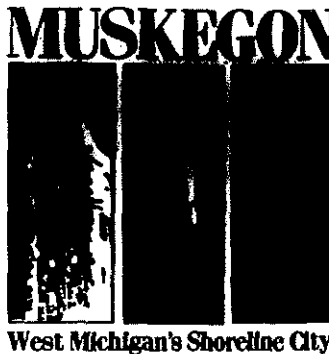
Police Dept.
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Treasurer
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Water Filtration
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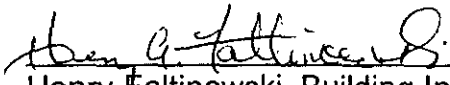
DANGEROUS BUILDING INSPECTIONS REPORT

146 Strong
3/22/00

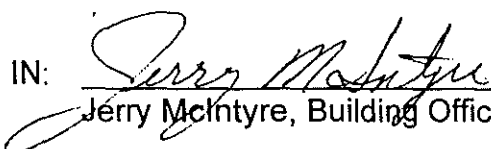
Inspection noted:

1. Chimney Deteriorating.
2. Roof covering failing.
3. Rotting siding.
4. Roof on shed attached to rear of home rotted needs repair.
5. Missing, Rotting Fascia Board.
6. Foundation walls need tuck pointing.
7. Rotting basement window frames.
8. Home has been boarded up for years.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector

3-28-2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

3-28-2000
Date

July 24, 1998

AT 9:44 a.m.

FOR STRONG 146

PAGE 1

No Cat

Violation

FINAL NOTICE

- =====
- 1
NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
 - 2
NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
 - 3 B BASEMENT
Doesn't have a smoke detector as required by code.
 - 4 B BASEMENT
Window is not weathertight and in good repair.
 - 5 B BASEMENT - FURNACE
Will not maintain 70 degrees at all times at 3 feet above the floor.
 - 6 B BASEMENT - STAIR LANDING
Door hardware is broken, missing or incomplete.
 - 7 B BASEMENT - STAIRWAY
Door does not fit tight-install weatherseal.
 - 8 BASEMENT NOTE:
dryer vent open, letting cold air in.
 - 9 B BATH
Door hardware is loose.
 - ~~10~~ EXTERIOR
LIGHT GLOBE MISSING
 - 11 EXTERIOR
FRONT STORM SCREEN MISSING
 - ~~12~~ B EXTERIOR - SIDING
Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
 - ~~13~~ B EXTERIOR - WINDOWS AND TRIM
Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
 - 14 B KITCHEN
Ceiling is water damaged.
 - 15 A LIVING ROOM
Smoke detector is missing or inoperative near the bedrooms.
 - 16 B LIVING ROOM
Wall or walls has a hole or holes or large cracks in it.
 - 17 B MIDDLE BEDROOM
Window is not weathertight and in good repair.
 - 18 B MIDDLE BEDROOM
Warm air register(s) is/are broken or missing.
 - 19 B NORTH BEDROOM
Window check stop or window stop is missing.
 - 20 B NORTH BEDROOM
Window is not weathertight and in good repair.
 - 21 B NORTH BEDROOM - DOOR
Trim is broken, missing or incomplete.
 - 22 B SMALL BATH
Window is not weathertight and in good repair.

CITY OF MUSKEGON INSPECTION REPORT

July 24, 1998

AT 9:44 a.m.

FOR STRONG 146

PAGE 2

No Cat

Violation

=====

23 B SOUTH BEDROOM

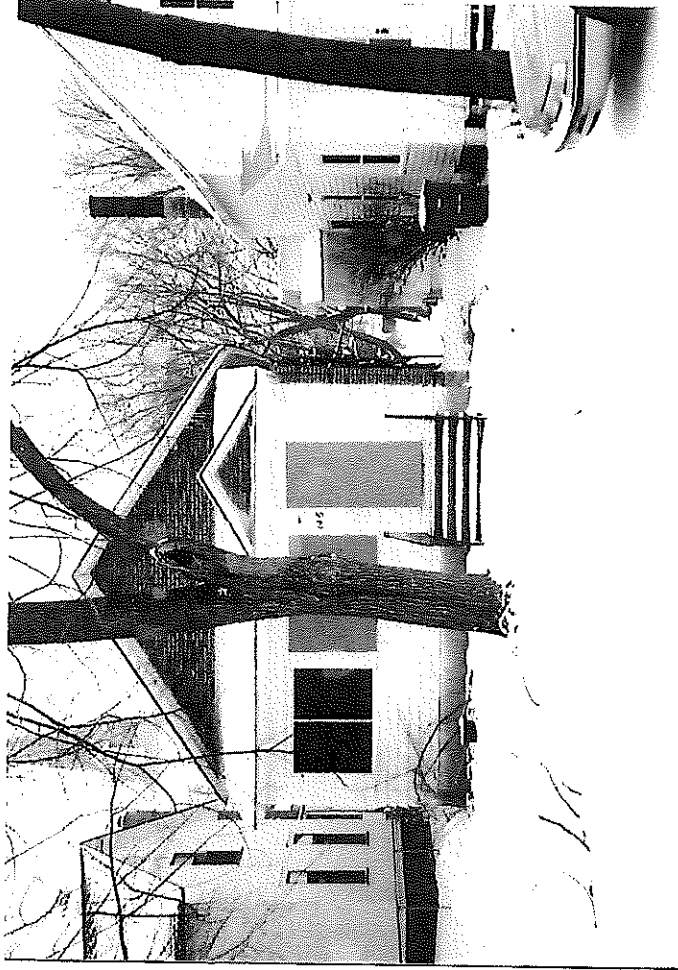
Window is not weathertight and in good repair.

END OF LIST

add 6-14-99
Efr

107

146 STRONG



Commission Meeting Date: August 22, 2000

Date: August 10, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendment for Handicap Wheelchair Ramps

SUMMARY OF REQUEST:

Request to amend Section 2307 (Permitted Yard Encroachments) of Article XXIII (General Provisions) of the Zoning Ordinance to add language to permit the zoning administrator to waive the front setback requirement for handicap wheelchair ramps, under certain conditions.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include the proposed language in the section described above. Staff would also recommend a second small change to #4 (Additions) in the same section, changing the lot coverage from 75% to 50%. The lot coverage was changed when the Table I amendment passed earlier this year, and this section should also be changed to reflect that. This request was not part of the Planning Commission action, but staff is asking the City Commission to also make this minor adjustment.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/9/00 meeting. The vote was unanimous.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2031

An ordinance to amend the Zoning Ordinance of the City to allow the Zoning Administrator to waive the front setback requirement for handicap wheelchair ramps, under certain conditions.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following language in #3 of Section 2307 (Permitted Yard Encroachments):

Amend Section 2307 - Permitted Yard Encroachments

3. Unenclosed structures, front yard: Unenclosed porches, steps or similar facilities may project into a required front setback for a distance not to exceed five (5) feet. In the case of a handicap wheelchair ramp, the Zoning Administrator may waive setback requirements at his/her discretion, if no other options are available to provide a ramp, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required.
4. Additions: Additions to homes on minor streets (not collectors), built in subdivisions ninety percent (90%) developed with homes prior to 1940 may encroach upon existing yards so long as:
 - a. A minimum 10 foot front setback is maintained
 - b. A minimum 15 foot rear setback is maintained
 - c. Lot coverage, with accessory structures does not exceed 50%
 - d. The addition does not further encroach upon existing side yards

This ordinance adopted:

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

Nays: None

Adoption Date: August 22, 2000

Effective Date: September 7, 2000

First Reading: August 22, 2000

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, 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, 2000, 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, 2000.

Gail Kunding
Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

**CITY OF
MUSKEGON
CLERK'S
OFFICE**

facsimile cover sheet

To: <i>Dori</i>	Fax:
From: <i>Linda</i>	Date: <i>8-23-00</i>
Re:	Pages: <i>2</i>
CC:	
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle	

CITY CLERK'S OFFICE

OFFICE # (231) 724-6705

FAX # (231) 724-4178

Please publish

8-28-00

Thanks,

Linda

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on August 22, 2000, the City Commission of the City of Muskegon adopted an ordinance amending the Zoning Ordinance to add the following language to #3 of Section 2307 of Article XXIII:

3. Unenclosed structures, front yard: Unenclosed porches, steps or similar facilities may project into a required front setback for a distance not to exceed five (5) feet. In the case of a handicap wheelchair ramp, the Zoning Administrator may waive setback requirements at his/her discretion, if no other options are available to provide a ramp, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required.
4. Additions: Additions to homes on minor streets (not collectors), built in subdivisions ninety percent (90%) developed with homes prior to 1940 may encroach upon existing yards so long as:
 - e. A minimum 10 foot front setback is maintained
 - f. A minimum 15 foot rear setback is maintained
 - g. Lot coverage, with accessory structures does not exceed 50%
 - h. The addition does not further encroach upon existing side yards

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 28, 2000

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

Date: August 22, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Dangerous Building Ordinance

*Needs
2nd
Reading*

SUMMARY OF REQUEST: To adopt the ordinance, which is meant to clean up the dangerous buildings procedure. The procedure has proven to be somewhat cumbersome and troublesome in circuit court. This will give us a better chance in circuit court to overcome due process difficulties.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance.

Date: August 22, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Amendment to the Special Assessment Roll
Sidewalk Replacement Program for 1999 (Area W3)

SUMMARY OF REQUEST:

A public hearing to amend special assessment for the 1999 Sidewalk Replacement Program be held and to adopt the attached resolution confirming the amended Special Assessment Roll to include 1447 Palmer (parcel # 24-205-525-0006-00). In addition, hear from the owners of :

- 1332 Palmer
- 1779 Ruddimam
- 1154 Washington
- 1190 W. Dale
- 1645 Franklin
- 1526 Hudson

Regarding their ineligibility to receive CDBG funds.

FINANCIAL IMPACT:

A total of \$528,853.22 will be assessed against 624 parcels.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2000-83(a)

Resolution to Amend the Special Assessment Roll

for THE 1999 SIDEWALK REPLACEMENT PROGRAM

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the properties set forth in Exhibit A attached to this resolution on **March 23, 1999**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City. The original roll was adopted August 8, 2000, and it appears that the roll should be amended to include the property located at 1447 Palmer (parcel number 24-205-525-0006-00).
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the amended roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors as amended is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment which is paid in installments shall carry interest at the rate of **5.00%** per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING THE AMENDED SPECIAL ASSESSMENT ROLL
FOR THE 1999 SIDEWALK REPLACEMENT PROGRAM

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on August 22, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **August 8, 2000**.

City of Muskegon

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

**THE 1999 SIDEWALK REPLACEMENT PROGRAM
(Area W3)**

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY:


FRED J. NIELSEN

AFFIDAVIT OF MAILING BY CITY CLERK

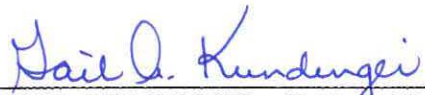
STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT ON THE 11TH DAY OF AUGUST, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION OF ITS INTENTION TO CREATE THE FOLLOWING SPECIAL ASSESSMENT NUMBER AND TITLE:

H-1491 SIDEWALK REPLACEMENT PROGRAM FOR 1999

A COPY OF SAID RESOLUTION BEING ATTACHED HERETO; AND THAT A NOTICE OF HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON ON AUGUST 12, 2000. A COPY OF SAID NOTICE IS ATTACHED HERETO.

DEPONENT FURTHER SAYS THAT A LETTER OF NOTIFICATION WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTIES TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS, WHICH SAID HEARING WAS TO BE HELD ON AUGUST 22, 2000. THIS DEPONENT SAYS THAT IN SO SERVING SAID NOTICES SHE CHECKED ALL OF THE ENVELOPES CONTAINING THE NOTICES AND DID DETERMINE THAT THERE WAS A PROPERLY ADDRESSED ENVELOPE FOR EACH PROPERTIES DESCRIPTION, AS SHOWN ON SAID TAX ASSESSMENT RECORDS, AND THAT BEFORE SEALING OF SAID ENVELOPES SHE DID DETERMINE THAT THERE WAS A PROPER NOTICE INSERTED IN EACH ENVELOPE AND THAT THE ENVELOPES WERE THEN SEALED AND DELIVERED TO THE UNITED STATES POST OFFICE IN THE CITY OF MUSKEGON OR DEPOSITED IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11th DAY OF AUGUST, 2000.

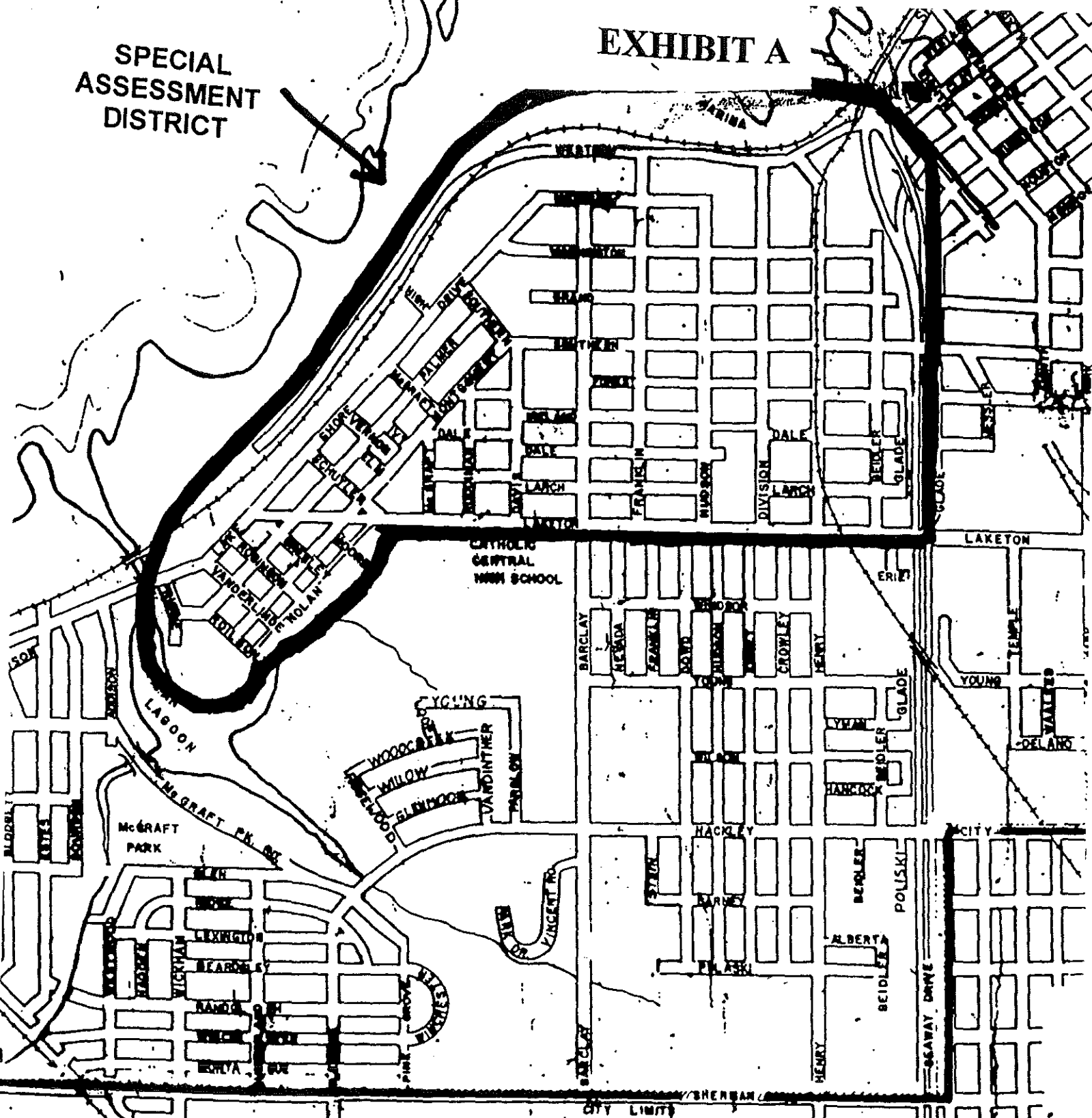

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
24th DAY OF August, 2000.


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-02

SPECIAL
ASSESSMENT
DISTRICT

EXHIBIT A



CITY

August 11, 2000

Property Parcel Number: _____ (old parcel number: _____)
at _____

**NOTICE OF HEARING TO CONFIRM REVISED SPECIAL ASSESSMENT ROLL
TO REPLACE LETTER OF JULY 28, 2000**

Dear Property Owner:

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

H-1491 Sidewalk Replacement Program for 1999

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, August 22, 2000 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED ON AUGUST 22, 2000, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The total cost of the project will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed _____ for the work performed. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5.00%

First installment: _____

Due Date: October 22, 2000

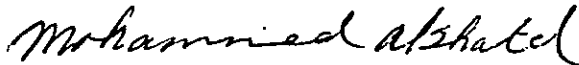
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If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

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

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

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options available.

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

SIDEWALK REPLACEMENT PROGRAM FOR 1999

DETAILS BY PARCEL

KIRKSEY INVESTMENT CORP
1204 W WESTERN AVE

OLD PARCEL 611025200012
MAP NUMBER 24-30-25-200-012
NEW PARCEL 24-205-469-0002-00
@ 0 WESTERN AVE

CONCRETE DRIVE APPROACH	0.00	S YD @ \$ 28.00 / S YD	\$0.00
REMOVING CONCRETE DRIVE APPROACH	0.00	S YD @ \$10.00 / S YD	\$0.00
REMOVING CONCRETE CURB	0.00	L FT @ \$ 5.00 / L FT	\$0.00
EXCAVATION	0.00	C YD @ \$ 6.00 / C YD	\$0.00
BORROW FILL	0.00	C YD @ \$ 15.00 / S YD	\$0.00
TOTAL FOR DRIVE APPROACH			\$0.00
ENGINEERING FEES FOR DRIVE APPROACH			\$0.00
CONCRETE SIDEWALK	0.00	S FT @ \$ 5.11/ S FT	\$0.00
TOTAL			\$0.00

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

SPECIAL ASSESSMENT DISTRICT:

SIDEWALK REPLACEMENT PROGRAM FOR 1999

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

THOSE PROPERTIES PREVIOUSLY IDENTIFIED AS HAVING SIDEWALK DEFICIENCIES IN WHICH THE OWNERS HAVE NOT COMPLETED THE REQUIRED IMPROVEMENTS IN THE FOLLOWING LOCATIONS: AREA W3 BOUNDED BY MUSKEGON LAKE, SEAWAY DRIVE, LAKETON AVENUE, NOLAN AVENUE, ROILSON STREET AND FRISBIE STREET;

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district shall be held in the **City of Muskegon Commission Chambers on August 22, 2000 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **AUGUST 12, 2000**

ADA POLICY

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

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(616) 724-6705 of TDD (616) 724-6773

CITY OF MUSKEGON

Resolution No. 99-27(a)

**Resolution At First Hearing Creating Special Assessment District
For The 1999 Sidewalk Replacement Program**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

A hearing has been held on **March 23, 1999** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.

2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 23, 1999**, there were 2.58 % objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the properties set forth in Exhibit A attached to this resolution.

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Sieradzki and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work preformed.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 100% of the cost of the improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes, Commissioners Michalski, Nielsen, Pleimling, Shepherd, Sieradzki,
Benedict

Nays, None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on March 23, 1999. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

AGENDA ITEM

**CITY COMMISSION MEETING
August 8, 2000**

TO: Honorable Mayor and City Commissioners

FROM: Gail Kunding, City Clerk

DATE: August 1, 2000

SUBJECT: Seat Belt Ordinance

SUMMARY OF REQUEST: To adopt the attached ordinance amending the City Code of Ordinances, Chapter 20, Section 20-6 amending the Uniform Traffic Code concerning mandatory safety belt usage.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Adoption of the ordinance.

COMMITTEE RECOMMENDATION: None.

July 20, 2000

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

Re: Seat Belt Ordinance

Dear Gail:

Enclosed is the proposed seat belt ordinance amending enforcement of the violation to a primary offense in accordance with state law. If there are any questions, please let me know.

Yours truly,



Jennifer Hylland
Direct Dial: 231.722.5403
Fax: 231.728.2206
Internet Address: jlh@parmenterlaw.com

Enclosures

c: Chief Tony Kleibecker, Muskegon Police Department

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

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

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2029

An Ordinance amending Chapter 20, Section 20-6 of the Code of Ordinances amending the City's Uniform Traffic Code concerning mandatory safety belt usage.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Section 20-6, Subsections 5.82 and 5.83, are enacted to read as follows:

5.82 Child restraint system required; exceptions; violation as civil infraction; points; abstract; exemption by rules; alternate means of protection.

Sec. 5.82.

- (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or federal regulation, each driver transporting a child less than 4 years of age in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 C.F.R. 571.213.
- (2) This section does not apply to any child being nursed.
- (3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.
- (4) A person who violates this section is responsible for a civil infraction.
- (5) Points shall not be assessed under MCL 257.320a for a violation of this section. An abstract required under MCL 257.732 shall not be submitted to the secretary of state regarding a violation of this section.
- (6) The secretary of state may exempt by rules promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

5.83 Safety belt required; driver or passenger to which section inapplicable; transporting child 4 years of age but less than 16 years of age; enforcement of section; violation as civil infraction.

Sec. 5.83

- (1) This section does not apply to a driver or passenger of any of the following:
 - (a) A motor vehicle manufactured before January 1, 1965.
 - (b) A bus.
 - (c) A motorcycle.
 - (d) A moped.
 - (e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons.
 - (f) A motor vehicle that is not required to be equipped with safety belts under federal law.
 - (g) A commercial or United States postal service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
 - (h) A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.
- (2) This section does not apply to a passenger of a school bus.
- (3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except that a child less than 4 years of age shall be protected as required in section 5.82 or MCL 257.710d. If there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being utilized in compliance with this section, the driver of the motor vehicle is in compliance with this section.
- (4) Each driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the driver and all front seat passengers

comply with subsection (3), then the driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age for which there is not an available safety belt is in compliance with this subsection, if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the driver may transport such a child in the front seat without a safety belt.

(5) If after December 31, 2005 the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, then enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this act.

(6) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, such negligence shall not reduce the recovery for damages by more than 5%.

(7) A person who violates this section is responsible for a civil infraction.

(8) A law enforcement agency shall conduct an investigation for all reports of police harassment that result from the enforcement of this section.

(9) Points shall not be assessed under MCL 257.320a for a violation of this section.

This ordinance adopted.

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

Adoption Date: August 22, 2000

Effective Date: September 5, 2000

First Reading: August 8, 2000

Second Reading: August 22, 2000

Publish: _____

CITY OF MUSKEGON

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

CERTIFICATE

This ordinance was adopted at a meeting of the City Commission, held on August 22, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, City Clerk

**CITY OF
MUSKEGON
CLERK'S
OFFICE**

facsimile cover sheet

To: Lori Fax: _____
From: Linda Date: 8-23-00
Re: _____ Pages: 2
CC: _____

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

CITY CLERK'S OFFICE

OFFICE # (231) 724-6705

FAX # (231) 724-4178

Please publish

8-26-00

Thanks,

Linda

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on August 22, 2000, the City Commission of the City of Muskegon adopted certain amendments to the city code concerning required safety belt usage.

In summary form, the ordinance provides as follows:

1. Section 5.82 of the Code of Ordinances concerns violations for transporting a child less than four (4) years of age in a motor vehicle where said child not secured by a federally approved child restraint system. A violation this section is a civil infraction.
2. Section 5.83 of the Code of Ordinances concerns required safety belt usage in a motor vehicle as a driver or a front seat passenger and enforcement of the violation as a primary offense. A violation of this section is a civil infraction.
3. Section 5.83(4) of the Code of Ordinances concerns safety belt requirements for transporting minor children ages four (4) to sixteen (16). A violation of this section is a civil infraction.

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

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

Published August 26, 2000

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

CDATE: August 10, 2000
TO: Honorable Mayor and City Commissioners
FROM: Inspection Services Department
RE: Concurrence with Housing Board of Appeals Finding and Order
For case #99-24, aka, 1212 Jefferson

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1212 Jefferson** and legally described as **N ½ Lot 2, BLK 384** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

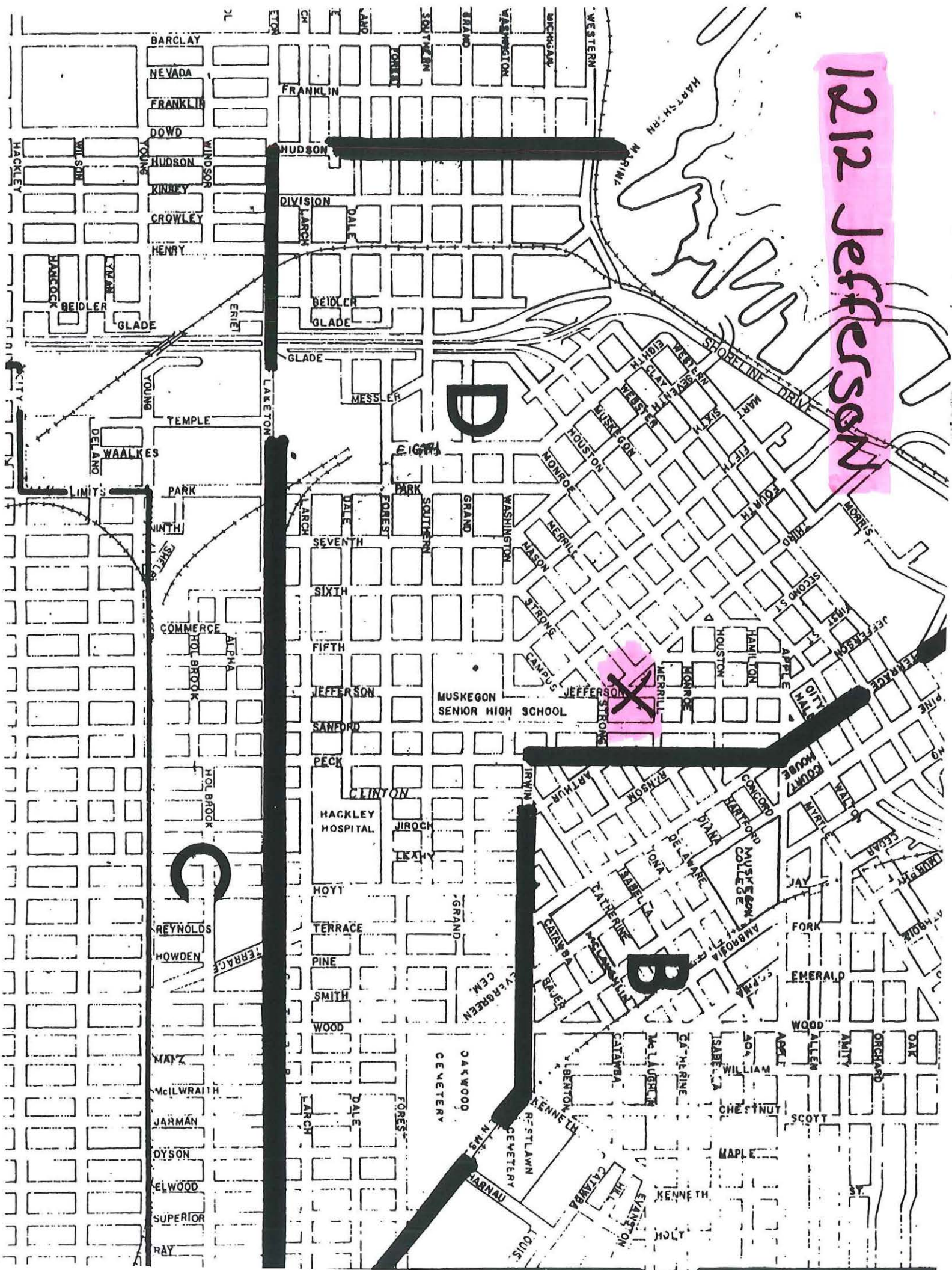
STAFF RECOMMENDATION/HISTORY OF PROPERTY:

This residential 5 unit rental, is located on Jefferson Street near Strong. The last Known owner is Rudy Santos who resides at 11982 White Road, Ravenna, MI.

The property had a fire in the basement on 10/16/98, please see attached report. On 6/14/99 a dangerous building inspection was conducted and a notice and order was sent on 6/18/99. There had been no contact from the owner and the case was visited by the HBA on 8/5/99, an audio tape of the meeting can be obtained in the Inspection Services Dept. To this date there has been no change in the progress of repairs.

The estimated cost to complete repairs is: \$18,000.00

1212 Jefferson



Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: July 20, 1999

TO: Mike DeWald

SUBJECT: Dangerous Building Case #99-24 – 1212 Jefferson

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on August 5, 1999 at 5:30 p.m. at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

The structure has been inspected by officials from the Neighborhood and Construction Services Department and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code which defines dangerous buildings.

At the hearing, the Neighborhood and Construction Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Neighborhood and Construction Services
City of Muskegon

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

Clerk
616/724-6705

June 18, 1999

C. N. Services
616/724-6717

Donald McMillan
1212 Jefferson St., Apt. 2
Muskegon, Mi. 49441

Engineering
616/724-6707

Michael DeWald
836 W. Grand
Muskegon, Mi. 49441

Finance
616/724-6713

Fire Dept.
616/724-6792

Dear Property Owner:

Income Tax
616/724-6770

Subject: 1212 Jefferson
N ½ Lot 2, Block 384

Inspections
616/724-6715

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

Leisure Service
616/724-6704

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

Manager's Office
616/724-6724

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Mayor's Office
616/724-6701

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Planning/Zoning
616/724-6702

Sincerely yours,

Police Dept.
616/724-6750

Public Works
616/726-4786

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Treasurer
616/724-6720

Water Dept.
616/724-6718

DANGEROUS BUILDING INSPECTION

1212 JEFFERSON

6/14/99

1. Home is boarded up – results of fire in basement.
2. Roof covering is in need of repair.
3. Siding is in need of repair.
4. Broken out windows.
5. Side entry needs handrail and guardrail repair.
6. Smoke and fire damage in home.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry A. Faltinowski 6/18/99
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

M F I R S - A

Incident Report

Fire Department Muskegon Fire Department			Date amend
Weather	Temp	Wind Dir and Velocity	Change Deleted

P D Ident 6110	Incident No. 3478	Exp 00	No. 10	Day 16	Year 98	Day Of Week 6 Friday	Alarm Time 08:59	Time Arrive 09:00	Time Clrd. 10:41	Sta. 1
Incident Location: No., Street, City 1212 Jefferson							Apt./Suite	Zip Code 49441	Census Tract 602	
Occupant: Last, First, Mi. Several						Phone () -	Contact Person			
Owner: Last, First, Mi. McMillan						Phone (616)722-1199	Address 838 W. Grand			
Type of Situation Found 11 Structure fire						Type of Action Taken 1 Extinguishment			Mutual Aid Recv Given	
Fixed Property Use 422 3-6 apartment units						Probable Act or Omission 54 Short circuit			Fire Dept Use E	
Method of Alarm from Public 7 911						Fire Dept. Use			1st Co. in 95	Shift 1
# Fire Serv Person Resp. to Incident Loc 14		Engines, Pumper Respond 3	Mini-Pumpers Respond	Aerials, Ladders Respond	Squads, Rescues Respond 2	Tankers Incl. Trailers	Grass Fire Rigs	Other F.D. Veh. 3		
# PERSONS INJURED	Fire Serv	1	Non-Fire Serv	# FATALITIES	Fire Serv	Non-Fire Serv	1 Pers Rscd			
General Property Use(Complex) 42 Apartment complex			Mobile Property Class 8 Mobile property type n/a			Equipment Involved in Ignition 98 No equipment involved				
Area Of Origin 40 Basement			Form Of Heat Causing Ignition 22 Arc-mech. damage			Type Of Material First Ignited 63 Sawn wood				
Form Of Material Ignited 17 Structural membr			Level Of Fire Origin 8 Below ground level			Method Of Extinguishment 6 Hose:precon. to hydr				
Building, Vehile or Other - Insurance Co. if known) None				Amount of Insurance 0.00		Est Property Value 0.00		Est Property Loss 15000.00		
Contents - Insurance Co. (if known) none				Amount of Insurance 0.00		Est Contents Value 0.00		Est Contents Loss 2500.00		
Number Of Stories 2 2 stories.		Construction Type 8 Unprotected wood frame		Extent Of Flame Damage 6 Structure of origin			Extent Of Smoke Damage 6 Structure of origin			
Type Auto. Extinguishment System 8 No system present				Extinguishment System Performance 8 No equipment present						
Detector Type 2 smoke-photoelectric prin.				Detector Power Supply 1 Battery only			Detector Performance 4 Not at origin-did not opr			
IF SMOKE SPREAD BEYOND ROOM OF ORIGIN		Type Material Gen. Most Smoke 97 Multiple types		Form Of Material Gen Most Smoke 97 Multiple forms			Avenue of Smoke Travel 8 No significant avenue			
IF MOBILE PROPERTY	Year	Make	Model	Vehicle Number			License Number			
IF EQUIPMENT INVOLVED	Year	Brand Name	Model	Serial Number						
No. of Gal. of Water Used	No. and Feet of Hose Booster	1-1/2"		2-1/2"		3-1/2"		Other		
Kind	No.Used	Kind	No.Used	Kind	No.Used	Kind	No.Used	Kind	No.Used	
Kind	No.Used	Kind	No.Used	Kind	No.Used	Kind	No.Used	Kind	No.Used	
Name and Rank of Officer in Charge at Incident Dennis Duff, Battalion Chief				Person Making Report, If different from Officer in charge						

REMARKS

Muskegon Fire Department

For Incident: 3478 Exposure: 00 DATE: 10/16/98 TIME: 08:59

On 95 arrival smoke showing roof area vents.
On 91 arrival working fire stated. Occupants stated fire was in basement and everyone was outside except occupant front upstairs apartment. I ordered a primary search. Capt. Tim Rosema and F/F Pete Hughes entered front door going up to front apartment and rescuing occupant. (Marvin Carey) EMS personnel from Professional Amb. transported to Hackley Hosp. 24 crew backup rescue team. Second floor was laddered and ventilation set up. 71 & 45 entered through back door into basement extinguishing fire. All crews checked for extension and ventilated.
Origin of fire was in center basement area.
Fire Inspector M. Metcalf investigating.
Batt. Chief Dennis Duff

Investigation revealed that the fire started from the improper use of an extension cord to power a light fixture. The cord was plugged into an outlet at one end and wrapped around a structural member. From there the cord ran to the east and was utilized to provide power to a light fixture. There is evidence of electrical arcing along the cord where it was wrapped around the 2x4. It is the opinion of this investigator based on the evidence found at the scene and statements made by the tenants that the cord had lost it's insulation and was arcing for a period of time. This caused pyrolysis to occur to the wood member and allowed it to ignite at a lower ignition temperature than would normally be required. Photographs were taken and the wire was gathered and will be stored in our evidence locker. This case is closed.

Robert B. Grabinski
Fire Marshal



1212 JEFFERSON

Commission Meeting Date: August 22, 2000

Date: August 10, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for Verplank Property on Muskegon Lake

SUMMARY OF REQUEST:

Request to rezone property located on Muskegon Lake, north of Fisherman's Landing, from LR, Lakefront Recreation to WI-PUD, Waterfront Industrial Planned Unit Development.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

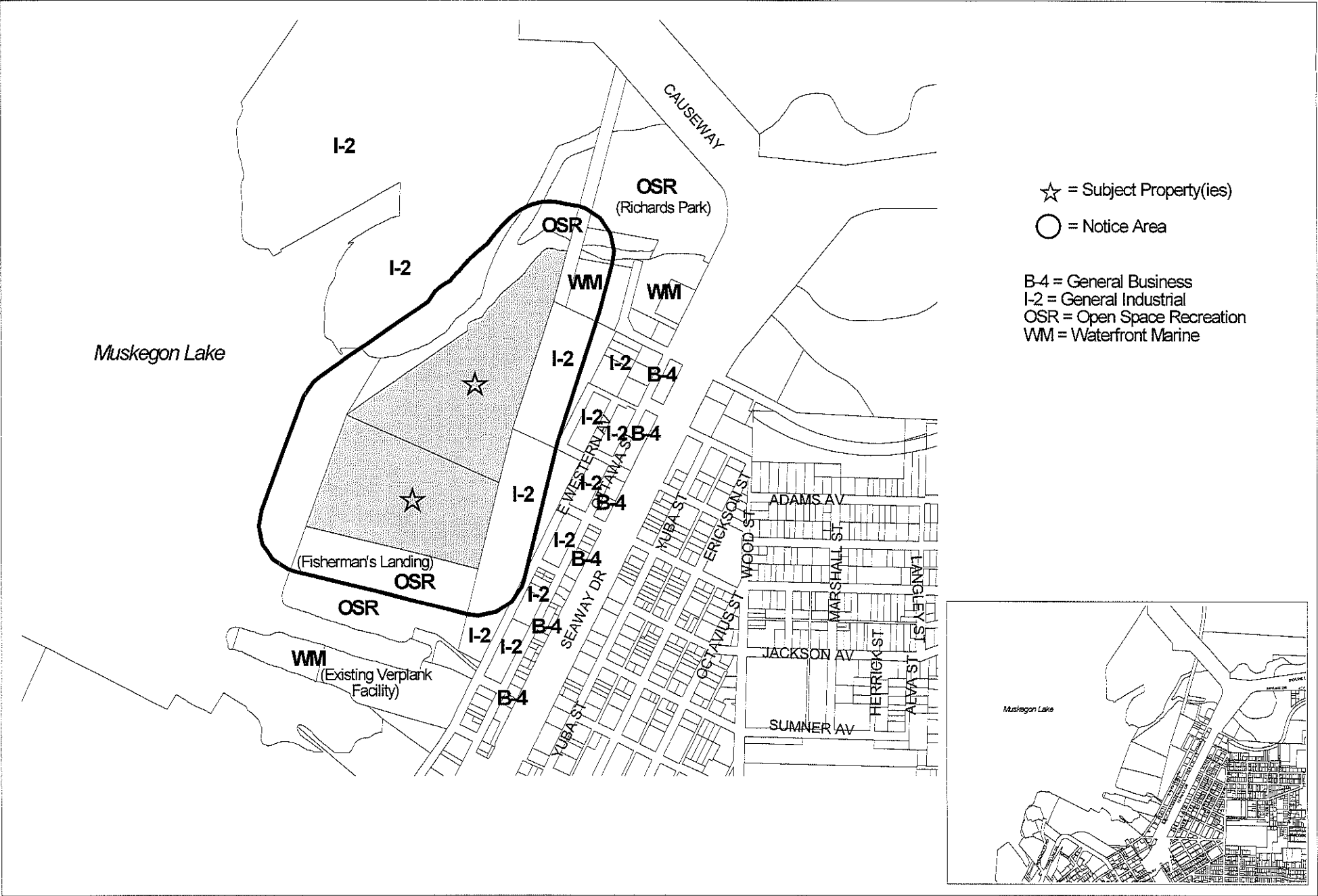
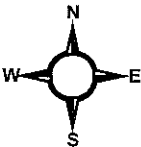
STAFF RECOMMENDATION:

Staff recommends approval of the request due to compliance with Master Land Use Plan and Waterfront Redevelopment Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/9/00 meeting. The vote was unanimous.

City of Muskegon
Planning Commission
Case #2000-29



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

August 9, 2000

Hearing; Case 2000-29: Request to rezone property located on Muskegon Lake (north of Fisherman's Landing) from LR, Lakefront to WI-PUD, Waterfront Industrial Planned Unit Development, by Verplank Dock Co.

BACKGROUND

Applicant: Verplank Dock Co.

Address/Location of Subject Property: vacant property on Muskegon Lake

Current Use: Vacant

Current Zoning: LR, Lakefront Recreation

Proposed Zoning: WI-PUD, Waterfront Industrial Planned Unit Development

STAFF OBSERVATIONS

1. In 1999, Verplank Dock Co. purchased the subject property from CMS in order to expand their operations. After discussion with staff as to the best zoning district for the property, Verplank requested that the City look at creating a new zoning district for port types of activities and that their property would be rezoned to this new district, once established.
2. The WI-PUD zoning district was created in early 2000, so this rezoning request completes the second part of Verplank's request. Currently there is no property zoned as WI-PUD - this property would be the first.
3. The subject property is approximately 53 acres and is currently vacant. It is located on the east end of Muskegon Lake, directly adjacent to Fisherman's Landing, near the B.C. Cobb plant and Richards Park. The surrounding area contains commercial, industrial and recreational uses, with the Jackson Hill neighborhood located to the east, across Seaway Dr.
4. The subject property contains a wetlands area, as it is directly contiguous to one of the branches of the Muskegon River, as well as Muskegon Lake. Because the district requires a PUD, appropriate buffer areas for the river and associated wetlands can be accommodated in the final PUD design.
5. The subject property is located in Sub-Area 11, which the Master Land Use Plan calls "the doorway to the Downtown" as it is the first part of the City that travelers from the north see on their way into town. The Master Land Use Plan states:
 - ◆ *The northern one-half of the sub-area consists of the B.C. Cobb (Consumer's Energy) coal fired electric power generating plant and the Muskegon River (North, Middle, and South branches with associated wetlands). These features are easily observed by*

those traveling via Seaway Drive from the north. Both create positive impressions of the City.

- ◆ *The expanse of open water and wetlands formed as the Muskegon River converges with Muskegon Lake offers an ecosystem supporting an array of fish, plants, migratory waterfowl and other wildlife. This area provides an excellent, and nationally recognized, sport's fishery.*
- ◆ *The southern one-half of the sub-area is comprised of strip commercial, industrial, undeveloped sites (due in large part to their wetland character), and Fisherman's Landing (a public boat launching site).*
- ◆ *The northern one-half of the area is classified as very stable due to the presence of the B.C. Cobb Power Plant and Muskegon River. The southern one-half is anticipated to undergo marked change over the next ten to twenty years as older uses make way for the revitalization of the waterfront.*
- ◆ *The environmental integrity of the Muskegon River, and associated tributaries and wetlands, are critical to the future well-being of the City.*
- ◆ *The large scrap metal/recycling industry, as with other industries of a heavy industrial character, are not conducive to the positive long term development of the area.*

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

- ◆ *In cooperation with (non-water related) industry along the shoreline, develop and implement relocation programs moving the operations to appropriate industrial sites, such as within the City's complex of industrial parks.*

Pursuant to this recommendation, select areas along the shoreline may be suitable for industrial uses directly associated with the deep water port capabilities of Muskegon Lake. Such industries may include aggregate and non-hazardous bulk products, large container shipments, and other goods utilizing the Great Lakes for product movement. Unlike other subareas with Muskegon Lake frontage, Sub-Area 11 is closely linked to the region's interstate road system.

- ◆ *Prepare a comprehensive, sub-area redevelopment (design) plan for Sub-Area 11 based on the use of innovative development techniques (i.e., Waterfront Overlay Zone/Planned Unit Development). Future development should be coordinated in a planned, versus piecemeal, fashion.*

7. The Muskegon Waterfront Redevelopment Plan states:

- ◆ *At present, bulk shipping operations are spread rather thinly along almost the entire southern shore of Muskegon Lake. This distribution is one of the principle reasons why large stretches of shoreline are currently under-utilized and off limits to the public... As a means to both promote shipping activity and to encourage more compatible lakefront development, it is recommended that a long-term goal of the City should be to work toward relocating and clustering heavy industrial and*

commercial port operations. A preferred location would be one which is visually and environmentally least obtrusive, and where access to the City's transportation linkages to the state highway system is also available.

- ◆ *At a minimum, the logistical requirements for a port include ample land for storage and warehousing, deep water berths, and convenient access to a regional transportation network. Of all the sections of shoreline historically used for industrial purposes, the section of shoreline between Fisherman's Landing and the CMS, Cobb Plant perhaps best meets all of these criteria. Along this stretch of shoreline there are several deep water slips, ample acreage for storage and access to inland rail transport. Most importantly, it is only a short distance to U.S. 31 and its confluence with I-96...*

ORDINANCE EXCERPTS

ARTICLE XIII - LR LAKEFRONT RECREATION DISTRICTS

PREAMBLE

The primary intent of the LR Lakefront Recreation District is to provide for areas abutting Muskegon Lake including Muskegon River and Lake Michigan to be utilized for both public and private recreational and recreation oriented facilities. It is intended that any commercial facilities be limited to water related recreation activities.

SECTION 1800: PRINCIPAL USED PERMITTED

In the LR Lakefront Recreation District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Marinas for the berthing and servicing of boats, but without major repair or storage facilities.
2. Restaurants and cocktail lounges.
3. Hotels and motels.
4. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

SECTION 1801: SPECIAL LAND USES PERMITTED

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

1. Residential development projects.
2. Private clubs, lodge halls, social, or recreational uses.

3. Accessory buildings and accessory uses customarily incidental to the above Special Land Use Permitted.
4. Seasonal, recreational, camper and trailer parks, and facilities.
5. Uses similar to the above Special Land Uses Permitted.

SECTION 1802: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1803: AREA AND BULK REQUIREMENTS [amended 4/00]

...

WI-PUD WATERFRONT INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICTS
[amended 4/00]

PREAMBLE

The Waterfront Industrial PUD district is established primarily for water-dependent, commercial shipping of bulk, general cargo, or container goods by freighter, bulk carrier, tanker, tug barge, or other similar commercial vessels. The WI-PUD District is intended to promote the consolidation of commercial port activities at the eastern terminus of Muskegon Lake because of its proximity to the interstate, established industrial uses, and isolation from residential zones. The intent is to localize this district to promote symbiotic relationships among industrial port activities and to discourage the expansion of such activities elsewhere along Muskegon Lake frontage. It is further the intent of this district to require planned unit developments for all projects to ensure a mix of port uses that enhances the industrial economic base of the city. The planned unit development tool shall be applied to promote flexibility in development and to enhance functional relationships among uses in the district.

The general categories of uses permitted in the WI-PUD district are associated with standard industrial classifications, major group industry 44, "Water Transportation" as found in the 1987 Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget.

SECTION 1504: USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as planned unit developments. Planned unit developments shall be reviewed and approved by the Planning Commission and City Commission subject to the conditions outlined below.

PRINCIPAL USES:

1. Water transportation of freight.
2. Railroad and auto passenger ferries.
3. Marine cargo handling; loading, unloading and stevedore facilities.
4. Marine terminal uses including ancillary inter-modal transportation operations.
5. Any use with outside storage of aggregate, limestone, coal, slag, salt, sand or other bulk materials shipped by commercial watercraft vessels and or barges.
6. Grain elevators.

7. Bulk and warehouse storage of goods shipped by commercial maritime vessels.
8. Towing and tugboat services for commercial freight water vessels.
9. Barge fleeting, mooring and servicing.
10. Lighterage.
11. Commercial engine and hull repair.
12. Marine dock, breakwater, harbor construction and repair contracting.
13. Marine dredging contractors.
14. Palletizing, decanning, container stripping and packing operations associated with maritime shipping and transport.
15. Bulk liquid facilities of non-hazardous materials.
16. Material recovery facilities that are entirely contained in buildings.
17. Commercial fishing facilities.
18. Any other uses which meet the intent of this district as deemed by the Planning Commission and City Commission; except that in no case shall a prohibited use be permitted.

ACCESSORY USES:

1. Docks, wharves, piers or transit sheds or related facilities used in connection with the transfer, handling, storage and transit and incidental processing of cargo from or to waterborne craft.
2. Truck or rail freight terminal supporting water freight transport.
3. Offices associated with port facilities and functions.
4. Parking decks.
5. Watchmen quarters employed on the premise.
6. Lift equipment to load and unload ships.
7. Weigh stations.
8. Lighthouse.
9. Fuel dock.
10. Seaplane base.

SECTION 1505: PROHIBITED USES

1. Asphalt batching.
2. Cement processing.

3. Storage of petroleum products stored in excess of 1,000 gallons.
4. Hazardous material or hazardous chemical storage or transport.
5. Ship cleaning.
6. Salvage yards, ship scrapping, dismantling and wrecking operations not wholly contained in buildings.
7. Livestock holding.
8. Marine Salvage.
9. Manufacturing.
10. Open storage of fertilizers, agricultural lime and other chemicals.
11. Billboards.

SECTION 1506: REVIEW STANDARDS

The Planning Commission shall approve, deny or modify preliminary planned unit development plans, based upon the site plan review and landscaping standards of this ordinance and the following standards below. Likewise, the City Commission shall approve, deny, or modify final planned unit development 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 is compatible with and meets the requirements of this ordinance, 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 is adequate, 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 provided are compatible with and meet the requirements of this ordinance, 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 design provides for 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.
8. The land uses presented shall provide a mix of uses to perpetuate an economically viable, mixed use port.
9. The project shall demonstrate adequate support services for all activities.

10. Stockpiles of salt and agricultural lime must be covered or sufficiently isolated from the surface water to prevent leaching.
11. Aggregate, salt, lime, or soil stockpiling areas shall not occupy more than 50% of the site or district.
12. Truck freight terminals shall not occupy more than 30% of the site area or district. Trucks shall be stored a minimum of two hundred (200) feet from the ordinary high water mark.

SECTION 1507: AREA AND BULK REQUIREMENTS

The following are meant as general guidelines. Through the process of the Planned Unit Development process, the Planning Commission may determine that changes to the standards are appropriate to both meet the needs and objectives of the project and the city...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2030

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from LR "Lakefront Recreation," to WI-PUD "Waterfront Industrial Planned Unit Development"

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 LR "Lakefront Recreation", to WI-PUD "Waterfront Industrial Planned Unit Development":

A PARCEL OF LAND IN THE SOUTHWEST ¼ OF SECTION 17, THE SOUTHEAST ¼ OF SECTION 18, THE NORTHEAST ¼ OF SECTION 19 AND THE NORTHWEST ¼ OF SECTION 20, ALL IN TOWNSHIP 10 NORTH, RANGE 16 WEST, SAID PARCEL OF LAND CONTAINING ALL OR PARTS OF BLOCKS 547, 548, 549, AND 551 OF THE REVISED PLAT (OF 1903) OF THE CITY OF MUSKEGON AND OTHER LAND, SAID PARCEL OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT WHERE THE CENTER LINE OF GIDDINGS AVENUE INTERSECTS THE EAST LINE OF OTTAWA STREET; THENCE WESTERLY ALONG SAID CENTER LINE OF GIDDINGS AVENUE EXTENDED TO THE WESTERLY LINE OF WESTERN AVENUE; THENCE NORTH 22 DEGREES 50 MINUTES EAST ALONG SAID WESTERLY LINE OF WESTERN AVENUE, 50.00 FEET; THENCE NORTH 67 DEGREES 10 MINUTES WEST ALONG THE NORTHERLY LINE OF PROPERTY SOLD TO THE CITY OF MUSKEGON BY CONSUMERS POWER COMPANY (WARRANTY DEED DATED MAY 11, 1944), 200.00 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 10 DEGREES EAST ALONG THE WESTERLY LINE OF PROPERTY NOW OR FORMERLY OWNED BY THE PERE MARQUETTE RAILWAY COMPANY, 600.00 FEET TO A POINT, SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING NORTH 10 DEGREES EAST ALONG SAID RAILROAD PROPERTY LINE, 2335.33 FEET TO AN IRON ROD NEAR THE SOUTHERLY BANK OF THE MUSKEGON RIVER; THENCE CONTINUING NORTH 10 DEGREES EAST TO THE THREAD OF SAID RIVER; THENCE WESTERLY AND SOUTHWESTERLY ALONG SAID THREAD TO THE EASTERLY SHORE OF MUSKEGON LAKE EXTENDED; THENCE SOUTHERLY ALONG SAID SHORE AS EXTENDED AND SAID SHORE TO A POINT NORTH 80 DEGREES WEST OF POINT "A"; THENCE SOUTH 80 DEGREES EAST TO AN IRON ROD NEAR THE EASTERLY SHORE OF MUSKEGON LAKE; THENCE CONTINUING SOUTH 80 DEGREES EAST ALONG THE NORTH LINE OF PROPERTY SOLD TO THE CITY OF MUSKEGON BY CONSUMERS POWER COMPANY (WARRANTY DEED DATED MAY 11, 1944) 1289.21 FEET TO THE EASTERLY LINE OF SAID PROPERTY SOLD TO THE CITY OF MUSKEGON BY CONSUMERS POWER COMPANY; THENCE SOUTH 10 DEGREES WEST ALONG SAID EASTERLY LINE, 600.00 FEET; THENCE SOUTH 80 DEGREES EAST, 50.00

FEET TO THE PLACE OF BEGINNING. (BEARINGS ARE BASED ON THE WESTERLY LINE OF THE WESTERN LINE OF WESTERN AVENUE ASSUMED AS NORTH 22 DEGREES 50 MINUTES EAST.) TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS ON, OVER AND ACROSS THE EXISTING DRIVEWAY EXTENDING WESTERLY AND NORTHERLY FROM EAST WESTERN AVENUE UPON THE SOUTHERLY 140 FEET OF THE LAND SOLD TO THE CITY OF MUSKEGON BY CONSUMERS POWER COMPANY (WARRANTY DEED DATED MAY 11, 1944) TO THE SOUTHERLY LINE OF PROPERTY SOLD TO CMS SHORESIDE RESORT CO., BY CONSUMERS POWER COMPANY BY QUIT CLAIM DEED DATED JULY 26, 1989 AND RECORDED AUGUST 11, 1989 IN LIBER 1485, PAGE 654, MUSKEGON COUNTY RECORDS.

This ordinance adopted:

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

Nays: None

Adoption Date: August 22, 2000

Effective Date: September 7, 2000

First Reading: August 22, 2000

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, 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, 2000, 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, 2000.

Gail Kunderger
Gail Kunderger, CMC/AE
Clerk, City of Muskegon

**CITY OF
MUSKEGON
CLERK'S
OFFICE**

facsimile cover sheet

To: <i>Lori</i>	Fax:
From: <i>Linda</i>	Date: <i>8-23-00</i>
Re:	Pages: <i>3</i>
CC:	
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle	

CITY CLERK'S OFFICE

OFFICE # (231) 724-6705

FAX # (231) 724-4178

Please publish

8-28-00.

Thanks,

Linda

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on August 22, 2000, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from LR "Lakefront Recreation", to WI-PUD "Waterfront Industrial Planned Unit Development"

A PARCEL OF LAND IN THE SOUTHWEST ¼ OF SECTION 17, THE SOUTHEAST ¼ OF SECTION 18, THE NORTHEAST ¼ OF SECTION 19 AND THE NORTHWEST ¼ OF SECTION 20, ALL IN TOWNSHIP 10 NORTH, RANGE 16 WEST, SAID PARCEL OF LAND CONTAINING ALL OR PARTS OF BLOCKS 547, 548, 549, AND 551 OF THE REVISED PLAT (OF 1903) OF THE CITY OF MUSKEGON AND OTHER LAND, SAID PARCEL OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

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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 28, 2000

CITY OF MUSKEGON

By _____

Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

AGENDA ITEM
CITY COMMISSION MEETING
August 22, 2000

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Chief of Police

DATE: August 14, 2000

SUBJECT: Release and Settlement Agreement – Estate of Mary Williams

SUMMARY OF REQUEST: To authorize and execute the attached settlement agreement between the City of Muskegon and the Estate of Mary Williams. This agreement addresses the impoundment and subsequent sale at auction of a 1999 Mercury Villager van belonging to the late Mary Williams. The agreement stipulates that the Estate of Mary Williams will accept a balance of \$9,645.00 plus interest which was received by the city at the time of the auction.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Acceptance of the agreement.

law offices of

PARMENTER O'TOOLE

175 W. Apple Avenue • P.O. Box 786 • Muskegon, Michigan • 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

July 26, 2000

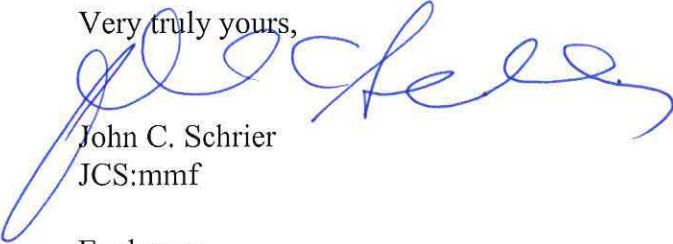
Tony Kleibecker, Chief of Police
Muskegon Police Department
P.O. Box 536
Muskegon, MI 49443-0536

Re: Estate of Mary Williams

Dear Chief Kleibecker:

Enclosed please find Release and Settlement Agreement. Please present to city commission for authorization to execute and disbursement of funds. If you have any questions or concerns, please feel free to contact me.

Very truly yours,



John C. Schrier
JCS:mmf

Enclosure

RECEIVED

JUL 27 2000

MUSKEGON POLICE DEPT.
CHIEF of POLICE

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urlick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

8-22-00
2000-85(b)

RELEASE AND SETTLEMENT AGREEMENT

The City of Muskegon ("City") and the Estate of Mary Williams, by and through the Personal Representative, Glenda Daniels, agree to resolve the following dispute:

- A. Mary Williams owned a 1999 Mercury Villager;
- B. Mary Williams died on or about September 30, 1999;
- C. On or about November 9, 1999 the Probate Court For the County of Muskegon appointed Glenda Daniels, the Personal Representative of the Estate of Mary Leevesta Williams;
- D. On April 4, 2000 Muskegon Police Department was notified of an abandoned vehicle, the 1999 Mercury Villager. Muskegon Police Department investigated the situation and determined, pursuant to LIEN, that the vehicle was not stolen;
- E. On April 6, 2000 Muskegon Police Department followed up on the abandoned vehicle and impounded the vehicle;
- F. On May 15, 2000 the vehicle was sold. Following satisfaction of all expenses, there is a balance of \$9645.⁰⁰ *plus interest*;
- G. On May 17, 2000 Geoffrey Nolan reported the 1999 Mercury Villager stolen to the Muskegon Police Department.

City and Estate of Mary Leevesta Williams hereby agree to resolve any and all disputes relating to the 1999 Mercury Villager as follows:

1. City shall issue a check to the Estate of Mary Williams in the amount of \$9645.⁰⁰ *plus interest*. The check shall be provided to Nolan & Nolan, attorneys for the Estate, within two weeks of receiving the executed Settlement Agreement.

2. City and the Estate of Mary Williams agree that all claims by either party for any matters which relate to the 1999 Mercury Villager, known or unknown, suspected or unsuspected, shall be resolved and settled on the basis of payment pursuant to paragraph 1. This release is effective as to City, its employees and agents, and the Estate of Mary Williams, her Personal Representative, and any and all heirs. This release does not waive claims which may arise after the execution of this agreement or for matters unrelated to the 1999 Mercury Villager. City and Estate represent and agree that they fully understand all aspects of this agreement and that both have had ample opportunity to discuss this matter with their respective legal counsel.

3. This agreement sets forth the entire agreement between the parties and fully supersedes any and all prior agreements or understandings between the parties pertaining to the 1999 Mercury Villager.

Glenda Daniels 7-21-00
Glenda Daniels,
Personal Representative of the Estate of Mary Williams

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen
Its Mayor

And Gail A. Kunding
Gail A. Kunding
Its Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 8/22/00

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: August 16, 2000
RE: Payment to Muskegon Township for Sewer Service to the Correctional Facilities

SUMMARY OF REQUEST:

To authorize the payment of up to \$337,022 to Muskegon Township for sanitary sewer flow to the Muskegon Township system for the E.C. Brooks and Temporary Correctional Facilities. These facilities are located in the City but utilize the Township's sanitary sewer system. It was discovered in 1998 that the City was not billed or paid for this service since the connections were made in the 1980's. The payment will be made using the rates set forth in and totaling the amounts which are currently payable pursuant to a 1980 agreement, which was the basis for Muskegon Township's agreement to allow the hook-up of City properties and the City's decision to connect. Muskegon Township disputes this amount and claims the 1980 agreement is not in effect.

FINANCIAL IMPACT:

\$337,022.00

BUDGET ACTION REQUIRED:

The 2000 Sewer Budget will need to be adjusted accordingly.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.

law offices of | **PARMENTER O'TOOLE**

175 W. Apple Avenue • P.O. Box 786 • Muskegon, Michigan • 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

August 16, 2000

Consumers Energy Company
Attn: Ms. Sue E. Rakowski
and Ms. Deborah A. Kile
212 W. Michigan Avenue
Jackson, MI 49201-2236

Via fax 517/788-1216

Michigan Consolidated Gas Company
Attn: Paul Larson and Tom Dahlman
2354 Olthoff Drive
Muskegon, MI 49444

Via fax 777-4050

Ms. Mary Wiggers
Verizon Wireless
860 Terrace Street
Muskegon, MI 49440

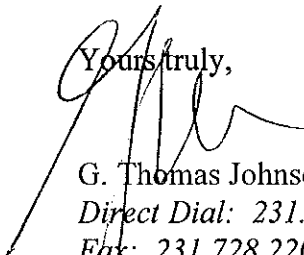
Via fax 727-1116

Re: Easements - Terrace Lots
Terrace and Western

Ladies and Gentlemen:

Attached is your respective Notice of Intent to Terminate Utility Easements,
together with the revised Resolution, scheduled for the Muskegon City
Commission's Agenda on August 22, 2000.

Yours truly,



G. Thomas Johnson
Direct Dial: 231.722.5400
Fax: 231.728.2206
Internet Address: gtj@parmenterlaw.com

GTJ/mh
Enclosures

cc: Ms. Gail A. Kundering ✓

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
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Scott R. Sewick
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Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

CITY OF MUSKEGON

NOTICE OF INTENT TO TERMINATE UTILITY EASEMENTS

TO: Ms. Mary Wiggers
GTE North/Verizon Wireless
860 Terrace Street
Muskegon, MI 49440

PLEASE TAKE NOTICE that the City of Muskegon will consider the passage of the attached proposed resolution terminating public, public service and private easements in rights of way (streets and alleys) in the following parcel:

Blocks 556 and 557, Lot 1 and part of Lots 2 and 3 of Block 558, part of vacated Water Street and vacated Market Street, of the Revised Plat of the City of Muskegon as recorded in Liber 3 of Plats, Page 71, described as: Commencing at the South most corner of said Block 556 for point of beginning, thence North 62°44'00" West along the Northeasterly line of Terrace Street as extended a distance of 1248.69 feet; thence Northwesterly along said Northeasterly line of Terrace Street as extended on the arc of a 302.48 foot radius curve to the left a distance of 80.01 feet to the Southerly right of way line of the C & O Railroad (the long chord of said curve bears North 70°18'32" West 79.78 feet, the central angle of said curve is 15°09'20"); thence Northeasterly along said Southerly right of way line on the arc of a 715.00 foot radius curve to the right a distance of 150.10 feet (the long chord of said curve bears North 55°32'54" East 149.83 feet, the central angle of said curve is 12°01'40"); thence Northeasterly along said Southerly right of way line on the arc of a 570.00 foot radius curve to the right a distance of 533.06 feet to the Northwesterly line of vacated Water Street (the long chord of said curve bears North 88°22'02" East 513.84 feet, the central angle of said curve is 53°34'57"); thence South 50°56'50" East 33.03 feet to the intersection of the two centerlines of said vacated Water Street; thence South 62°44'00" East along the centerline of vacated Water Street 981.47 feet to the Northwesterly line of Western Avenue; thence South 56°56'42" West along said Northwesterly line of Western Avenue 417.83 feet to point of beginning.

This parcel of land is located on the Northeasterly boundary of Terrace Street, between Western Avenue and Shoreline Drive in downtown Muskegon. The outer boundary of the parcel is roughly bounded by the CSX railroad tracks, and then vacated Water Street to its intersection with Western Avenue.

The resolution does not purport to affect or terminate any private easements or easements which are not in rights of way in streets or alleys.

Your response and comment are invited and anticipated concerning this proposed action of the City Commission of the City of Muskegon. The meeting at which the resolution will be considered will be at the following time and place:

Muskegon City Hall
933 Terrace Street
Muskegon, MI 49440

Date and time of meeting: August 22, 2000, at 5:30 p.m.

The resolution is summarized as follows:

The City Commission intends to terminate all public service and private utility rights and easements in the streets and alleys located in the above parcel, generally described as vacated Water Street, Market Street, and the alleys in Blocks 556, 557 and parts of Block 558. Part of Water Street is shown on some maps as "Pine Street," but this resolution concerns only that portion westerly of Western Avenue.

The City requests your release of these easements, since it appears that there are no live facilities owned or operated by your company in the streets or alleys of the property, and utility easements or franchise rights will be afforded or exist in new public streets or rights of way which will be constructed in the property.

This notice is given pursuant to the direction of the city manager.

CITY OF MUSKEGON

Dated: August 16, 2000

By Linda Potter
Linda Potter, Assistant City Clerk

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2000-85(e)

A resolution terminating public and private utility easements in vacated streets and alleys located in Blocks 556 and 557, Revised Plat of the City of Muskegon.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon vacated certain streets and alleys in the following area:

Blocks 556 and 557, Lot 1 and part of Lots 2 and 3 of Block 558, part of vacated Water Street and vacated Market Street, of the Revised Plat of the City of Muskegon as recorded in Liber 3 of Plats, Page 71, described as: Commencing at the South most corner of said Block 556 for point of beginning, thence North 62°44'00" West along the Northeasterly line of Terrace Street as extended a distance of 1248.69 feet; thence Northwesterly along said Northeasterly line of Terrace Street as extended on the arc of a 302.48 foot radius curve to the left a distance of 80.01 feet to the Southerly right of way line of the C & O Railroad (the long chord of said curve bears North 70°18'32" West 79.78 feet, the central angle of said curve is 15°09'20"); thence Northeasterly along said Southerly right of way line on the arc of a 715.00 foot radius curve to the right a distance of 150.10 feet (the long chord of said curve bears North 55°32'54" East 149.83 feet, the central angle of said curve is 12°01'40"); thence Northeasterly along said Southerly right of way line on the arc of a 570.00 foot radius curve to the right a distance of 533.06 feet to the Northwesterly line of vacated Water Street (the long chord of said curve bears North 88°22'02" East 513.84 feet, the central angle of said curve is 53°34'57"); thence South 50° 56'50" East 33.03 feet to the intersection of the two centerlines of said vacated Water Street; thence South 62°44'00" East along the centerline of vacated Water Street 981.47 feet to the Northwesterly line of Western Avenue; thence South 56°56' 42" West along said Northwesterly line of Western Avenue 417.83 feet to point of beginning.

Said vacations occurred at various times, including, without limitation, city resolutions recorded in the Muskegon County Register of Deeds as follows:

- (1) Resolution dated May 23, 1945, recorded at Liber 89, Page 575;
 - (2) Resolution dated July 11, 1945, recorded at Liber 89, Page 538; and,
 - (3) Resolution dated February 23, 1971, recorded at Liber 956, Page 557
2. In all of the said resolutions the city reserved from the vacation of the streets and alleys, a continuing easement in the said street and alley areas for utility rights acquired by the city or by any public service utility in the city operating in, over, and upon said portions of the streets and alleys thereby vacated.
 3. It has become necessary to terminate the said easement rights. Notice of the meeting at which this resolution will be considered has been given to all the private or public service utility companies, including GTE, or its successor, Consumers Energy Company, and Michigan Consolidated Gas Company.
 4. That the city staff has considered the presence of public city utilities in the said easements and made determinations which are accounted for in this resolution.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. That as to all privately owned utilities in the streets and alleys located in the above described lands, the said utility and easement rights are hereby terminated, except that a certain easement in favor of Consumers Energy Company, or its predecessors, is not terminated, but is preserved in vacated Water Street, both as it traverses north of Terrace, and along the northerly boundary of the property, where it has transmission lines and distribution lines which are in use.
2. Any privately owned utilities which are in favor of the Muskegon Mall or any other property owned or controlled by M.A.C. I, Inc., a Michigan corporation, the successor owner of the Muskegon Mall, are excepted from this resolution.
3. That as to all public sewer, water and storm sewer utilities in the said streets and alleys, the same are terminated with the following exceptions:
 - 3.1 The sanitary sewer easement found in former Water Street, running northerly from the north line of Terrace Street is retained, until such time as the sewer line located in the said easement is moved from the easement to a new right of way, easement, street or alley.
 - 3.2 The sanitary sewer line located in former Water Street along the northeasterly boundary of the above parcel shall be retained until said line can be moved to an alternative right of way easement, street or alley, or, in the alternative, may remain in the event they are located in city owned lands or they do not materially encroach on private lands.

- 3.3 All public or private easements or utilities or public service utilities in the property above in favor of Muskegon Mall or any property owned or controlled by M.A.C. I, or any affiliate of M.A.C. I, Inc., a Michigan corporation, are excepted from this resolution.
4. That the termination of easements for public or privately owned utilities shall not include any requirement that the facilities located in the said easements be removed, as long as the said facilities are not "live."
5. This resolution does not purport to terminate easements granted to utility companies or utilized by the city which are not located in the vacated streets and alleys in the above parcel. Said separate easements shall be dealt with or resolved by the city in addition to the action taken by this resolution.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on August 22, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

Prepared by and return to:
G. Thomas Johnson
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621