

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**JULY 26, 2005**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **AGENDA**

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **INTRODUCTIONS/PRESENTATION:**
- ❑ **CONSENT AGENDA:**
  - A. Approval of Minutes. CITY CLERK
  - B. Liquor License Transfer Request - TPWS, Inc., 157 S Getty. CITY CLERK
  - C. Budgeted Vehicle Replacement – Wheel Loader. PUBLIC WORKS
  - D. Rezoning Request for Properties Located at 2360 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT
  - E. Request for an Encroachment Agreement. ENGINEERING
- ❑ **PUBLIC HEARINGS:**
  - A. Request to Establish an Obsolete Property District - 164 W. Muskegon. PLANNING & ECONOMIC DEVELOPMENT
  - B. Request to Issue an Obsolete Property Certificate - 164 W. Muskegon. PLANNING & ECONOMIC DEVELOPMENT
  - C. Spreading of the Special Assessment Roll: 2005 Sidewalk Program (W-6) & 1114 Wood Street. ENGINEERING
- ❑ **COMMUNICATIONS:** Great Lakes Naval Memorial and Museum request for letter of support for building of new museum in Muskegon.
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

- A. Request to Pay Police Officers' Legal Fees. CITY MANAGER
- B. Purchase Agreement Between the City of Muskegon and the Downtown Muskegon Development Corporation for Downtown Redevelopment Right-of-Way. PLANNING & ECONOMIC DEVELOPMENT
- C. Development and Reimbursement Agreement Between the City of Muskegon, the Brownfield Redevelopment Authority and the Downtown Muskegon Development Corporation. PLANNING & ECONOMIC DEVELOPMENT
- D. Selection of Siding Supplier for Fiscal Year 2005-2006. COMMUNITY & NEIGHBORHOOD SERVICES
- E. Selection of Siding Contractors for Fiscal Year 2005-2006. COMMUNITY & NEIGHBORHOOD SERVICES
- F. Authorization to Negotiate Construction Contract for the Mall Re-Development Project. ENGINEERING
- G. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY
  - 1. 227 Southern
  - 2. 1538 Hudson (Area 12)

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **ADJOURNMENT:**

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

**Date: July 26, 2005**  
**To: Honorable Mayor and City Commissioners**  
**From: Gail A. Kunding, City Clerk**  
**RE: Approval of Minutes**

---

SUMMARY OF REQUEST: To approve minutes for the July 11<sup>th</sup> Community Relations Committee Meeting and Worksession Meeting, and the July 12<sup>th</sup> Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**JULY 26, 2005**

**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, July 26, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson of the Word of Truth Outreach after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

#### **2005-65 CONSENT AGENDA:**

##### **A. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve minutes for the July 11<sup>th</sup> Community Relations Committee Meeting and Worksession Meeting, and the July 12<sup>th</sup> Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Liquor License Transfer Request - TPWS, Inc., 157 S Getty. CITY CLERK**

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from TPWS, Inc. (Pat's Roadhouse) to transfer ownership of the 2004 Class C-SDM licensed business with dance-entertainment permit, outdoor service (1 area), and two bars, located at 157 S. Getty, from BC Acquisition Company, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval of the request.

**C. Budgeted Vehicle Replacement – Wheel Loader. PUBLIC WORKS**

SUMMARY OF REQUEST: Approval to purchase one 721D wheeled loader from West Michigan Power.

FINANCIAL IMPACT: Cost \$119,500 less \$53,000 for the sale of our old unit. Total cost of \$66,500.

BUDGET ACTION REQUIRED: None. There is \$85,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 721D wheeled loader from West Michigan Power.

**E. Request for an Encroachment Agreement. ENGINEERING**

SUMMARY OF REQUEST: Parsons on behalf of ExxonMobil Oil Corporation has filed the encroachment agreement form to install nine monitoring wells in the public right of way at the following locations:

1. Alley between Miner Avenue and Harrison Avenue located immediately east of McCracken Street (cluster of 3 wells).
2. Alley between Morton Avenue and Miner Avenue located immediately east of Moon Street (cluster of 3 wells).
3. Alley between Harrison Avenue and Lakeshore Drive located immediately west of Moon Street (cluster of 3 wells).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

**Motion by Commissioner Gawron, second by Commissioner Carter to approve the Consent Agenda as read with the exception of item D.**

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

**Nays: None**

**MOTION PASSES**

**2005-66 ITEM REMOVED FROM THE CONSENT AGENDA:**

**D. Rezoning Request for Properties Located at 2360 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone properties located at 2360 S. Getty

Street, from B-4, General Business to I-2, General Industrial.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their July 14, 2005, meeting. The vote was unanimous in favor of the request with S. Warmington and B. Smith absent.

**Motion by Commissioner Davis, second by Vice Mayor Larson to approve the rezoning request for property located at 2360 S. Getty Street from B-4 General Business to I-2 General Industrial.**

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

**Nays: None**

**MOTION PASSES**

**2005-67 PUBLIC HEARINGS:**

**A. Request to Establish an Obsolete Property District - 164 W. Muskegon.**  
**PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Hairitage Properties LLC, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 164 W. Muskegon, Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 15 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 164 W. Muskegon, Muskegon, MI.

The Public Hearing opened at 5:41 p.m. to hear and consider any comments from the public. No public comments were heard.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 5:45 p.m. and establish an Obsolete Property District at 164 W. Muskegon.**

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

**Nays: None**

**MOTION PASSES**

**B. Request to Issue an Obsolete Property Certificate - 164 W. Muskegon.**  
**PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Hairitage Properties LLC, 164 W. Muskegon, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 164 W. Muskegon, Muskegon, MI. The building will be rehabilitated to house a day spa/nail salon. Total capital investment for this project is \$200,000. The project will result in the creation of 15 new jobs in the City. Because of these new jobs, the applicant is eligible for a 10 year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 164 W. Muskegon, Muskegon, MI.

The Public Hearing opened at 5:46 p.m. to hear and consider any comments from the public. No public comments were heard.

**Motion by Commissioner Shepherd, second by Commissioner Spataro to close the Public Hearing at 5:47 p.m. and issue an Obsolete Property Certificate for 164 W. Muskegon.**

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

Nays: None

**MOTION PASSES**

**C. Spreading of the Special Assessment Roll: 2005 Sidewalk Program (W-6) & 1114 Wood Street.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment roll for the 2005 Sidewalk Replacement Program and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$140,723.32 will be assessed against 206 parcels.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. Patsy Homan, 2055 Crowley, spoke in opposition of the special assessment.

**Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:52 p.m. and approve the spreading of the special**

assessment roll for the 2005 Sidewalk Replacement Program and 1114 Wood Street.

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

Nays: None

**MOTION PASSES**

**2005-68 COMMUNICATIONS:** Great Lakes Naval Memorial and Museum request for letter of support for building of new museum in Muskegon.

**Motion by Vice Mayor Larson, second by Commissioner Shepherd to instruct the City Manager to send a letter of support to Great Lakes Naval Memorial and Museum.**

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

Nays: None

**MOTION PASSES**

**2005-69 NEW BUSINESS:**

**A. Request to Pay Police Officers' Legal Fees. CITY MANAGER**

SUMMARY OF REQUEST: Police Officers Pete Boterenbrood and John Corrigan have requested that the City reimburse them for legal fees resulting from criminal charges in April, 2003.

FINANCIAL IMPACT: \$5,187.30

BUDGET ACTION REQUIRED: An adjustment to the 2005 General Fund would be required.

STAFF RECOMMENDATION: To deny the request.

**Motion by Vice Mayor Larson, second by Commissioner Davis to reimburse Police Officers Pete Boterenbrood and John Corrigan for legal fees resulting from criminal charges in April, 2003.**

ROLL VOTE: Ayes: Carter, Davis, Larson, Shepherd, and Warmington

Nays: Gawron and Spataro

**MOTION PASSES**

**Motion by Commissioner Spataro, second by Commissioner Gawron to request the City Attorney to investigate the bills to be submitted to make sure they pertain to the criminal matter only.**

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

Nays: Larson

**MOTION PASSES**

Motion by Commissioner Spataro, second by Commissioner Gawron to ask for release of all claims.

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

Nays: None

**MOTION PASSES**

**B. Purchase Agreement Between the City of Muskegon and the Downtown Muskegon Development Corporation for Downtown Redevelopment Right-of-Way. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The Downtown Muskegon Development Corporation will sell the necessary right-of-way for infrastructure improvements for Western Avenue and First Street. The appraisal for the property was \$475,000. The Downtown Muskegon Development Corporation has agreed to sell it for \$450,000 and donate the remaining amount. The Purchase Agreement contains a Donation Agreement.

FINANCIAL IMPACT: The purchase price is \$450,000. The City will be using Urban Land Assembly (ULA) funds for the acquisition. These funds will be reimbursed to the State of Michigan through Brownfield Tax Increment Financing Tax capture.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Purchase Agreement and authorize the Mayor and Clerk to sign the documents necessary to acquire the property for City right-of-way.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the Purchase Agreement between the City of Muskegon and the Downtown Muskegon Development Corporation for downtown redevelopment right-of-way.**

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

Nays: None

**MOTION PASSES**

**C. Development and Reimbursement Agreement Between the City of Muskegon, the Brownfield Redevelopment Authority and the Downtown Muskegon Development Corporation. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The Development and Reimbursement Agreement

outlines the responsibilities of each party in regards to the redevelopment of the former Muskegon Mall site. The signed document is required for the Brownfield Work Plan, which will be reviewed by the Michigan Economic Development Corporation on August 1, 2005.

FINANCIAL IMPACT: These impacts are included in the Agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development and Reimbursement Agreement and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Board will meet on July 26 to consider approval of the document.

**Motion by Commissioner Shepherd, second by Vice Mayor Larson to table and put on the agenda for the Legislative Policy Committee Meeting on Thursday, July 28<sup>th</sup>.**

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

**Nays: None**

**MOTION PASSES**

**D. Selection of Siding Supplier for Fiscal Year 2005-2006. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve Community and Neighborhood Services Department selection of the vinyl siding supplier for fiscal year 2005-2006. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey, Muskegon, for the price of \$37.65 per building square for white and \$39.94 per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2005-2006 siding fund.

BUDGET ACTION REQUIRED: None required at this time.

STAFF RECOMMENDATION: To approve the request.

**Motion by Commissioner Gawron, second by Commissioner Carter to approve Premier Building Supplies as the siding supplier for fiscal year 2005-2006.**

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

**Nays: None**

**MOTION PASSES**

**E. Selection of Siding Contractors for Fiscal Year 2005-2006. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to

sign contracts with Cutting Edge Construction, 975 Washington, Muskegon, and Gawlik Construction, 2084 Mary, Muskegon, to install vinyl siding at an agreed price of \$70 per building square for the siding program, 2005-2006 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2005-2006 CDBG Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the siding program was approved by the Commission during the 2005-2006 allocation period last April.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve Cutting Edge Construction and Gawlik Construction as siding contractors for fiscal year 2005-2006.**

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

Nays: None

**MOTION PASSES**

**F. Authorization to Negotiate Construction Contract for the Mall Re-Development Project. ENGINEERING**

SUMMARY OF REQUEST: Authorize staff to negotiate with Milbocker & Sons, the lowest responsible bidder, a construction contract to construct the infrastructure within the referenced development **without** the snowmelt system and related items from the bids which were received on the 8<sup>th</sup> of July, 2005. The removal of that system will result in a base bid reduction of \$821,082.40 plus a possible reduction in the unit process of other items within the contract that maybe impacted by the snowmelt system. If authorized, staff's recommendation and final numbers will be brought to the Commission at a later date for a decision.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to negotiate with Milbocker and Sons since they were the lowest responsible bidder with or without the snowmelt system.

**Motion by Commissioner Spataro, second by Commissioner Carter to authorize staff to negotiate the construction contract for the Mall Re-Development Project with Milbocker & Sons, the lowest responsible bidder.**

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

Nays: Warmington

**MOTION PASSES**

**G. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 227 Southern and 1538 Hudson.** PUBLIC SAFETY

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

**1. 227 Southern**

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

**Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals notice and order to demolish 227 Southern.**

**Motion and second amended to delay enforcement action for 60 days.**

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

**Nays: None**

**MOTION PASSES**

**2. 1538 Hudson (Area 12)**

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

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

**Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 1538 Hudson.**

**Motion and second amended to table to the August 23<sup>rd</sup> meeting contingent upon allowing City staff access to the interior for inspection.**

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

**Nays: None**

**MOTION PASSES**

**PUBLIC PARTICIPATION:** Various comments were heard from the public.

**ADJOURNMENT:** The City Commission Meeting adjourned at 7:29 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive style with a large, sweeping initial "G".

Gail A. Kunding, MMC  
City Clerk

**Date: July 26, 2005**  
**To: Honorable Mayor and City Commissioners**  
**From: Gail A. Kunding, City Clerk**  
**RE: Liquor License Transfer Request**  
**TPWS, Inc., 157 S. Getty**

---

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from TPWS, Inc. (Pat's Roadhouse) to transfer ownership of the 2004 Class C-SDM licensed business with dance-entertainment permit, outdoor service (1 area), and two bars, located at 157 S. Getty, from BC Acquisition Company, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval of the request.

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 07-12-05

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant TPWS, Inc. (d/b/a Pat's Roadhouse) of 157 South Getty Street, Muskegon, MI. 49442. The applicants are as follow: Patrick Bauer, Tracie Conners, and Steven Seng.

TPWS, Inc. is requesting to transfer ownership of 2040 Class C-SDM licensed business with Dance-Entertainment, Outdoors Service (1 area), and 2 Bars, from BC Acquisition Company, Inc. Patrick Bauer has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances. Tracie Conners has been bartending for many years and Steven Seng is a current owner of another bar, The Dog House, 1941 E. Laketon. Upon checking for contacts in CLUES for 1941 E. Laketon I found no alcohol violations within the last three years.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Dykman', with a horizontal line extending to the right.

Det. Kurt Dykman

data/common/liquor/TPWS

Michigan Department of Labor & Economic Growth  
**LIQUOR CONTROL COMMISSION**  
7150 Harris Drive  
P.O. Box 30005  
Lansing, Michigan 48909-7505

281064  
6-2-05  
FMA

**POLICE INVESTIGATION REQUEST**  
[Authorized by MCL 436.1201(4)]

To: MUSKEGON POLICE DEPARTMENT  
CHIEF OF POLICE  
980 JEFFERSON STREET, PO BOX 536  
MUSKEGON, MI 49443-0536

Date: March 10, 2005  
REF#: 281064

Chief Law Enforcement Officer

Applicant:

TPWS, INC. REQUESTS TRANSFER OWNERSHIP OF 2004 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, ~~OFFICIAL PERMIT (FOOD)~~, OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED AT 157 N. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY, FROM BC ACQUISITION COMPANY, INC.

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

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

Please include fingerprint cards and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

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

LC-1972 Rev. 9/17  
4880-1658

sfs

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION

Req ID # 281064

6-2-05  
FILED  
AMENDED + RELEASED  
7-8-05

**RESOLUTION**

2005-65(b)

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

called to order by Mayor Warmington on July 26, 2005 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Gawron and supported by Commissioner Carter

That the request from TPWS, INC. TRANSFER OWNERSHIP OF 2004 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 157 S. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY, FROM BC ACQUISITION COMPANY, INC.

be considered for Approval  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

Yeas: 7

Yeas: \_\_\_\_\_

Nays: 0

Nays: \_\_\_\_\_

Absent: 0

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

Recommended for issuance  
(Recommended or not Recommended)

State of Michigan \_\_\_\_\_)

County of Muskegon \_\_\_\_\_)

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

adopted by the City Commission at a Regular  
(Township Board, City or Village Council) (Regular or Special)

meeting held on July 26, 2005.  
(Date)

SEAL

(Signed) Gail A. Kundinger  
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440  
(Mailing address of Township, City or Village)

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID # 281064

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

281064

6-2-05

RLB

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

BUSINESS NAME AND ADDRESS: (include zip code)

TPWS, INC., 157 N. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TRANSFER OWNERSHIP OF 2004 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, ~~OFFICIAL PERMIT (FOOD)~~, OUTDOOR SERVICE (1 AREA), AND 2 BARS, FROM BC ACQUISITION COMPANY, INC.

**Section 1.**

**APPLICANT INFORMATION**

APPLICANT #1:

PATRICK BAUER – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1608 CRESTON STREET

MUSKEGON, MI 49442

H(231)777-2721/B(231)777-3822

DATE OF BIRTH: 9-18-64

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

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-14-05

APPLICANT #2:

TRACIE E CONNERS – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

130 BRUSSE AVENUE

MUSKEGON, MI 49442

H(231)777-3621/B(231)726-5041

DATE OF BIRTH: 3-21-62

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

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-9-05

**Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.**

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

**Section 2.**

**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

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

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

**Section 3.**

**Local and State Codes and Ordinances, and General Recommendations**

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

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

**Section 4.**

**Recommendation**

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

x   
Signature (Sheriff or Chief of Police)

7/15/2005

Date

MUSKEGON POLICE DEPARTMENT

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID # 281064

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

281064

6-2-05

TKM

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.

Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

TPWS, INC., 157 N. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TRANSFER OWNERSHIP OF 2004 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, ~~OFFICIAL PERMIT (FOOD)~~, OUTDOOR SERVICE (1 AREA), AND 2 BARS, FROM BC ACQUISITION COMPANY, INC.

Section 1.

APPLICANT INFORMATION

APPLICANT #1: NO FINGERPRINTS REQUIRED

STEVEN L. SENG - STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3701 EAST BROADWAY AVENUE

MUSKEGON, MI 49441

H(231)777-0106/B(231)777-3888

DATE OF BIRTH: 3-8-65

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

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

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

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

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

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

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

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

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

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

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

X A. L. K. K. K.  
Signature (Sheriff or Chief of Police)

7/15/2005

Date

MUSKEGON POLICE DEPARTMENT



STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION  
7150 Harris Drive  
P.O. Box 30005  
Lansing, MI 48909-7505

REQ ID: 281064

6-2-05  
THA

## LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT  
(Authorized by MCL 436.1916)

TPWS, INC.

APPLICANT/LICENSEE

PHONE NUMBER

157 N. Getty STREET ADDRESS  
Muskegon CITY  
Muskegon TOWNSHIP  
Muskegon COUNTY  
49442 ZIP

X

X

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. ☒ YES NO N/A
- Describe the type of entertainment applicant/licensee will provide: N/A  
music
- Will this entertainment include topless activity? YES ☒ NO N/A

### LAW ENFORCEMENT RECOMMENDATION

|                         |                                      |                                     |     |
|-------------------------|--------------------------------------|-------------------------------------|-----|
| DANCE PERMIT            | <input checked="" type="radio"/> YES | NO                                  | N/A |
| ENTERTAINMENT PERMIT    | <input checked="" type="radio"/> YES | NO                                  | N/A |
| TOPLESS ACTIVITY PERMIT | YES                                  | <input checked="" type="radio"/> NO | N/A |

### REMARKS:

DATE SUBMITTED

OFFICER'S SIGNATURE

*B. L. Klebber*

Muskegon Police  
DEPARTMENT NAME

231 724-6750  
PHONE NUMBER

980 Jefferson  
ADDRESS

Muskegon  
CITY

281064  
7-8-05  
JMH

## LAW ENFORCEMENT RECOMMENDATION

(MCL 436.1501)

July 21, 2004

TO: Muskegon Police Department  
Chief of Police  
980 Jefferson  
PO Box 536  
Muskegon, MI 49443-0536

RE:

REQ ID # 281064

TPWS, INC.  
d/b/a Pat's Roadhouse  
157 South Getty  
Muskegon, MI 49442

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation, as requested below, to the offices of the Liquor Control Commission at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

|                                                                                    |                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR _____ | Two copies of Form LC 1112 will be left with you, the upper portions already executed. Indicate your recommendation and return one copy to the Commission, retaining the other.<br>(Authorized by MAC 436.1403)                                                                                                      |
| <input type="checkbox"/> LIVING QUARTERS                                           | Indicate your recommendations on the bottom of this letter and return one copy to the Commission.<br>(Authorized by MCL 436.1217 and 436.1201)                                                                                                                                                                       |
| <input checked="" type="checkbox"/>                                                | Please be advised that all forms submitted for your approval reflected an incorrect address of 157 N. Getty. Please indicate your recommendation below and resubmit this form to the Michigan Liquor Control Commission to amend the records and reflect that the licensed address is 157 South Getty, Muskegon, MI. |

Recommendation: (Recommended) (Not recommended) \_\_\_\_\_

Signed: Anthony L. Kleibecker Director of Public Safety Anthony L. Kleibecker  
Signature and Title

Date: 7/15, 2005

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION  
7150 Harris Drive  
P.O. Box 30005  
Lansing, MI 48909-7505

281064  
F184  
6-2-05

AMENDED & RECALLED  
7-8-05

**LOCAL APPROVAL NOTICE**

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 281064

Date: March 10, 2005

To: MUSKEGON CITY COMMISSION  
933 TERRACE STREET  
PO BOX 536  
MUSKEGON, MI 49443-0536

Applicant: TPWS, INC.

Home Address And Phone No:

PAT RICK BAUER, 1608 CRESTON STREET, MUSKEGON, MI 49442 H(231)777-2721/B(231)777-3822  
TRACIE E CONNERS, 130 BRUSSE AVENUE, MUSKEGON, MI 49442 H(231)777-3621/B(231)726-5041  
STEVEN L. SENG, 3701 EAST BROADWAY AVENUE, MUSKEGON, MI 49441 H(231)777-0106/B(231)777-3888

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. Please return the completed resolution to the Liquor Control Commission as soon as possible.

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN  
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

sfs

# LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc.

AKA Business Name (if applicable): Pats Roadhouse

Operator/Manager's Name: \_\_\_\_\_

Business Address: 157 N. Getty

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other \_\_\_\_\_

Deadline for receipt of all information: \_\_\_\_\_

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: \_\_\_\_\_

Treasurer Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature *[Signature]* 6/22/05

Please return to the City Clerk's Office  
Gail A. Kunderger,  
Liquor License Coordinator

6-21-05

☐ FAXED RECEIVED ☐

## LIQUOR LICENSE REVIEW FORM

JUN 22 2005

Business Name: TPWS, Inc.☐ APPROVED POSTED ☐  
CITY OF MUSKEGON TREASURYAKA Business Name (if applicable): Pats Roadhouse

Operator/Manager's Name: \_\_\_\_\_

Business Address: 157 N. GettyMuskegon

Reason for Review:

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

Other \_\_\_\_\_

Deadline for receipt of all information: \_\_\_\_\_

Public Safety Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: \_\_\_\_\_Treasurer Approved ☒ Owing ☐ Amount: \_\_\_\_\_Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: \_\_\_\_\_Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature \_\_\_\_\_

Please return to the City Clerk's Office  
Gail A. Kunderger,  
Liquor License Coordinator

# LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc.

RECEIVED

AKA Business Name (if applicable): Pats Roadhouse

JUN 21 2005

CITY OF MUSKEGON  
PLANNING DEPARTMENT

Operator/Manager's Name: \_\_\_\_\_

Business Address: 157 N. Getty

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other \_\_\_\_\_

Deadline for receipt of all information: \_\_\_\_\_

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Treasurer Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Phil L. Carr

Please return to the City Clerk's Office  
Gail A. Kundering,  
Liquor License Coordinator

# LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc.

AKA Business Name (if applicable): Pats Roadhouse

Operator/Manager's Name: \_\_\_\_\_

Business Address: 157 N. Getty

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other \_\_\_\_\_

Deadline for receipt of all information: \_\_\_\_\_

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Treasurer Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature \_\_\_\_\_

Please return to the City Clerk's Office  
Gail A. Kunderger,  
Liquor License Coordinator

# LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc.

AKA Business Name (if applicable): Pats Roadhouse

Operator/Manager's Name: \_\_\_\_\_

Business Address: 157 N. Getty

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other \_\_\_\_\_

Deadline for receipt of all information: \_\_\_\_\_

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Treasurer Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature 

Please return to the City Clerk's Office  
Gail A. Kunderinger,  
Liquor License Coordinator

# LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc.

AKA Business Name (if applicable): Pats Roadhouse

Operator/Manager's Name: \_\_\_\_\_

Business Address: 157 N. Getty

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other \_\_\_\_\_

Deadline for receipt of all information: \_\_\_\_\_

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Treasurer Approved ☐ Owing ☐ Amount: \_\_\_\_\_

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: \_\_\_\_\_

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature \_\_\_\_\_

Please return to the City Clerk's Office  
Gail A. Kunding,  
Liquor License Coordinator

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

Assessor/Equalization  
(231)724-6708  
FAX: (231)726-5181

Cemetery Department  
(231)724-6783  
FAX: (231)726-5617

City Manager  
(231)724-6724  
FAX: (231)722-1214

Civil Service  
(231)724-6716  
FAX: (231)724-4405

Clerk  
(231)724-6705  
FAX: (231)724-4178

Community and  
Neigh. Services  
(231)724-6717  
FAX: (231)726-2501

Computer Info.  
Systems  
(231)724-6744  
FAX: (231)722-4301

Engineering Dept.  
(231)724-6707  
FAX: (231)727-6904

Finance Dept.  
(231)724-6713  
FAX: (231)724-6768

Fire Department  
(231)724-6792  
FAX: (231)724-6985

Income Tax  
(231)724-6770  
FAX: (231)724-6768

Inspection Services  
(231)724-6715  
FAX: (231)728-4371

Leisure Services  
(231)724-6704  
FAX: (231)724-1196

Mayor's Office  
(231)724-6701  
FAX: (231)722-1214

Planning/Zoning  
(231)724-6702  
FAX: (231)724-6790

Police Department  
(231)724-6750  
FAX: (231)722-5140

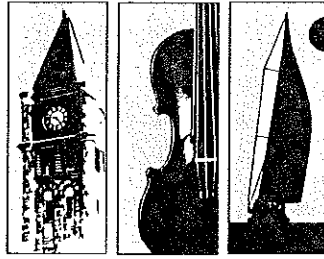
Public Works Dept.  
(231)724-4100  
FAX: (231)722-4188

Treasurer's Office  
(231)724-6720  
FAX: (231)724-6768

Water Billing Dept.  
(231)724-6718  
FAX: (231)724-6768

Water Filtration  
(231)724-4106  
FAX: (231)755-5290

# MUSKEGON



West Michigan's Shoreline City

August 5, 2005

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

REF: #281064  
TPWS, Inc.  
157 S. Getty  
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, the Local Law Enforcement Agency Report and Recommendation, print cards and check for TPWS, Inc., that was recommended for approval at the July 26, 2005, City Commission Meeting.

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

Sincerely,

Linda Potter  
Deputy Clerk

Enc.

**Date: 07/26/05**  
**To: Honorable Mayor and City Commission**  
**From: DPW**  
**RE: Budgeted Vehicle Replacement**

---

SUMMARY OF REQUEST: Approval to purchase one 721D wheeled loader from West Michigan Power.

FINANCIAL IMPACT: Cost \$119,500 less \$53,000 for the sale of our old unit. Total cost of \$66,500.

BUDGET ACTION REQUIRED: None. There is \$85,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 721D wheeled loader from West Michigan Power.

# Memorandum

**To:** Honorable Mayor and Commissioners  
**From:** DPW  
**Date:** 7/19/2005  
**Re:** Wheel Loader Replacement

---

The Equipment Division has budgeted for the replacement of one wheel loader in 2005. The loader we are replacing is 11 years old and has reached its economic life expectancy.

We solicited bids from the top four manufacturers for a 3.5 cubic yard loader. They are Michigan Caterpillar, Contractors Machinery, JDE Equipment, and West Michigan Power. (See attachment)

We had the opportunity to evaluate each of the loaders for a few days at the DPW and we find that any of the loaders would meet our needs. We currently have four Case loaders and have been very satisfied with their performance and reliability. (They are also low bid)

In accordance with established purchasing policy, I am requesting that we purchase one Case 721D from West Michigan Power.

| LOADER                       |  |              |              |  |
|------------------------------|--|--------------|--------------|--|
|                              |  |              |              |  |
|                              |  |              |              |  |
|                              |  | <u>Model</u> | <u>Cost</u>  |  |
| <b>Michigan Caterpillar</b>  |  |              |              |  |
| 7700 Caterpillar Ct.         |  | Cat 938 GII  | \$147,000.00 |  |
| Grand Rapids Mi 49548        |  |              |              |  |
|                              |  |              |              |  |
| <b>Contractors Machinery</b> |  |              |              |  |
| 8840 Byron Commerce Dr.      |  | Volvo L90E   | \$129,150.00 |  |
| Byron Center Mi. 49315       |  |              |              |  |
|                              |  |              |              |  |
| <b>West Michigan Power</b>   |  |              |              |  |
| 3651 M-20                    |  | Case721D     | \$119,500.00 |  |
| New Era Mi 49446             |  |              |              |  |
|                              |  |              |              |  |
| <b>JDE Equipment</b>         |  |              |              |  |
| 5770 Clyde Park              |  | Deere 624J   | \$136,804.00 |  |
| Grand Rapids Mi. 49509       |  |              |              |  |
|                              |  |              |              |  |

**Date: July 26, 2005**  
**To: Honorable Mayor and City Commissioners**  
**From: Engineering**  
**RE: Request for an Encroachment Agreement**

---

**SUMMARY OF REQUEST:**

Parsons on behalf of ExxonMobil Oil Corporation has filed the enclosed encroachment agreement form to install nine (9) monitoring wells in the public right of way at the following locations:

1. Alley between Miner Ave. and Harrison Ave. located immediately east of McCracken St. (cluster of 3 wells).
2. Alley between Morton Ave. and Miner Ave. located immediately east of Moon St. (cluster of 3 wells).
3. Alley between Harrison Ave. and Lakeshore Dr located immediately west of Moon St. (cluster of 3 wells).

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

To approve the encroachment agreement subjects to the supplemental conditions and compliance with the necessary insurance requirements.

**COMMITTEE RECOMMENDATION:**

None

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

Assessor  
(231) 724-6708  
FAX (231) 726-5181

Cemetery  
(231) 724-6783  
FAX (231) 726-5617

City Manager  
(231) 724-6724  
FAX (231) 722-1214

Civil Service  
(231) 724-6716  
FAX (231) 724-4405

Clerk  
(231) 724-6705  
FAX (231) 724-4178

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

Engineering  
(231) 724-6707  
FAX (231) 727-6904

Finance  
(231) 724-6713  
FAX (231) 724-6768

Fire Department  
(231) 724-6792  
FAX (231) 724-6985

Income Tax  
(231) 724-6770  
FAX (231) 724-6768

Info. Technology  
(231) 724-4126  
FAX (231) 722-4301

Inspection Services  
(231) 724-6715  
FAX (231) 728-4371

Leisure Services  
(231) 724-6704  
FAX (231) 724-1196

Mayor's Office  
(231) 724-6701  
FAX (231) 722-1214

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

Police Department  
(231) 724-6750  
FAX (231) 722-5140

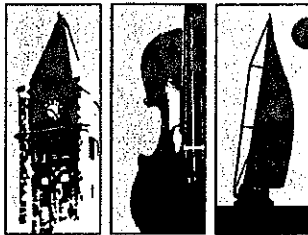
Public Works  
(231) 724-4100  
FAX (231) 722-4188

Treasurer  
(231) 724-6720  
FAX (231) 724-6768

Water Billing  
(231) 724-6718  
FAX (231) 724-6768

Water Filtration  
(231) 724-4106  
FAX (231) 755-5290

## MUSKEGON



West Michigan's Shoreline City  
[www.shorelinecity.com](http://www.shorelinecity.com)

July 28, 2005

Paul Zahrte  
Parsons  
19101 Villaview Rd.  
Suite 100  
Cleveland OH 44119-3088

Subject: Encroachment Agreement  
Former ExxonMobile Pipeline Area  
Sisson & McCracken – Muskegon, MI

Dear Mr. Zahrte,

Per our telephone conversation, the subject agreement was approved by the City Commission at the meeting held on July 26, 2005.

The encroachment fee for the proposed nine (9) wells will be \$5.00 per unit for 5 years, which would total \$225.00. Since the wells are to be installed at three (3) separate locations, your permit for working in the City's right of way will total \$60.00 (\$20.00 for each location).

In the past, you have utilized Environmental Drilling & Contracting, Inc. of Holland, MI for performing the work. They do not, at this time, have a bond to work in the City of Muskegon rights of way. If they are your Contractor of choice for the subject project, please remind them that they must obtain a \$5,000.00 surety bond prior to the permit being issued.

Sincerely,

Evelyn Hoffman  
Engineering Department Secretary

JPMorgan Chase Bank, N.A.  
DISBURSEMENT ACCOUNT  
SYRACUSE, NY

# PARSONS

4701 HEDGEMORE DRIVE  
CHARLOTTE, NC 28209

50-937  
213

VOID AFTER 90 DAYS

| CHECK NUMBER | DATE    |
|--------------|---------|
| 0041347      | 8/04/05 |

| AMOUNT   |
|----------|
| \$285.00 |

PAY Two Hundred Eighty Five DOLLARS and Zero CENTS

TO  
THE  
ORDER  
OF

CITY OF MUSKEGON/CITY TREASURER'S OFFICE  
P. O. BOX 536  
MUSKEGON, MI 49443-0536

JPMorgan Chase Bank, N.A.  
8040 TARBELL ROAD  
SYRACUSE, NY 13206

BY   
AUTHORIZED SIGNATURE

⑈0041347⑈ ⑆021309379⑆ 601868458⑈

## REMITTANCE ADVICE

| INVOICE NO                                                                        | DATE    | VOUCHER NO | DESCRIPTION                              | AMOUNT       | DISCOUNT | NET AMOUNT |
|-----------------------------------------------------------------------------------|---------|------------|------------------------------------------|--------------|----------|------------|
| 7/28/05                                                                           | 7/28/05 | 80501566   | 7/28/05                                  | 285.00       |          | 285.00     |
| <i>\$225.00 incroach ment permit</i><br><i>\$60.00 RW permit - 643-00000-7200</i> |         |            |                                          |              |          |            |
| CHECK NO                                                                          | DATE    | VENDOR NO  | VENDOR NAME                              | TOTAL AMOUNT |          |            |
| 0041347                                                                           | 8/04/05 | JE958      | CITY OF MUSKEGON/CITY TREASURER'S OFFICE | 285.00       |          |            |

4701 HEDGEMORE DRIVE

PLEASE DETACH THIS VOUCHER BEFORE DEPOSITING CHECK

CITY OF MUSKEGONENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 27<sup>th</sup> day of July 2005, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and Parsons (hereinafter called LICENSEE).

**RECITALS**

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as

monitoring well installation (see attached)

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the CITY, an accurate legal description]

see attached

3. The CITY is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

**THEREFORE,**

1. CITY does hereby grant unto LICENSEE the privilege of X constructing, X installing, X maintaining, X repairing and performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term herein stated.

This privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the CITY of the required evidence of insurance coverages.

This grant is subject to the following special conditions: see supplemental conditions

attached

2. That LICENSEE shall pay to the CITY for the privilege hereby granted the sum of One hundred Dollars (\$ 100 ), such payment to be made upon the signing of this agreement to be dated as of the 27<sup>th</sup> day of July 2005, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 20 unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the CITY by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to CITY, and issued by companies acceptable to the CITY, licensed in the State of Michigan, naming CITY OF MUSKEGON as an additional insured on any such policy. LICENSEE will file with

the CITY certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the CITY shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

---

---

---

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the CITY a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE 30 days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the CITY 30 days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the CITY, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to the CITY and in default thereof shall be liable to the CITY for any cost, damage or expense the CITY may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

9. This agreement shall be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

Irene Dempsey  
Irene Dempsey

Linda Potter  
Linda Potter

Paul E. Zahle, project mgr

CITY OF MUSKEGON

By

Stephen J. Warmington, Mayor

And

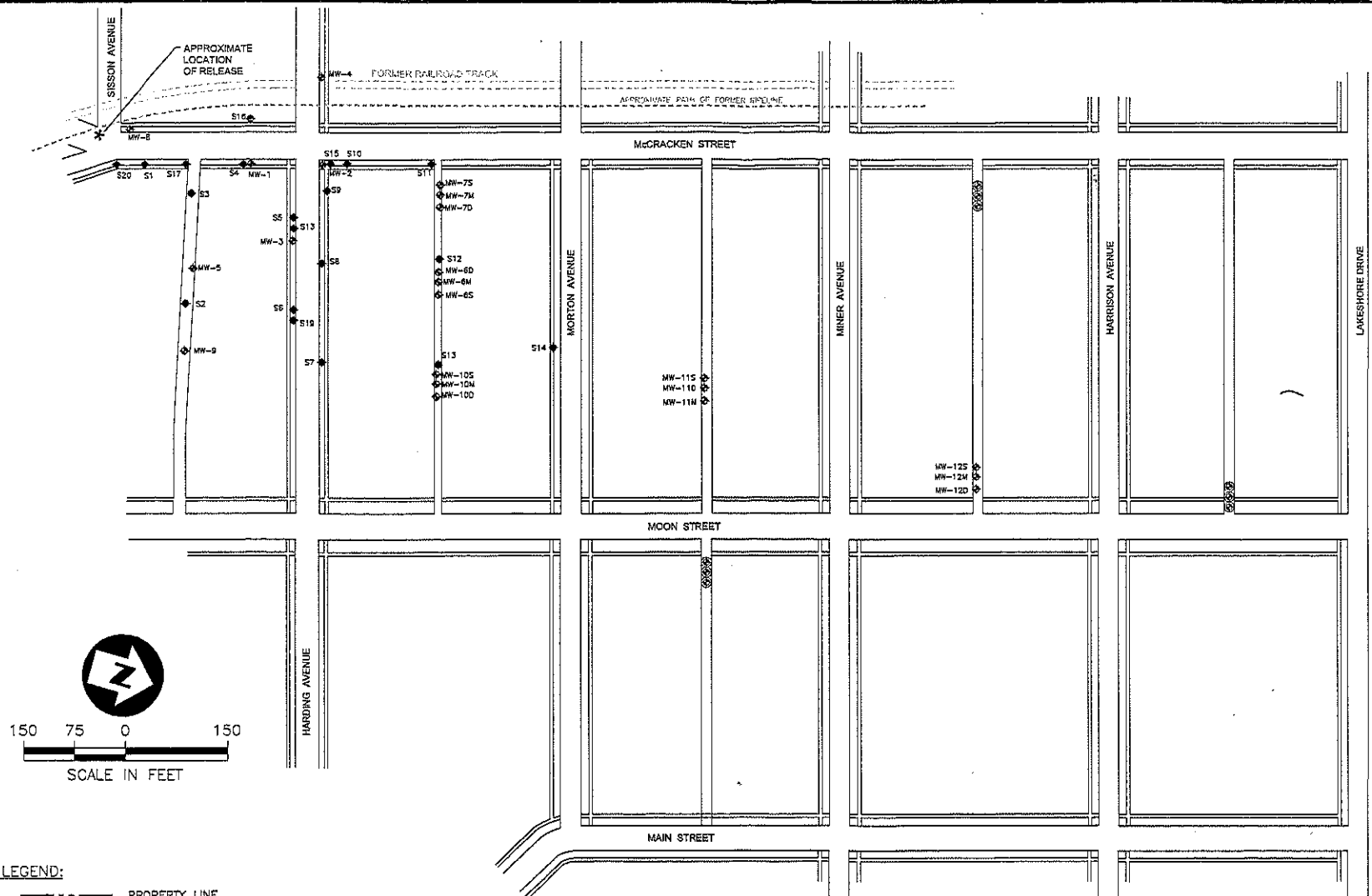
Gail A. Kundergei  
Gail A. Kundergei, Clerk

LICENSEE:

Parsons

## SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the wells and any relocation that becomes necessary to facilitate other improvements within the right of way (s).
- 2- Grantee will be responsible to maintain and keep, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by the City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- Insurance: LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to the City. The provision for liability insurance set forth shall remain in full force and effect in lieu of any other insurance requirement, provided that the City shall be given thirty days written notice before a change in coverage may occur.
- 5- The City and/or its agent are not responsible for any damage to the facilities.



**LEGEND:**

- PROPERTY LINE
- ◆ MONITORING WELL  
(S=SHALLOW)  
(M=MEDIUM)  
(D=DEEP)
- SOIL BORING
- PROPOSED MONITORING WELL CLUSTER

440155.00002  
C:\F501\PROJECTS\MOBIL\440155\_ProposedWellClusters.DWG 2/28/05

**EXXONMOBIL OIL CORPORATION**

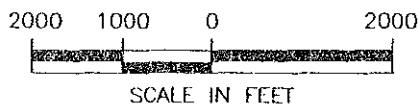
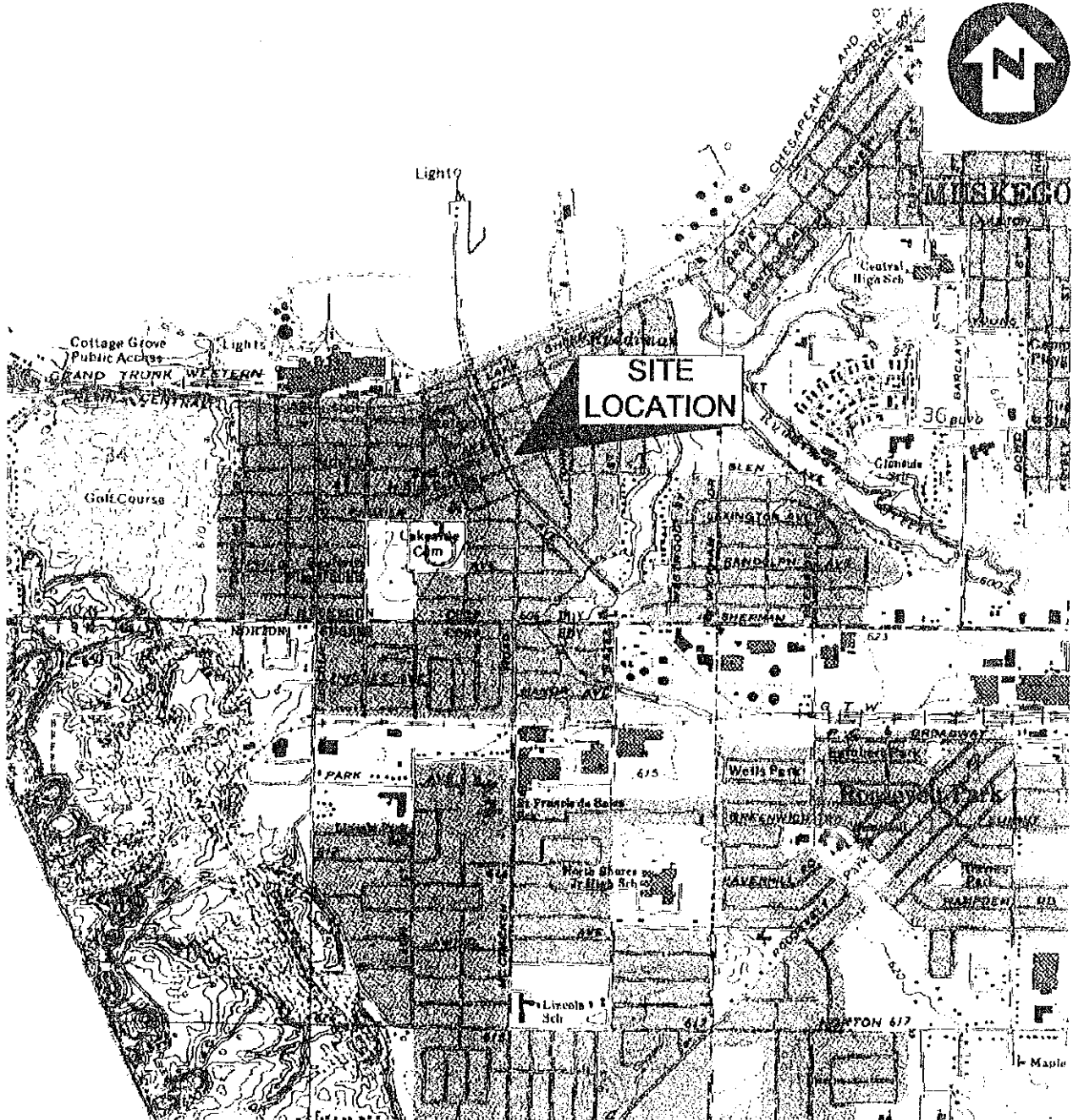
FIGURE 1

SISSON & McCracken  
MUSKEGON, MI

**PROPOSED MONITORING  
WELL CLUSTERS  
LOCATION**

**PARSONS**

19101 VILLAVIEW ROAD, CLEVELAND, OH 44118, PHONE: 216-489-9005



EXXONMOBIL OIL CORPORATION

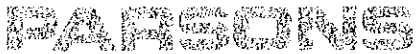
FIGURE 1

SISSON & McCracken  
MUSKEGON, MICHIGAN

SITE  
LOCATION  
MAP

**PARSONS**

19101 VILLAVIEW ROAD, CLEVELAND, OH 44119, PHONE: 216-486-9005



10101 Vileview Road, Suite 100 - Cleveland, Ohio 44119-3000 • (216) 486-9005 • Fax: (216) 486-6119 • www.parsons.com

P:\Mobil\Sisson&McCracken\Permitting\Permit re-issue Letter.071505.doc

19 July 2005

Mr. Mohammed Al-Shatel  
Muskegon City Engineering  
933 Terrace Street  
Muskegon, Michigan 49440

Reference: Encroachment Agreement  
Former ExxonMobil Pipeline Area  
Sisson & McCracken - Muskegon, Michigan

Dear Mr. Al-Shatel:

Parsons is sending you this letter on the behalf of ExxonMobil Oil Corporation regarding the amended encroachment agreement for the proposed installation of nine (9) groundwater monitoring wells. The general location of the project is illustrated on Figure 1. The monitoring wells will be installed as clusters of three at three separate locations illustrated on Figure 2. More specifically, the well clusters will be situated at the following locations:

- The MW-13 cluster will be located in the alley situated between Miner and Harrison Avenues, located immediately east of McCracken Street.
- The MW-14 cluster will be located in the alley situated between Norton and Miner Avenues, located immediately east of Moon Street.
- The MW-15 cluster will be located in the alley situated between Harrison Avenue and Lakeshore Drive, immediately west of Moon Street.

This request for an encroachment agreement is being sent in response to the Michigan Department of Environmental Quality (MDEQ) request to further define the extent of petroleum impacted groundwater downgradient from a historical petroleum pipeline release. At each cluster location, two-inch diameter PVC piping will be installed to approximate depths of 20 feet, 35 feet, and 60 feet below surface grade. Each well will be finished with a 2 x 2 foot diameter concrete pad covered with a flush-mount traffic grade 8-inch diameter steel manhole.

After installation of the monitoring wells, it is anticipated that the wells will be sampled on a quarterly basis for the lifespan of the project (unknown at this time). Upon completion of the project and authorization by the MDEQ, each of the wells will be properly abandoned in accordance with applicable regulatory protocols, and the locations will be restored with a like pavement material.

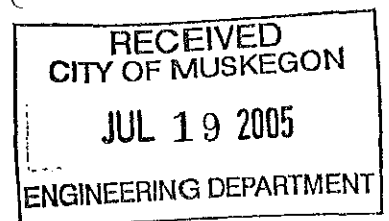
Attached is the encroachment agreement and \$100 fee for the permit. Our drilling contractor, Environmental Drilling and Contracting (EDAC) has the required surety bond. If you have questions or require further information, please contact Paul Zahrt at (216) 486-9005.

Very truly yours,

**PARSONS**

*Paul E. Zahrt*  
Paul E. Zahrt  
Project Manager

Cc: M. Holland - ExxonMobil  
441589.02000



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

Assessor  
(231) 724-6708  
FAX (231) 726-5181

Cemetery  
(231) 724-6783  
FAX (231) 726-5617

City Manager  
(231) 724-6724  
FAX (231) 722-1214

Civil Service  
(231) 724-6716  
FAX (231) 724-4405

Clerk  
(231) 724-6705  
FAX (231) 724-4178

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

Engineering  
(231) 724-6707  
FAX (231) 727-6904

Finance  
(231) 724-6713  
FAX (231) 724-6768

Fire Department  
(231) 724-6792  
FAX (231) 724-6985

Income Tax  
(231) 724-6770  
FAX (231) 724-6768

Info. Technology  
(231) 724-4126  
FAX (231) 722-4301

Inspection Services  
(231) 724-6715  
FAX (231) 728-4371

Leisure Services  
(231) 724-6704  
FAX (231) 724-1196

Mayor's Office  
(231) 724-6701  
FAX (231) 722-1214

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

Police Department  
(231) 724-6750  
FAX (231) 722-5140

Public Works  
(231) 724-4100  
FAX (231) 722-4188

Treasurer  
(231) 724-6720  
FAX (231) 724-6768

Water Billing  
(231) 724-6718  
FAX (231) 724-6768

Water Filtration  
(231) 724-4106  
FAX (231) 755-5290



July 28, 2005

Paul Zahrte  
Parsons  
19101 Villaview Rd.  
Suite 100  
Cleveland OH 44119-3088

Subject: Encroachment Agreement  
Former ExxonMobile Pipeline Area  
Sisson & McCracken – Muskegon, MI

Dear Mr. Zahrte,

Per our telephone conversation, the subject agreement was approved by the City Commission at the meeting held on July 26, 2005.

The encroachment fee for the proposed nine (9) wells will be \$5.00 per unit for 5 years, which would total \$225.00. Since the wells are to be installed at three (3) separate locations, your permit for working in the City's right of way will total \$60.00 (\$20.00 for each location).

In the past, you have utilized Environmental Drilling & Contracting, Inc. of Holland, MI for performing the work. They do not, at this time, have a bond to work in the City of Muskegon rights of way. If they are your Contractor of choice for the subject project, please remind them that they must obtain a \$5,000.00 surety bond prior to the permit being issued.

Sincerely,

Evelyn Hoffman  
Engineering Department Secretary



PO Box 5077 Sioux Falls SD 57117-5077

1-800-331-6053  
Fax 1-605-335-0357  
www.cnasurety.com

December 07, 2004

Agent Code: 21-00231

MUSKEGON CITY HALL  
933 TERRACE ST.  
MUSKEGON, MI 49440

Re: Bond No. 25145546      Penalty \$5,000  
ENVIRONMENTAL DRILLING & CONTRACTING, INC.  
4692 136TH AVE.  
HOLLAND, MI 49424

CONTRACTOR CITY OF MUSKEGON  
Company Code: 0601 - WESTERN SURETY COMPANY

We have received a request to cancel or nonrenew this bond.

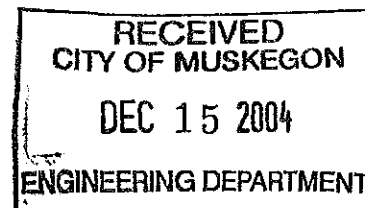
We wish to comply with the principal's request by taking advantage of the cancellation provision pertaining to this bond. You are hereby notified that this bond is cancelled and voided as of January 18, 2005, or the earliest time permitted by applicable law, whichever is later.

Thank you for your attention to this matter.

cc: ENVIRONMENTAL DRILLING & CONTRACTING, INC.

LIGHTHOUSE-KEUNING INS.  
GROUP, INC.  
P. O. BOX 1439  
HOLLAND, MI 49422-1439

Underwriting Services



**Commission Meeting Date: July 26, 2005**

**Date:** July 15, 2005  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development  
**RE:** Rezoning request for properties located at 2360 S. Getty Street

---

**SUMMARY OF REQUEST:**

Request to rezone properties located at 2360 S. Getty Street, from B-4, General Business to I-2, General Industrial.

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of the request.

**COMMITTEE RECOMMENDATION:**

The Planning Commission recommended approval of the request at their 7/14 meeting. The vote was unanimous in favor of the request with S. Warmington and B. Smith absent.

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2157

**An ordinance to amend the zoning map of the City to provide for a zone change for a portion of the property located at 2360 S. Getty Streete from B-4 "General Business" to I-2 "General Industrial"**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from B-4 "General Business" to I-2 "General Industrial":

CITY OF MUSKEGON PART OF NW ¼ OF SW ¼ SEC 33 T10N R16W DESC AS FROM W ¼ COR SEC 33 & PROCEEDING TH N 01D 22M 26S E 333.71 FT TH S 89D 15M 00S E 114.75 FT TH S 01D 22M 26S W 333.71 FT TH N 89D 15M 00S W 114.75 FT

This ordinance adopted:

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

Nayes: None

Adoption Date: July 27, 2005

Effective Date: August 11, 2005

First Reading: July 27, 2005

Second Reading: N/A

CITY OF MUSKEGON

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

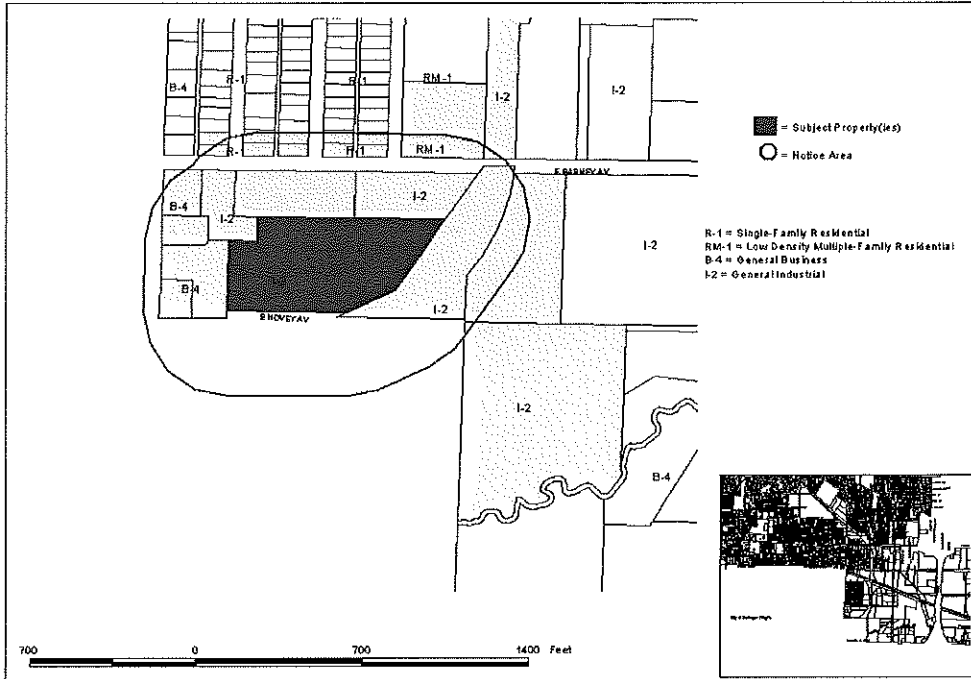
CERTIFICATE (Rezoning of a portion of 2360 S. Getty Street from B-4 to I-2)

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 26<sup>th</sup> day of July, 2005, 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: July 28, 2005.

Gail A. Kunderger  
Gail A. Kunderger, MMC  
Clerk, City of Muskegon

City of Muskegon  
Planning Commission  
Case #2005-25



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

March 10, 2005

---

**Hearing; Case 2005-25: Request to rezone the property located at 2360 S. Getty Street from B-4, General Business, to I-2, General Industrial, by Steve Franklin.**

**BACKGROUND**

Applicant: Steve Franklin

Property Address/Location: 2360 S. Getty Street

Request: Rezone from B-4, General Business to I-2, General Industrial

Present Land Use: Vacant

Zoning: B-4, General Business

**STAFF OBSERVATIONS**

1. The subject property at 2360 S. Getty Street is the westerly 114.75 feet of the vacant parcel, which totals approximately 7 acres.
2. The parcel appears to have been two separate parcels at one time and were joined as one, but the zoning line continued to run along the previous property line.
3. Mr. Franklin intends to use the entire parcel for storage of aggregate and other construction materials, as is allowed in an I-2 zone. He originally requested staff site plan approval for the 2 acres fronting on Hovey Street so he could utilize a portion of his property until the entire parcel can receive site plan approval from the Planning Commission. That request will come before the Planning Commission, if the zone change is approved by City Commission.
4. Hovey Street is an unimproved street which borders Muskegon Township. Porter Steel and Welding is located in Muskegon Township across Hovey Street from Mr. Franklin's property.

5. The property to the north and east of the parcel is zoned I-2. The property to the west is zoned B-4.
6. The rezoning of this portion of the parcel would place the entire parcel under one zoning classification.
7. No comments have been received regarding this request.

## RECOMMENDATION

It is unlikely that this area will be developed for commercial uses, due to it's visibility and accessibility problems. The Master Plan's Use Future Land Use Map shows this property as industrial. Based on the Master Plan for that area, staff recommends approval of the request.

## DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
  - a. **Surface water** drainage problems
  - b. **Waste water** disposal problems
  - c. Adverse effect on surface or subsurface **water quality**
  - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a **"Spot Zone"**?

- a. Is the parcel **small in size relative to its surroundings?**
- b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
- c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
- d. A spot zone is **appropriate if it complies with the Master Plan.**

#### **DETERMINATION**

The following motion is offered for consideration:

I move that the request to rezone the property located 2360 S. Getty Street, from B-4 General Business to I-2 General Industrial, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

**Commission Meeting Date: July 26, 2005**

**Date:** July 11, 2005  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development *CBC*  
**RE:** Public Hearing - Request to Establish an Obsolete Property District – 164 W. Muskegon

---

**SUMMARY OF REQUEST:**

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Hairitage Properties LLC, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 164 W. Muskegon, Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 15 new jobs in the City.

**FINANCIAL IMPACT:**

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Approval of the attached resolution establishing an Obsolete Property District for 164 W. Muskegon, Muskegon, MI.

**COMMITTEE RECOMMENDATION:**

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2005-67(a)

**A resolution establishing an Obsolete Property Rehabilitation District.**

The City Commission of the City of Muskegon hereby RESOLVES:

**Recitals**

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

Ayes Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, MMC  
Clerk

2005-67(a)

**CERTIFICATE**

This resolution was adopted at a meeting of the City Commission, held on July 26, 2005. 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.

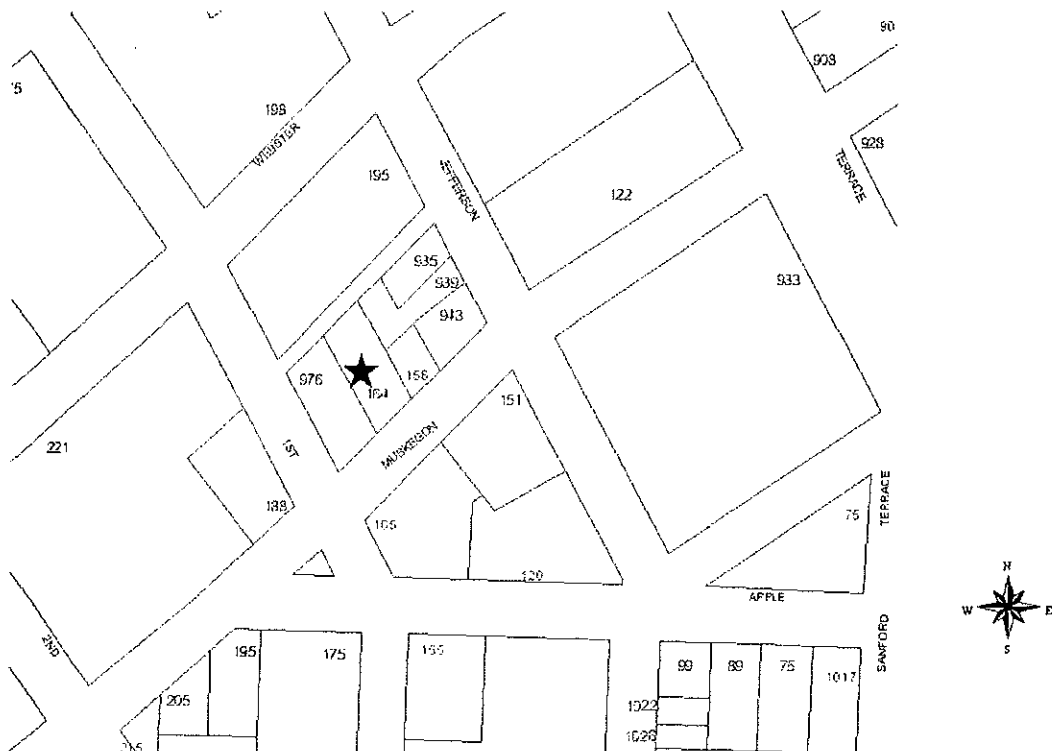
CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, MMC  
Clerk

ATTACHMENT A: PROPERTY DESCRIPTION

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 332

**Obsolete Property - 164 Muskegon**



**Commission Meeting Date: July 26, 2005**

**Date:** July 11, 2005  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development *CBC*  
**RE:** Public Hearing - Request to issue an Obsolete Property Certificate – 164 W. Muskegon

---

**SUMMARY OF REQUEST:**

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Hairitage Properties LLC, 164 W. Muskegon, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 164 W. Muskegon, Muskegon, MI. The building will be rehabilitated to house a day spa/nail salon. Total capital investment for this project is \$200,000. The project will result in the creation of 15 new jobs in the City. Because of these new jobs the applicant is eligible for a 10 year certificate.

**FINANCIAL IMPACT:**

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Approval of the attached resolution issuing an Obsolete Property Certificate for 164 W. Muskegon, Muskegon, MI.

**COMMITTEE RECOMMENDATION:**

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2005-67(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by Hairitage Properties LLC

The City Commission of the City of Muskegon hereby RESOLVES:

**Recitals**

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Hairitage Properties LLC, to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on July 26, 2005, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on July 26, 2005, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Hairitage Properties LLC, is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for 10 years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.
- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.

- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by July 26, 2006, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Hairitage Properties LLC., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of ten (10) years;
- 2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
- 3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

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 July 26, 2005. 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.

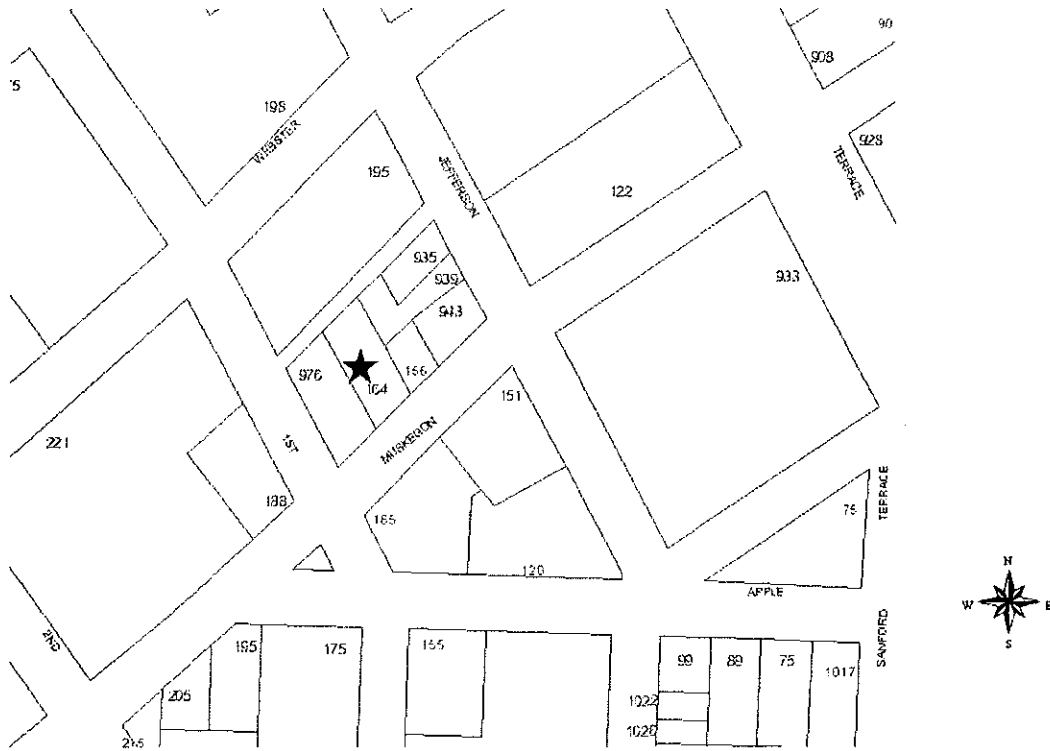
CITY OF MUSKEGON

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

**ATTACHMENT A: PROPERTY DESCRIPTION**

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 332

## Obsolete Property - 164 Muskegon



**Date: July 26, 2005**

**To: Honorable Mayor and City Commissioners**

**From: Engineering**

**RE: Public Hearing  
Spreading of the Special Assessment Roll on:  
2005 Sidewalk Program (W-6) & 1114 Wood St.**

---

**SUMMARY OF REQUEST:**

To hold a public hearing on the spreading of the special assessment roll for the **2005 Sidewalk Replacement Program** and to adopt the attached resolution confirming the special assessment Roll.

**FINANCIAL IMPACT:**

A total of \$140,723.32 will be assessed against two hundred & six (206) parcels.

**BUDGET ACTION REQUIRED:**

None at this time.

**STAFF RECOMMENDATION:**

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

**COMMITTEE RECOMMENDATION:**

**CITY OF MUSKEGON**

**Resolution No. 2005-67(c)**

**Resolution Confirming Special Assessment Roll**

**for - 2005 SIDEWALK PROGRAM (W-6) & 1114 WOOD ST.**

- **All parcels within area W-6, which is bounded by Ruddiman Creek to the west, Laketon Ave. to the north, Seaway Dr. to the east, and Sherman Blvd. to the south & 1114 Wood St.**

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 **January 11, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

**THEREFORE, BE IT RESOLVED:**

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment 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.

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: Spataro, Warmington, Carter, Davis, Gawron, Larson, and  
Shepherd

Nays: None

City of Muskegon

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

#### CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **July 26, 2005**. 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 **July 26, 2005**.

City of Muskegon

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

EXHIBIT A

**SIDEWALK REPLACEMENT PROGRAM FOR 2005**

**SPECIAL ASSESSMENT DISTRICT**

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

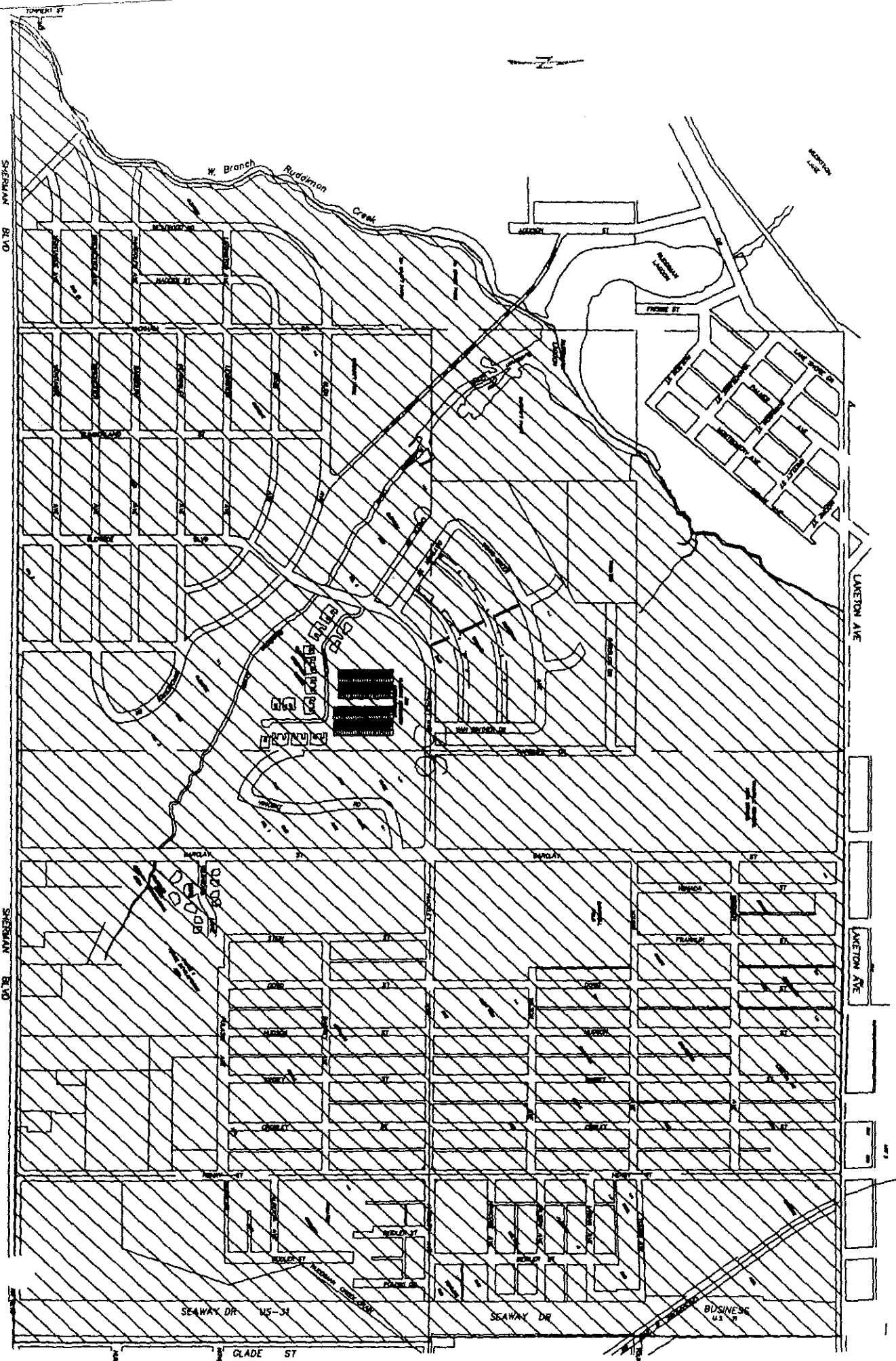
Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by **June 1, 2005**.

**All parcels within area W-6 which is bounded by** Ruddiman Creek to the west, Laketon Ave. to the north, Seaway Dr. to the east, and Sherman Blvd. to the south

**&**

**1114 Wood due to the presence of hazard sidewalk that the owner was notified of.**

SIDEWALK 2005 ASSESSMENT DISTRICT  
& 1114 WOOD ST.  
EXHIBIT "A"



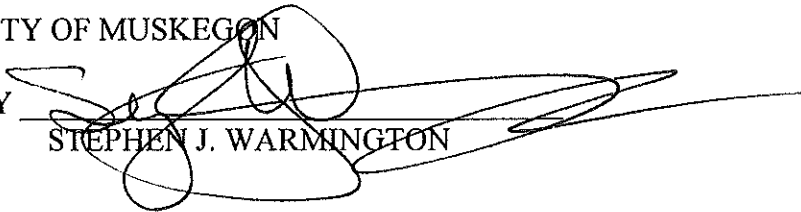
**THE 2005 SIDEWALK PROGRAM (W-6) & 1114 WOOD ST.  
(Area W-6)**

**MAYOR'S ENDORSEMENT AND WARRANT**

I, STEPHEN J. WARMINGTON, 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

  
STEPHEN J. WARMINGTON

**AFFIDAVIT OF MAILING**

STATE OF MICHIGAN     )  
                                      ) SS  
COUNTY OF MUSKEGON )

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR:**

**H-1572, Sidewalk Replacement Program 2005**

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 15TH DAY OF JULY 2005.

Gail A. Kunderger  
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS

8th DAY OF August, 2005.

Linda S. Potter  
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN  
MY COMMISSION EXPIRES 9-25-06

**CITY OF MUSKEGON  
NOTICE OF PUBLIC HEARINGS  
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

**SPECIAL ASSESSMENT DISTRICT:**

**SIDEWALK REPLACEMENT PROGRAM FOR 2005**

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

- **All parcels within area W-6, which is bounded by Ruddiman Creek to the west, Laketon Ave. to the north, Seaway Dr. to the east, and Sherman Blvd. to the south & 1114 Wood St.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll will be held at the City of Muskegon Commission Chambers on **July 26, 2005 at 5:30 p.m.**

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

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

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

\_\_\_\_\_  
Gail A. Kunderling, City Clerk

Publish: **July 16, 2005**

**ADA POLICY**

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes 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. Kunderling, City Clerk  
933 Terrace Street, Muskegon, MI 49440  
(231) 724-6705 of TDD (231) 724-6773

**Acct# 643-60447-5267**

*Link*

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @      | OWNER         | MAILING ADDRESS                                          | TOTAL      |
|--------------------|--------|---------------|----------------------------------------------------------|------------|
| 24-036-400-0015-00 | 2585.0 | BARCLAY ST    | BARCLAY PROPERTI 3380 GLADE ST MUSKEGON MI 49444         | \$111.04   |
| 24-665-000-0168-00 | 853.0  | BARNEY AVE    | MASTEE IRENE TRU 2880 WESTLAND RD MUSKEGON MI 49441      | \$670.03   |
| 24-665-000-0166-00 | 857.0  | BARNEY AVE    | PIASECKI ADELA 857 W BARNEY AVE MUSKEGON MI 49441        | \$444.17   |
| 24-665-000-0165-00 | 868.0  | BARNEY AVE    | CONTEMPORARY BU PO BOX 252 FRUITPORT MI 49415-0          | \$111.04   |
| 24-665-000-0196-00 | 878.0  | BARNEY AVE    | DEWEERD LESLIE 878 W BARNEY AVE MUSKEGON MI 49441        | \$599.63   |
| 24-665-000-0287-00 | 901.0  | BARNEY AVE    | REZNY GARY/IRENE 901 W BARNEY AVE MUSKEGON MI 49441      | \$2,498.46 |
| 24-665-000-0284-00 | 908.0  | BARNEY AVE    | CANTRALL BETH 908 W BARNEY AVE MUSKEGON MI 49441         | \$1,404.69 |
| 24-665-000-0315-00 | 919.0  | BARNEY AVE    | BARNES SCOTT 21786 VIRGINIA AVE EASTPOINTE MI 48021      | \$577.42   |
| 24-665-000-0316-00 | 930.0  | BARNEY AVE    | CHRISTIANSEN JAM 2375 ESTES ST MUSKEGON MI 49441         | \$843.93   |
| 24-382-032-0008-00 | 1341.0 | BEARDSLEY AVE | LADD MICHAEL B 1341 BEARDSLEY MUSKEGON MI 49441          | \$159.24   |
| 24-382-025-0012-00 | 1407.0 | BEARDSLEY AVE | CHAPMAN FLOYD/CA 1407 BEARDSLEY AV MUSKEGON MI 49441     | \$333.13   |
| 24-131-100-0011-00 | 2159.0 | BEIDLER ST    | WEINERT MICHAEL N 103 S MILL IRON RD MUSKEGON MI 49442-0 | \$1,499.08 |
| 24-525-000-0086-00 | 1834.0 | CROWLEY ST    | WINICKI EDWARD/JO 1826 CROWLEY ST MUSKEGON MI 49441      | \$177.67   |
| 24-525-000-0085-00 | 1840.0 | CROWLEY ST    | WINICKI KENNETH J 1840 CROWLEY ST MUSKEGON MI 49441      | \$44.42    |
| 24-525-000-0068-00 | 1851.0 | CROWLEY ST    | ABN AMRO MORTGA 7159 CORKLAN DR JACKSONVILLEFL 32258-4   | \$222.09   |
| 24-525-000-0081-00 | 1858.0 | CROWLEY ST    | O CONNOR DONNA 1721 FRANKLIN ST MUSKEGON MI 49441        | \$1,130.42 |
| 24-525-000-0071-00 | 1869.0 | CROWLEY ST    | HAWKINS TIMOTHY 1869 CROWLEY ST MUSKEGON MI 49441        | \$812.83   |
| 24-525-000-0080-00 | 1874.0 | CROWLEY ST    | LAMBERT MARY E 145 COLUMBIA AVE 6 HOLLAND MI 49423-2     | \$222.09   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                   | OWNER             | MAILING ADDRESS                        | TOTAL      |
|--------------------|---------------------|-------------------|----------------------------------------|------------|
| 24-525-000-0072-00 | 1875.0 CROWLEY ST   | AHEARN NAIA       | 1875 CROWLEY ST MUSKEGON MI 49441      | \$442.39   |
| 24-525-000-0077-00 | 1886.0 CROWLEY ST   | COUNTRYWIDE HOM   | 400 COUNTRYWIDE SIMI VALLEY CA 93065-6 | \$111.04   |
| 24-525-000-0074-00 | 1895.0 CROWLEY ST   | HEKKEMA ALBERT M  | 620 CENTER ST MUSKEGON MI 49445        | \$111.04   |
| 24-525-000-0076-00 | 1896.0 CROWLEY ST   | RODRIGUEZ RAMIRO  | 1896 CROWLEY ST MUSKEGON MI 49441      | \$521.90   |
| 24-175-000-0019-00 | 1928.0 CROWLEY ST   | TREBILCOCK PAUL A | 1215 SCENIC DR MUSKEGON MI 49445       | \$111.04   |
| 24-175-000-0020-00 | 1936.0 CROWLEY ST   | SCHAUB DANIEL     | 1936 CROWLEY ST MUSKEGON MI 49441      | \$111.04   |
| 24-175-000-0039-00 | 1939.0 CROWLEY ST   | RODRIGUEZ MARK/L  | 1939 CROWLEY ST MUSKEGON MI 49441      | \$222.09   |
| 24-175-000-0038-00 | 1951.0 CROWLEY ST   | HEKKEMA ALBERT/M  | 620 CENTER ST MUSKEGON MI 49445        | \$444.17   |
| 24-175-000-0035-00 | 1969.0 CROWLEY ST   | ROBINSON HILDA/L  | 1969 CROWLEY ST MUSKEGON MI 49441      | \$447.95   |
| 24-175-000-0026-00 | 1970.0 CROWLEY ST   | COOLEY WILLIAM/KE | 1970 CROWLEY ST MUSKEGON MI 49441      | \$444.17   |
| 24-175-000-0027-00 | 1976.0 CROWLEY ST   | NIENHUIS ADAM     | 1976 CROWLEY ST MUSKEGON MI 49441      | \$550.77   |
| 24-175-000-0031-00 | 1993.0 CROWLEY ST   | ZUBER CECILIA J   | 1993 CROWLEY ST MUSKEGON MI 49441      | \$1,665.64 |
| 24-665-000-0129-00 | 2055.0 CROWLEY ST   | HOMAN PATSY R     | 2055 CROWLEY ST MUSKEGON MI 49441      | \$273.17   |
| 24-665-000-0094-00 | 2170.0 CROWLEY ST   | VANOEFFELEN GER   | 6703 S GLASIER BEA CEDAR MI 49621-9    | \$228.75   |
| 24-665-000-0157-00 | 2249.0 CROWLEY ST   | MULLINIX LINDA J  | 2249 CROWLEY ST MUSKEGON MI 49441      | \$222.09   |
| 24-665-000-0160-00 | 2263.0 CROWLEY ST   | KEJONEN EDWARD    | 974 HAMPTON CT SOUTHGATE MI 48195      | \$333.13   |
| 24-665-000-0169-00 | 2327.0 CROWLEY ST   | MASTEE IRENE TRU  | 2880 WESTLAND RD MUSKEGON MI 49441     | \$166.56   |
| 24-382-027-0001-00 | 2534.0 CUMBERLAND S | MCINTYRE MARY A T | 4332 E GLEN CT MUSKEGON MI 49441       | \$1,072.67 |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                   | OWNER              | MAILING ADDRESS                        | TOTAL      |
|--------------------|---------------------|--------------------|----------------------------------------|------------|
| 24-382-027-0032-00 | 2552.0 CUMBERLAND S | RUMLEY WADE J      | 2552 CUMBERLAND S MUSKEGON MI 49441    | \$1,066.01 |
| 24-480-001-0003-00 | 1828.0 FRANKLIN ST  | HEKKEMA ALBERT/M   | 620 CENTER ST MUSKEGON MI 49445        | \$333.13   |
| 24-480-001-0004-00 | 1836.0 FRANKLIN ST  | GRIMM WILLIAM P II | 3601 CROCKER RD TWIN LAKE MI 49457     | \$1,239.24 |
| 24-480-002-0028-00 | 1843.0 FRANKLIN ST  | MAYNARD MELVIN L   | 1843 FRANKLIN ST MUSKEGON MI 49441     | \$250.96   |
| 24-480-001-0006-00 | 1848.0 FRANKLIN ST  | GOMEZ LUZ C        | 3180 WOLF LAKE RD FRUITPORT MI 49415   | \$111.04   |
| 24-480-002-0027-00 | 1849.0 FRANKLIN ST  | N & M PROPERTIES L | 2449 S RAVENNA RD RAVENNA MI 49451     | \$597.07   |
| 24-480-001-0010-00 | 1874.0 FRANKLIN ST  | BROW ELMER ET AL   | 1874 FRANKLIN ST MUSKEGON MI 49441     | \$219.86   |
| 24-480-006-0005-00 | 1936.0 FRANKLIN ST  | HUTCHIN KEVIN E/TR | 1936 FRANKLIN ST MUSKEGON MI 49441     | \$333.13   |
| 24-480-006-0008-00 | 1954.0 FRANKLIN ST  | SLOCUM DONALD G    | 1954 FRANKLIN ST MUSKEGON MI 49441     | \$333.13   |
| 24-480-006-0009-00 | 1960.0 FRANKLIN ST  | LUMMEN LINDA R     | 1960 FRANKLIN ST MUSKEGON MI 49441     | \$444.17   |
| 24-480-006-0011-00 | 1972.0 FRANKLIN ST  | GOVEN REBECCA      | 5698 MISSY DR MUSKEGON MI 49442        | \$444.17   |
| 24-480-006-0012-00 | 1980.0 FRANKLIN ST  | GOVEN JOHN P/KAT   | 1980 FRANKLIN ST MUSKEGON MI 49441     | \$111.04   |
| 24-382-022-0005-00 | 1431.0 GLEN AVE     | AMRHEIN PETER J    | 1431 GLEN AVE MUSKEGON MI 49441        | \$111.04   |
| 24-382-021-0008-00 | 1527.0 GLEN AVE     | WATERSTADT DAVID   | 1527 GLEN AVE MUSKEGON MI 49441        | \$333.13   |
| 24-382-021-0007-00 | 1535.0 GLEN AVE     | WRIGHT SUSAN J     | 1535 GLEN AVE MUSKEGON MI 49441        | \$70.40    |
| 24-382-021-0006-00 | 1547.0 GLEN AVE     | ZUFELT JEWEL D     | 1547 GLEN AVE MUSKEGON MI 49441        | \$188.77   |
| 24-382-021-0005-00 | 1551.0 GLEN AVE     | FREDRICKSON HELE   | 6479 RIDGEMONT DR GRAND RAPID MI 49546 | \$111.04   |
| 24-382-021-0003-00 | 1553.0 GLEN AVE     | CORRELL DONALD     | 1553 GLEN AVE MUSKEGON MI 49441        | \$333.13   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @      | OWNER         | MAILING ADDRESS                                        | TOTAL      |
|--------------------|--------|---------------|--------------------------------------------------------|------------|
| 24-381-008-0002-00 | 1621.0 | GLEN AVE      | FABER GERTRUDE I/ 1621 GLEN AVE MUSKEGON MI 49441      | \$333.13   |
| 24-382-032-0001-00 | 2452.0 | GLENSIDE BLVD | LAR GREGORY E/LO 1589 SUNSET POINT MUSKEGON MI 49441   | \$322.02   |
| 24-382-025-0013-00 | 2469.0 | GLENSIDE BLVD | PARRISH SHELDON/ 2469 GLENSIDE BLVD MUSKEGON MI 49441  | \$355.34   |
| 24-382-025-0015-00 | 2477.0 | GLENSIDE BLVD | LOWRY BETTY J 2477 GLENSIDE BLVD MUSKEGON MI 49441     | \$333.13   |
| 24-382-031-0030-00 | 2512.0 | GLENSIDE BLVD | CHMURA PHILLIP J 3370 TEMPLE ST MUSKEGON MI 49444      | \$222.09   |
| 24-382-027-0017-00 | 2547.0 | GLENSIDE BLVD | JONES FUMIKO 2547 GLENSIDE BLVD MUSKEGON MI 49441      | \$333.13   |
| 24-382-030-0003-00 | 2548.0 | GLENSIDE BLVD | ZERBE SCOTT 2548 GLENSIDE BLVD MUSKEGON MI 49441-2     | \$111.04   |
| 24-382-027-0019-00 | 2555.0 | GLENSIDE BLVD | SCOTT CAROL A 2555 GLENSIDE BLVD MUSKEGON MI 49441     | \$777.30   |
| 24-382-030-0032-00 | 2556.0 | GLENSIDE BLVD | MAYETTE GARY/ELIZ 2556 GLENSIDE BLVD MUSKEGON MI 49441 | \$461.94   |
| 24-382-028-0014-00 | 2573.0 | GLENSIDE BLVD | THOMPSON ROBERT 644 ROSENGREN ST MUSKEGON MI 49442     | \$216.53   |
| 24-382-028-0017-00 | 2587.0 | GLENSIDE BLVD | HALL CAROL/OGREN 2587 GLENSIDE BLVD MUSKEGON MI 49441  | \$111.04   |
| 24-665-000-0091-00 | 830.0  | HACKLEY AVE   | SCHILLACI LAWREN 2414 BLODGETT ST MUSKEGON MI 49441-1  | \$102.16   |
| 24-665-000-0093-00 | 840.0  | HACKLEY AVE   | KUFEL VERA 840 W HACKLEY AVE MUSKEGON MI 49441         | \$206.54   |
| 24-665-000-0151-00 | 857.0  | HACKLEY AVE   | PANICI LEWIS/PEGG 857 W HACKLEY AVE MUSKEGON MI 49441  | \$555.21   |
| 24-665-000-0391-00 | 953.0  | HACKLEY AVE   | WALKER RUTHIE 6120 BRYNHURST AV LOS ANGELES CA 90043   | \$2,753.86 |
| 24-365-000-0001-00 | 960.0  | HACKLEY AVE   | CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443      | \$3,406.80 |
| 24-665-000-0499-10 | 990.0  | HACKLEY AVE   | SKANTZ ROBERT/EL 990 W HACKLEY MUSKEGON MI 49441       | \$216.53   |
| 24-381-008-0024-00 | 2301.0 | HADDEN ST     | CLARK FRANKLIN/MA 2301 HADDEN ST MUSKEGON MI 49441     | \$111.04   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                | OWNER                | MAILING ADDRESS                       | TOTAL      |
|--------------------|------------------|----------------------|---------------------------------------|------------|
| 24-525-000-0092-00 | 1865.0 HENRY ST  | MOSLEYS LAND CO      | 1865 HENRY ST MUSKEGON MI 49441       | \$111.04   |
| 24-525-000-0097-00 | 1871.0 HENRY ST  | PARKER STEPHANIE     | 1871 HENRY ST MUSKEGON MI 49441-0     | \$111.04   |
| 24-525-000-0099-00 | 1893.0 HENRY ST  | POTHOFF WAYNE R/     | 1893 HENRY ST MUSKEGON MI 49441       | \$882.79   |
| 24-175-000-0001-00 | 1979.0 HENRY ST  | NIENHUIS CHESTER     | 2006 HENRY ST MUSKEGON MI 49441       | \$1,056.02 |
| 24-650-001-0001-00 | 2006.0 HENRY ST  | NIENHUIS FERN        | 2006 HENRY ST MUSKEGON MI 49441       | \$444.17   |
| 24-665-000-0014-00 | 2083.0 HENRY ST  | PEARSON JOHN H E     | 2083 HENRY ST MUSKEGON MI 49441       | \$1,328.07 |
| 24-665-000-0018-00 | 2107.0 HENRY ST  | TISCH PROPERTIES     | 872 CATHERINE AVE MUSKEGON MI 49442   | \$444.17   |
| 24-140-005-0004-00 | 2126.0 HENRY ST  | DEWEY BROS AUTO/     | BOX 21502 PHOENIX AZ 85036-1          | \$444.17   |
| 24-131-100-0010-00 | 2160.0 HENRY ST  | U HAUL REAL ESTAT    | 2721 N CENTRAL AVE PHOENIX AZ 85004   | \$1,710.06 |
| 24-131-100-0012-00 | 2190.0 HENRY ST  | C N PROPERTIES LL    | 2190 HENRY ST MUSKEGON MI 49441       | \$6,062.94 |
| 24-665-000-0039-00 | 2255.0 HENRY ST  | RUFFILO JOHN J       | 2255 HENRY ST MUSKEGON MI 49441       | \$771.75   |
| 24-665-000-0041-00 | 2281.0 HENRY ST  | CP INVESTMENT PR     | 2937 GETTY ST MUSKEGON MI 49444       | \$2,948.19 |
| 24-665-000-0053-00 | 2365.0 HENRY ST  | RMS REALTY LLC       | 3734 FERN HILLS DR MUSKEGON MI 49441  | \$310.92   |
| 24-131-300-0034-00 | 2380.0 HENRY ST  | 2005 C/W 24-400-000- | 761 ALBERTA AVE MUSKEGON MI 49441     | \$793.96   |
| 24-665-000-0057-00 | 2381.0 HENRY ST  | RMS REALTY LLC       | 3734 FERN HILLS DR MUSKEGON MI 49441  | \$218.40   |
| 24-036-400-0029-00 | 2501.0 HENRY ST  | MILLER THOMAS A      | 545 LAKE FOREST LN MUSKEGON MI 49441  | \$238.74   |
| 24-175-000-0079-00 | 1928.0 HUDSON ST | ROUSE MARCY A/VA     | 2717 WHITE LAKE DR WHITEHALL MI 49461 | \$227.64   |
| 24-175-000-0080-00 | 1934.0 HUDSON ST | BOTELLO DAVID H/K    | 1934 HUDSON ST MUSKEGON MI 49441      | \$117.71   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                  | OWNER              | MAILING ADDRESS                       | TOTAL      |
|--------------------|--------------------|--------------------|---------------------------------------|------------|
| 24-525-000-0034-00 | 1837.0 KINSEY ST   | BONAES LLC         | 907 W LAKETON AVE MUSKEGON MI 49441-5 | \$695.13   |
| 24-525-000-0055-00 | 1840.0 KINSEY ST   | CARDEN JAMES/MEL   | 1840 KINSEY ST MUSKEGON MI 49441      | \$111.04   |
| 24-525-000-0051-00 | 1864.0 KINSEY ST   | BATES GAIL         | 1864 KINSEY ST MUSKEGON MI 49441      | \$333.13   |
| 24-175-000-0071-00 | 1935.0 KINSEY ST   | JENKS ROSE M       | 1935 KINSEY ST MUSKEGON MI 49441      | \$594.08   |
| 24-175-000-0069-00 | 1945.0 KINSEY ST   | HERRALA VALERIE M  | 1989 HARRISON MUSKEGON MI 49441       | \$248.07   |
| 24-175-000-0067-00 | 1959.0 KINSEY ST   | HUTSON LAVERNE     | 1959 KINSEY ST MUSKEGON MI 49441-2    | \$646.27   |
| 24-175-000-0065-00 | 1969.0 KINSEY ST   | VANDENHEUVEL DO    | 1969 KINSEY ST MUSKEGON MI 49441      | \$1,579.03 |
| 24-175-000-0061-00 | 1991.0 KINSEY ST   | PANICI ORIE        | 1991 KINSEY ST MUSKEGON MI 49441      | \$111.04   |
| 24-665-000-0240-00 | 2010.0 KINSEY ST   | BRIGGS JOSEPH J/DI | 443 E CHADWICK DR MUSKEGON MI 49445-2 | \$2,132.02 |
| 24-665-000-0234-00 | 2040.0 KINSEY ST   | BENNETT THOMAS M   | 2040 KINSEY ST MUSKEGON MI 49441      | \$220.22   |
| 24-665-000-0231-00 | 2052.0 KINSEY ST   | MANCHESTER DONA    | 2052 KINSEY ST MUSKEGON MI 49441      | \$1,887.73 |
| 24-665-000-0272-00 | 2209.0 KINSEY ST   | VANDAMME EDDY A/   | 2209 KINSEY ST MUSKEGON MI 49441      | \$425.74   |
| 24-665-000-0279-00 | 2261.0 KINSEY ST   | HOTZ BARBARA FRE   | 2261 KINSEY ST MUSKEGON MI 49441      | \$438.62   |
| 24-665-000-0282-00 | 2273.0 KINSEY ST   | MCEWEN THOMAS J/   | 2273 KINSEY ST MUSKEGON MI 49441      | \$444.17   |
| 24-665-000-0198-00 | 2286.0 KINSEY ST   | YOUNG LEROY L/HE   | 2764 MCCracken MUSKEGON MI 49441      | \$584.09   |
| 24-665-000-0283-00 | 2289.0 KINSEY ST   | HOLT MICHAEL P/CA  | 160 JOHN AVE MUSKEGON MI 49441        | \$155.46   |
| 24-480-001-0001-00 | 1005.0 LAKETON AVE | CHANEY KENNETH R   | 18775 148TH AVE SPRING LAKE MI 49456  | \$2,070.95 |
| 24-480-002-0001-00 | 1031.0 LAKETON AVE | JOHNSON HELEN M    | 949 WILSON AVE MUSKEGON MI 49441      | \$483.04   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                    | OWNER             | MAILING ADDRESS                         | TOTAL       |
|--------------------|----------------------|-------------------|-----------------------------------------|-------------|
| 24-480-002-0004-00 | 1075.0 LAKETON AVE   | WESTGATE OIL CO   | 1460 WHITEHALL RD MUSKEGON MI 49445     | \$1,205.93  |
| 24-036-200-0001-00 | 1145.0 LAKETON AVE   | GMCS BUILDING AUT | 1709 ROOD POINT RD MUSKEGON MI 49441    | \$14,735.39 |
| 24-525-000-0088-00 | 825.0 LAKETON AVE    | KERSMAN HOLDING   | 1960 S ROBERTS ST MUSKEGON MI 49442     | \$133.25    |
| 24-525-000-0032-00 | 907.0 LAKETON AVE    | BONAES LLC        | 907 W LAKETON AVE MUSKEGON MI 49441-5   | \$2,137.58  |
| 24-382-019-0012-00 | 1511.0 LEXINGTON AVE | KENT JAMES/DOROT  | 1511 LEXINGTON AVE MUSKEGON MI 49441    | \$222.09    |
| 24-382-019-0011-00 | 1521.0 LEXINGTON AVE | ALLARD COREY/LISA | 1521 LEXINGTON AVE MUSKEGON MI 49441    | \$111.04    |
| 24-382-019-0009-00 | 1539.0 LEXINGTON AVE | WILLIAMS HERBERT  | 1539 LEXINGTON MUSKEGON MI 49441        | \$111.04    |
| 24-382-019-0005-00 | 1561.0 LEXINGTON AVE | SCHUITEMAN SUSAN  | 3858 MONTEVIEW DR MUSKEGON MI 49441     | \$860.58    |
| 24-382-019-0003-00 | 1575.0 LEXINGTON AVE | GROLL RYAN J/NERH | 1575 LEXINGTON AVE MUSKEGON MI 49441    | \$805.06    |
| 24-382-019-0001-00 | 1591.0 LEXINGTON AVE | CRADLEBAUGH RICH  | 1591 LEXINGTON AVE MUSKEGON MI 49441    | \$155.46    |
| 24-140-003-0003-00 | 699.0 LYMAN AVE      | GORAJEC CASIMIR   | 699 LYMAN AVE MUSKEGON MI 49441         | \$111.04    |
| 24-140-002-0003-00 | 700.0 LYMAN AVE      | PATTERSON BRIAN   | 700 LYMAN AVE MUSKEGON MI 49441         | \$875.02    |
| 24-140-003-0001-00 | 715.0 LYMAN AVE      | ANDERSON ROY JR   | 715 LYMAN AVE MUSKEGON MI 49441         | \$144.36    |
| 24-140-004-0015-00 | 739.0 LYMAN AVE      | STURGIS WILLIAM/H | 739 LYMAN AVE MUSKEGON MI 49441         | \$388.65    |
| 24-140-001-0007-00 | 746.0 LYMAN AVE      | DEVOOGD JON P/MC  | 3404 FULTON AVE MUSKEGON MI 49441       | \$670.70    |
| 24-140-001-0004-00 | 764.0 LYMAN AVE      | WARD DANIEL/PAMA  | 6655 S QUARTERLINE SPRING LAKE MI 49456 | \$910.55    |
| 24-140-001-0003-00 | 770.0 LYMAN AVE      | CRITES MICHAEL W/ | 770 LYMAN AVE MUSKEGON MI 49441         | \$222.09    |
| 24-382-030-0022-00 | 1344.0 MONTAGUE AVE  | SIEWERT SHIRLEY   | 1344 MONTAGUE AVE MUSKEGON MI 49441     | \$228.75    |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @      | OWNER                           | MAILING ADDRESS                      | TOTAL      |
|--------------------|--------|---------------------------------|--------------------------------------|------------|
| 24-382-029-0010-00 | 1349.0 | MONTAGUE AVE BUSH RICHARD G     | 1349 MONTAGUE AVE MUSKEGON MI 49441  | \$111.04   |
| 24-382-029-0008-00 | 1357.0 | MONTAGUE AVE SHOEMAKE SCOTT A   | 1357 MONTAGUE AVE MUSKEGON MI 49441  | \$111.04   |
| 24-382-027-0022-00 | 1426.0 | MONTAGUE AVE TAYLOR HARRY C/B   | 1426 MONTAGUE AVE MUSKEGON MI 49441  | \$222.09   |
| 24-382-027-0026-00 | 1450.0 | MONTAGUE AVE HILLIARD VELMA T   | 1450 MONTAGUE AVE MUSKEGON MI 49441  | \$88.83    |
| 24-382-027-0027-00 | 1458.0 | MONTAGUE AVE J F INVESTMENTS LL | 1406 RIDGE AVE MUSKEGON MI 49441     | \$216.53   |
| 24-382-027-0029-00 | 1472.0 | MONTAGUE AVE SMITH DEBORAH A    | 1472 MONTAGUE MUSKEGON MI 49441      | \$111.04   |
| 24-382-030-0016-00 | 2535.0 | PINE GROVE ST CARD DENEE L      | 2535 PINE GROVE ST MUSKEGON MI 49441 | \$4,858.09 |
| 24-131-300-0029-00 | 2245.0 | POLISKI DR CUMMINS MICHAEL/     | 2245 POLISKI DR MUSKEGON MI 49441    | \$113.26   |
| 24-382-031-0014-00 | 1321.0 | RANDOLPH AVE CARLTON CYNTHIA    | 1321 RANDOLPH MUSKEGON MI 49441      | \$111.04   |
| 24-382-031-0001-00 | 1391.0 | RANDOLPH AVE LYNK TANYA M       | 1391 RANDOLPH AVE MUSKEGON MI 49441  | \$993.83   |
| 24-382-025-0016-00 | 1412.0 | RANDOLPH AVE RUUD MICHELLE R    | 1412 RANDOLPH AVE MUSKEGON MI 49441  | \$210.98   |
| 24-382-026-0001-00 | 1485.0 | RANDOLPH AVE DAUSEY DEBRA       | 1485 RANDOLPH MUSKEGON MI 49441      | \$1,776.69 |
| 24-382-018-0018-00 | 1536.0 | RANDOLPH AVE GANNON LETHA M     | 1536 RANDOLPH MUSKEGON MI 49441      | \$214.76   |
| 24-382-017-0005-00 | 1559.0 | RANDOLPH AVE CRAIG NANCY        | 1559 RANDOLPH AVE MUSKEGON MI 49441  | \$199.88   |
| 24-382-017-0003-00 | 1575.0 | RANDOLPH AVE PETERS LINDA S     | 1575 RANDOLPH AVE MUSKEGON MI 49441  | \$316.47   |
| 24-381-006-0001-00 | 1707.0 | RANDOLPH AVE SULLIVAN LOIS J    | 1707 RANDOLPH AVE MUSKEGON MI 49441  | \$322.02   |
| 24-382-021-0011-00 | 1508.0 | RIDGE AVE RAMSEY STEVE M        | 1508 RIDGE AVE MUSKEGON MI 49441     | \$111.04   |
| 24-382-021-0012-00 | 1524.0 | RIDGE AVE JOHNSON ALFRED C      | 1524 RIDGE AVE MUSKEGON MI 49441     | \$194.33   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                   | OWNER              | MAILING ADDRESS                       | TOTAL    |
|--------------------|---------------------|--------------------|---------------------------------------|----------|
| 24-382-021-0013-00 | 1532.0 RIDGE AVE    | KRUSE NORMAN F     | 1532 RIDGE AVE MUSKEGON MI 49441      | \$445.28 |
| 24-382-021-0015-00 | 1540.0 RIDGE AVE    | SMITH LEIGH C      | 1540 RIDGE AVE MUSKEGON MI 49441      | \$133.25 |
| 24-382-021-0016-00 | 1544.0 RIDGE AVE    | MCNARLAND DAVID    | 1544 RIDGE AVE MUSKEGON MI 49441      | \$333.13 |
| 24-382-021-0017-00 | 1564.0 RIDGE AVE    | HILL RICHARD A     | 1564 RIDGE MUSKEGON MI 49441          | \$222.09 |
| 24-382-029-0014-00 | 1308.0 SHERMAN BLVD | ESTLICK RONALD A   | 1308 W SHERMAN BL MUSKEGON MI 49441   | \$444.17 |
| 24-382-028-0019-00 | 1426.0 SHERMAN BLVD | ACHTERHOFF JOHN    | 1065 4TH ST STE B MUSKEGON MI 49440   | \$777.30 |
| 24-382-028-0027-00 | 1466.0 SHERMAN BLVD | VANDENBOSCH DAVI   | 1466 W SHERMAN BL MUSKEGON MI 49441   | \$111.04 |
| 24-382-028-0028-00 | 1476.0 SHERMAN BLVD | KELLY SHIJUAN L    | 1476 W SHERMAN BL MUSKEGON MI 49441   | \$333.13 |
| 24-382-015-0014-00 | 1508.0 SHERMAN BLVD | ANDERSON SALLY     | 1508 W SHERMAN BL MUSKEGON MI 49441   | \$444.17 |
| 24-382-015-0017-00 | 1540.0 SHERMAN BLVD | SALLY ANDERSON C   | 1540 W SHERMAN BL MUSKEGON MI 49441   | \$111.04 |
| 24-382-015-0020-00 | 1550.0 SHERMAN BLVD | REPUBLIC BANK      | 31155 NORTHWESTE FARMINGTON MI 48334  | \$327.58 |
| 24-381-004-0006-00 | 1704.0 SHERMAN BLVD | DEWALD LORRAINE    | 1580 NELSON ST MUSKEGON MI 49441      | \$111.04 |
| 24-205-615-0001-10 | 1776.0 SHERMAN BLVD | K S BUBBLE BRUSH I | 1684 W HARBOUR TO MUSKEGON MI 49441-6 | \$349.79 |
| 24-381-006-0002-00 | 2501.0 WESTWOOD RD  | PALME OLOF/TAMAR   | 2501 WESTWOOD RD MUSKEGON MI 49441    | \$99.94  |
| 24-381-008-0001-00 | 2321.0 WICKHAM DR   | WISNESKI STEVEN T  | 2321 WICKHAM DR MUSKEGON MI 49441     | \$444.17 |
| 24-381-009-0002-00 | 2375.0 WICKHAM DR   | MALADY MICHAEL G   | 2375 WICKHAM DR MUSKEGON MI 49441     | \$111.04 |
| 24-381-009-0004-00 | 2389.0 WICKHAM DR   | BOURDON DREUX/L    | 2389 WICKHAM DR MUSKEGON MI 49441     | \$190.99 |
| 24-382-020-0022-00 | 2396.0 WICKHAM DR   | MIKESELL JOHN/LAS  | 2396 WICKHAM MUSKEGON MI 49441-0      | \$88.83  |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                 | OWNER              | MAILING ADDRESS                      | TOTAL      |
|--------------------|-------------------|--------------------|--------------------------------------|------------|
| 24-382-019-0002-00 | 2416.0 WICKHAM DR | MCKITRICK GREGOR   | 2416 WICKHAM DR MUSKEGON MI 49441    | \$626.28   |
| 24-381-010-0003-00 | 2425.0 WICKHAM DR | ROBERTSON JOHN/J   | 2425 WICKHAM DR MUSKEGON MI 49441    | \$248.74   |
| 24-382-019-0024-00 | 2440.0 WICKHAM DR | STONE ROSEANNA J   | 2440 WICKHAM DR MUSKEGON MI 49441    | \$288.71   |
| 24-381-010-0005-00 | 2443.0 WICKHAM DR | VANHEUSEN CAREY/   | 2443 WICKHAM DR MUSKEGON MI 49441    | \$293.15   |
| 24-381-012-0001-00 | 2493.0 WICKHAM DR | OLSEN CARL H       | 2493 WICKHAM DR MUSKEGON MI 49441    | \$114.82   |
| 24-382-017-0001-00 | 2496.0 WICKHAM DR | GILBERT DONALD/D   | 2496 WICKHAM DR MUSKEGON MI 49441    | \$1,465.77 |
| 24-381-012-0026-00 | 2517.0 WICKHAM DR | BARR ROCHELLE      | 2517 WICKHAM MUSKEGON MI 49441       | \$333.13   |
| 24-381-013-0002-00 | 2541.0 WICKHAM DR | SIEMEN DORIS       | 2541 WICKHAM DR MUSKEGON MI 49441    | \$333.13   |
| 24-381-013-0025-00 | 2549.0 WICKHAM DR | BLEICH MARTA       | 2549 WICKHAM DR MUSKEGON MI 49441    | \$222.09   |
| 24-140-003-0014-00 | 692.0 WILSON AVE  | WIARD EDWARD/JAN   | 692 WILSON AVE MUSKEGON MI 49442     | \$222.09   |
| 24-140-003-0015-00 | 698.0 WILSON AVE  | JUHNKE CINDY       | 698 WILSON AVE MUSKEGON MI 49441     | \$677.36   |
| 24-140-003-0018-00 | 716.0 WILSON AVE  | BATES JEFF/TRACY   | 716 WILSON AVE MUSKEGON MI 49441     | \$111.04   |
| 24-140-005-0015-00 | 739.0 WILSON AVE  | DENNIS JULIA       | 739 WILSON AVE MUSKEGON MI 49441     | \$206.32   |
| 24-140-005-0019-00 | 765.0 WILSON AVE  | WILSON SHEILA R    | 765 WILSON AVE MUSKEGON MI 49441     | \$327.58   |
| 24-665-000-0106-00 | 834.0 WILSON AVE  | LANGLOIS GARY A    | 1851 FOREST PARK R MUSKEGON MI 49441 | \$1,293.65 |
| 24-665-000-0108-00 | 846.0 WILSON AVE  | CITY OF MUSKEGON   | 933 TERRACE ST MUSKEGON MI 49443-0   | \$410.86   |
| 24-665-000-0133-00 | 854.0 WILSON AVE  | SHREVE BERNARD     | 854 WILSON AVE MUSKEGON MI 49441     | \$692.24   |
| 24-665-000-0135-00 | 866.0 WILSON AVE  | ZAVITZ SHIRLEY A/Z | 8229 MELLOWWOOD JENISON MI 49428     | \$555.21   |

H-1590  
SW2005

HEARING DATE

JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @                    | OWNER              | MAILING ADDRESS                        | TOTAL      |
|--------------------|----------------------|--------------------|----------------------------------------|------------|
| 24-665-000-0226-00 | 882.0 WILSON AVE     | KUZMA JOSEPH/MIC   | 882 WILSON AVE MUSKEGON MI 49441       | \$5,107.97 |
| 24-382-030-0013-00 | 1323.0 WINCHESTER DR | HESLING DEBRA S    | 1323 WINCHESTER D MUSKEGON MI 49441    | \$343.12   |
| 24-382-026-0017-00 | 1404.0 WINCHESTER DR | NELSON PAMELA R    | O-13206 WOODROW GRAND RAPID MI 49315   | \$220.31   |
| 24-382-027-0005-00 | 1469.0 WINCHESTER DR | TOMBARI ROBERT R   | 1469 WINCHESTER D MUSKEGON MI 49441    | \$199.88   |
| 24-382-026-0030-00 | 1482.0 WINCHESTER DR | RICHARDSON MICHA   | 1482 WINCHESTER D MUSKEGON MI 49441    | \$238.74   |
| 24-382-017-0017-00 | 1518.0 WINCHESTER DR | BORRESON TRUST     | 1518 WINCHESTER D MUSKEGON MI 49441    | \$105.49   |
| 24-382-017-0018-00 | 1526.0 WINCHESTER DR | WILLIAMS CYNTHIA J | 1526 WINCHESTER D MUSKEGON MI 49441    | \$111.04   |
| 24-382-017-0020-00 | 1532.0 WINCHESTER DR | SMITH JOSEPH A     | 1532 WINCHESTER D MUSKEGON MI 49441    | \$111.04   |
| 24-381-013-0001-00 | 1611.0 WINCHESTER DR | STRANDBERG STEV    | 1611 WINCHESTER MUSKEGON MI 49441      | \$444.17   |
| 24-381-006-0012-00 | 1706.0 WINCHESTER DR | MACPHERSON MICH    | 2322 HADDEN ST MUSKEGON MI 49441       | \$1,221.47 |
| 24-175-000-0016-00 | 829.0 WINDSOR AVE    | DONEY MARIAN A     | 829 WINDSOR AVE MUSKEGON MI 49441      | \$111.04   |
| 24-175-000-0018-00 | 841.0 WINDSOR AVE    | MATZ MARY A TRUS   | 841 WINDSOR MUSKEGON MI 49441          | \$218.31   |
| 24-175-000-0043-00 | 855.0 WINDSOR AVE    | MORTGAGE ELECTR    | 400 COUNTRYWIDE SIMI VALLEY CA 93065-6 | \$2,963.83 |
| 24-175-000-0073-00 | 899.0 WINDSOR AVE    | SCHROPP CAROL      | 899 WINDSOR AVE MUSKEGON MI 49441-0    | \$2,967.07 |
| 24-175-000-0074-00 | 905.0 WINDSOR AVE    | RYAN FLOYD A       | 905 WINDSOR AVE MUSKEGON MI 49441      | \$1,282.55 |
| 24-175-000-0077-00 | 925.0 WINDSOR AVE    | KARAFI JOHN T/LAU  | 1896 HUDSON ST MUSKEGON MI 49441       | \$111.04   |
| 24-480-006-0014-00 | 1004.0 YOUNG AVE     | DODGE LESA C       | 1004 YOUNG AVE MUSKEGON MI 49441       | \$111.04   |
| 24-650-001-0005-00 | 747.0 YOUNG AVE      | 747 YOUNG LLC      | PO BOX 145 FRUITPORT MI 49415          | \$566.32   |

H-1590  
SW2005

HEARING DATE

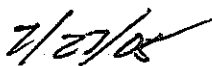
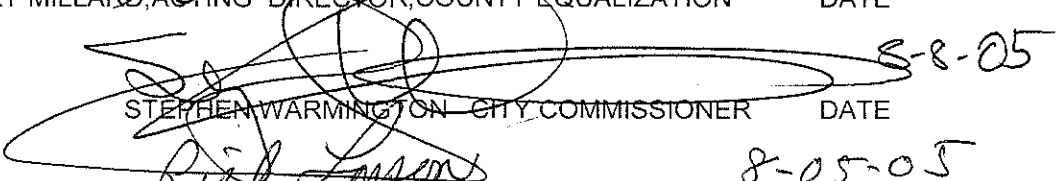
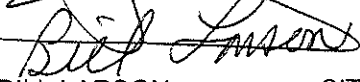
JULY 26, 2005

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @               | OWNER                | MAILING ADDRESS                 | TOTAL                      |
|--------------------|-----------------|----------------------|---------------------------------|----------------------------|
| 24-650-001-0003-00 | 759.0 YOUNG AVE | JOHNSON BEVERLY      | 759 YOUNG AVE MUSKEGON MI 49441 | \$438.62                   |
| 24-175-000-0028-00 | 828.0 YOUNG AVE | TRAVIS JANELLE       | 828 YOUNG AVE MUSKEGON MI 49445 | \$1,345.74                 |
| 24-665-000-0118-00 | 829.0 YOUNG AVE | DAVENPORT JAMIE      | 829 YOUNG AVE MUSKEGON MI 49441 | \$210.98                   |
| 24-665-000-0119-00 | 835.0 YOUNG AVE | EVANS CHARLES E/     | 835 YOUNG AVE MUSKEGON MI 49441 | \$453.50                   |
| 24-175-000-0030-00 | 840.0 YOUNG AVE | ZAGAROLI JOSEPH L    | 840 YOUNG AVE MUSKEGON MI 49441 | \$3,020.37                 |
| 24-665-000-0363-00 | 957.0 YOUNG AVE | BLODGETT LOUIS E     | 957 YOUNG AVE MUSKEGON MI 49441 | \$127.70                   |
| 24-665-000-0478-00 | 965.0 YOUNG AVE | DIEHL PATRICIA       | 965 YOUNG AVE MUSKEGON MI 49441 | \$1,732.27                 |
| 24-665-000-0480-00 | 973.0 YOUNG AVE | C/W 24-665-000-0478- | 965 YOUNG AVE MUSKEGON MI 49441 | \$866.13                   |
| <b>TOTALS</b>      |                 |                      |                                 | <b><u>\$140,723.32</u></b> |

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

### BOARD OF ASSESSORS

|                                                                                                                                             |                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <br>LARRY MILLARD, ACTING DIRECTOR, COUNTY EQUALIZATION | <br>DATE |
| <br>STEPHEN WARMINGTON, CITY COMMISSIONER               | 8-8-05<br>DATE                                                                                |
| <br>BILL LARSON                                         | 8-05-05<br>CITY COMMISSIONER DATE                                                             |



## Great Lakes Naval Memorial and Museum

**USS SILVERSIDES  
USCGC McLANE**

**1346 Bluff  
Muskegon, MI 49441  
Phone: (231) 755-1230  
Fax: (231) 755-5883**

Muskegon City Clerk  
933 Terrace  
Muskegon, MI 49440

July 11, 2005

Dear Public Official,



The Great Lakes Naval Memorial and Museum is planning on building a new museum facility in Muskegon. For eighteen years the museum has grown faster than her facilities would permit. As the WWII generation passes on, we have become the caretakers of more artifacts and stories from this remarkable time but without the space to safely store them or exhibit them. Without the proper facilities, these treasures can be irreparably damaged and be lost to the public forever.

The Great Lakes Naval Memorial and Museum began in 1987 with the relocation of USS SILVERSIDES, a World War II submarine, and has been enhancing Western Michigan ever since. The 1927 United States Coast Guard Cutter McLANE joined the museum in 1993. In Muskegon County, the Great Lakes Naval Memorial and Museum is the second largest tourist attraction.

The museum currently accommodates over 25,000 visitors per year aboard its two vessels and temporary museum facilities. Of this number, over 8,000 youth and adults participate in the overnight program. Two years in a row the *Detroit News* honored the Great Lakes Naval Memorial and Museum with the "Best Place For Kids to Sleep Over" award. In addition to providing daily guided tours throughout the summer season and overnights throughout the year, the museum also provides an annual memorial ceremony, honoring the sacrifices of our World War II Submarine Veterans.

New museum facilities are needed to enhance visitor and youth educational programs. These facilities would include a larger museum with climate-controlled storage for the preservation of artifacts, educational rooms including a classroom, library and theatre (movie and live presentation enabled), and a reception room, which will be available for community programs, reunions, banquets, and small conventions. These would enhance the local community and schools while bringing in business to Muskegon County and Western Michigan.

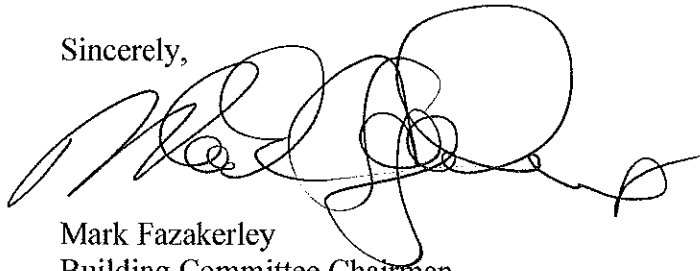
The Great Lakes Naval Memorial and Museum and the City of Muskegon have completed a 30-year property lease with a guaranteed 30-year renewal option. The facility design phase is well underway, with the assistance of a \$15,000 grant from the Michigan Department of Environmental Quality Coastal Zone Management Program. The museum will match the grant with an additional \$15,000. We asked our Board of Directors for personal donations to support the building fund, and they have generously responded. Total facility development cost is estimated near \$2.3 million, but will be dependent upon the final site plan.

To raise funds, we are applying for various grants from different organizations in the state of Michigan. We are asking you for a letter of support for our new museum. We would be including your letter in our grant applications. It would be greatly appreciated if you could be so kind as to write a support letter to The Great Lakes Naval Memorial and Museum, 1346 Bluff, Muskegon, MI 49441.

If you have any questions, please contact either Bob Morin, the Chairman of the Board of Directors, at (231) 755-1230, or myself at (231) 788-2351.

Thank you in advance for your support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Fazakerley', with a large, stylized loop at the end.

Mark Fazakerley  
Building Committee Chairman  
Great Lakes Naval Memorial and Museum

**AGENDA ITEM NO.** \_\_\_\_\_

**CITY COMMISSION MEETING** \_\_\_\_\_

**TO:** Honorable Mayor and City Commissioners

**FROM:** Bryon L. Mazade, City Manager

**DATE:** July 12, 2005

**RE:** Request to Pay Police Officers' Legal Fees

**SUMMARY OF REQUEST:**

Police Officers Pete Boterenbrood and John Corrigan have requested that the City reimburse them for legal fees resulting from criminal charges in April, 2003.

**FINANCIAL IMPACT:**

\$5,187.30

**BUDGET ACTION REQUIRED:**

An adjustment to the 2005 General Fund would be required.

**STAFF RECOMMENDATION:**

To deny the request.

**COMMITTEE RECOMMENDATION:**

None.

**Commission Meeting Date: July 26, 2005**

**Date: July 13, 2005**  
**To: Honorable Mayor & City Commission**  
**From: Planning & Economic Development Department** *CBC*  
**RE: Purchase Agreement between the City of  
Muskegon and the Downtown Muskegon  
Development Corporation (DMDC) for Downtown  
Redevelopment Right-of-Way**

---

SUMMARY OF REQUEST: The DMDC will sell the necessary right-of-way for infrastructure improvements for Western Avenue and First Street. The appraisal for the property was \$475,000. The DMDC has agreed to sell it for \$450,000 and donate the remaining amount. The Purchase Agreement contains a Donation Agreement.

FINANCIAL IMPACT: The purchase price is \$450,000. The City will be using Urban Land Assembly (ULA) funds for the acquisition. These funds will be reimbursed to the State of Michigan through Brownfield Tax Increment Financing Tax capture.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Purchase Agreement and authorize the Mayor and Clerk to sign the documents necessary to acquire the property for City right-of-way.

COMMITTEE RECOMMENDATION: None.

## PURCHASE AGREEMENT

This Agreement is made on July 26, 2005 between the **City of Muskegon**, a Michigan municipal corporation, with offices located at 933 Terrace Street, Muskegon, Michigan, 49440 ("City") and the **Downtown Muskegon Development Corporation**, a non-profit corporation, with offices located at 425 W. Western, Muskegon, Michigan, 49442 ("DMDC").

1. **Purchase and Sale of Premises.** DMDC shall sell and City shall purchase on the conditions set forth in this Agreement the premises, and all improvements thereon, with all beneficial easements, and with all of DMDC's right, title and interest in all adjoining public ways in Muskegon County, Michigan and legally described on Exhibit A ("Premises") subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are reasonably acceptable to City upon disclosure and review of the same.

2. **Purchase Price and Manner of Payment.** City and DMDC agree that the value of the property is \$475,000 and shall be satisfied at closing as follows:

- a) \$450,000 shall be paid by City to DMDC by wire transfer, certified or cashier's check. (Given that the closing pursuant to this Purchase Agreement will be contemporaneous with a second closing involving the same parties, payment obligations shall be met at both closings.);
- b) City shall execute attached Exhibit B reflecting a donation by DMDC in the amount of \$25,000.

3. **Title Insurance.** City shall order an owner's policy of title insurance issued by a mutually agreeable title company in the standard A.L.T.A. form, without the standard exceptions, certified to the date of closing, in the amount of the purchase price that shows that DMDC has good and marketable title. City may raise any objections to the exceptions or encumbrances shown on the commitment within 20 days after City receives the commitment by giving written notice to DMDC. If City raises a title objection, City shall not be required to close this transaction unless DMDC cures the objection or City waives its objection. If DMDC elects to cure the objection, DMDC shall take action to remove the exception or the encumbrance from the chain of title, in order to remove it from the commitment and the policy. The title insurance policy shall include a tax lien search certified to the date of closing that shows no tax liens against the Premises.

4. **Property Taxes and Assessments.** DMDC shall be responsible for the payment of all real estate taxes and assessments, including the Summer 2005 and December 2005 tax bills, if not waived.

5. **Survey.** DMDC shall provide City with copies of any surveys DMDC has of the Premises. City may obtain a survey of the Premises at City's expense, and City or City's surveyor or other agents may enter the Premises for that purpose prior to closing. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or

substantial variation from the presumed land boundaries or area, DMDC shall have the option of effecting a remedy within 30 days after disclosure, or terminating this Agreement. City may elect to purchase the Premises subject to said encroachment or variation.

6. **Inspection Period.** Commencing on the date of this Agreement, City, and City's agents, employees, contractors and consultants may, prior to the Date of Closing, conduct such inspections, investigations, appraisals, tests, feasibility studies, and determinations of the Premises as City, in its sole discretion, shall desire in order to determine that the condition of the Premises is acceptable and that the Premises is suitable for City's intended uses ("Due Diligence Investigation"). All costs related to the Due Diligence Investigation, except environmental, shall be paid for by City. The Due Diligence Investigation shall be completed within a reasonable time, not to exceed 30 days ("Inspection Period") after execution of this Agreement by both parties.

DMDC shall provide a completed Phase I Assessment, a completed Phase II Assessment, and, if deemed necessary by City, in its sole discretion, a Baseline Environmental Assessment (BEA). The Phase I Assessment, Phase II Assessment and BEA shall be performed by an entity hired by DMDC from an approved list submitted by the City. Before or after date of closing, City may petition the Michigan Department of Environmental Quality (MDEQ) for a baseline environmental assessment adequacy determination.

7. **Representations, Covenants and Warranties of DMDC.** DMDC represents, covenants and warrants the following to be true:

a. **Organization and Standing of DMDC.** DMDC is a Michigan municipal corporation duly organized, validly existing and in good standing under the laws of the State of Michigan.

b. **Authority.** DMDC has the power and authority to enter into and perform its obligations under this Agreement.

c. **Title to Purchased Assets.** DMDC has good and marketable title to the Premises, except as set forth in this Agreement. The Premises are subject to no mortgage, pledge, lien, encumbrance, security interest, or charge except as will be set forth on the title insurance commitment.

8. **Representations and Warranties of City.** City represents, covenants, and warrants the following to be true:

a. **Status of City.** City is validly existing and in good standing under the laws of the State of Michigan.

b. **Authority.** City has the power and authority to enter into and perform City's obligation under this Agreement.

9. **Conditions Precedent.** This Agreement and all of the obligations of City under this Agreement are, at City's option, subject to the fulfillment, before or at the time of the Closing, of each of the following conditions:

a. **Representations and Warranties True at the Closing.** The representations, covenants, and warranties of DMDC contained in this Agreement shall be true in all material respects at the time of the Closing.

b. **Performance.** The obligations, agreements, documents and conditions required to be signed and performed by DMDC shall have been performed and complied with the same before or at the date of the Closing.

c. **Due Diligence Investigation.** City has not terminated this Agreement according to the provisions of paragraph 6.

10. **Default.**

a. **By City.** In the event City fails to comply with any or all of the obligations, covenants, warranties or agreements under this Agreement and such default is not cured within 10 days after receipt of notice (other than City's failure to tender the purchase price in full at Closing, a default for which no notice is required), then DMDC may terminate this Agreement, in which event both parties will be released from any further liability under this Agreement, or DMDC may pursue its legal and/or equitable remedies against City.

b. **By DMDC.** In the event DMDC fails to comply with any or all of the obligations, covenants, warranties or agreements under this Agreement, and such default is not cured within 10 days after receipt of notice, then City may either terminate this Agreement, in which event both parties will be released from any further liability under this Agreement, or City may pursue its legal and/or equitable remedies against DMDC.

11. **Real Estate Commission.** City and DMDC both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. City and DMDC both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

12. **Closing.**

a. **Date of Closing.** Unless the parties otherwise mutually agree, the closing shall be held within 60 days of the date of this Agreement ("Date of Closing") but shall be contemporaneous with the closing on the termination of an existing purchase agreement between the parties dated \_\_\_\_\_, 200\_. The closing shall be held at a mutually convenient location.

b. **Costs.** The costs associated with this Agreement and the closing shall be paid as follows:

i. DMDC shall pay the premium for the owner's policy of title insurance.

ii. DMDC shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the extent required by this Agreement.

iii. City shall pay for the cost of recording the quit claim deed.

iv. City and DMDC shall equally split the cost of the closing.

c. **Deliveries.** At closing, DMDC shall deliver at its sole cost and expense the following documents in a form reasonably satisfactory to City;

i. the warranty deed to the Premises.

ii. such other documents as may be reasonably required by City or the title company to effectuate the transaction contemplated by this Agreement.

13. **Possession.** Possession of the Premises is to be delivered to City by DMDC at Closing.

14. **Risk of Loss.** Until the time of closing, risk of loss because of the damage to or destruction of any improvements located on the Premises shall be solely that of DMDC, except to the extent that City caused the damage or destruction. Excluding damage caused by City, in the event the improvements located on the Premises are damaged prior to the date of closing, and are not repaired by DMDC prior to closing, City may elect to continue this Agreement in which event DMDC shall assign to City any insurance proceeds to be received by DMDC because of said damage or other destruction.

15. **Notice.** All notices and other deliveries required under this Agreement shall be made and given to the appropriate party, or the office of the party, at the address set forth above or at such other address as may hereafter be specified by such parties by written notice from time to time. Notices shall be effective on the date of receipt, if given by hand, express delivery or recognized courier service. Notices given by certified mail shall be deemed effective three business days after the date of deposit in an authorized postal facility, as shown by its receipt for certified mail. Either party may designate a telephone number to be used for fax notices to such party, in which event any notice transmitted to such number shall be effective on the date shown in the printed confirmation of such transmission, free of error, generated by the sender's machine.

16. **Miscellaneous.**

a. **Governing Law.** This Agreement is executed in accordance with, shall be governed by, and construed and interpreted in accordance with the laws of the State of Michigan.

b. **Entire Agreement.** This Agreement shall constitute the entire agreement, and shall supersede any other agreements, written or oral, that may have been made or entered into, by and between the parties with respect to the subject matter of this Agreement and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought.

c. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of and be enforceable by, the parties and their respective legal representatives, permitted successors and assigns.

d. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. This Agreement shall become binding upon the parties when one or more counterparts, individually or taken together, shall bear the signatures of all parties.

e. **Non-Waiver.** No waiver by any party of any provision of this Agreement shall constitute a waiver by such party of such provision on any other occasion or a waiver by such party of any other provision of this Agreement.

f. **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

g. **Assignment or Delegation.** Except as otherwise specifically set forth in this Agreement, City shall not assign all or any portion of their rights and obligations contained in this Agreement without the express prior written approval of DMDC, which approval may be withheld in DMDC's sole discretion.

h. **Venue.** The parties agree that for purposes of any dispute in connection with this Agreement, the Muskegon County Circuit Court shall have exclusive personal and subject matter jurisdiction and venue.

i. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for in this Agreement shall survive the closing date and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of City have been fully satisfied.

This Agreement is executed effective as of the date set forth above.

**DMDC – Downtown Muskegon  
Development Corporation**

**City – City of Muskegon**

By: Chris A. McGuigan  
Name: Chris A. McGuigan  
Title: President

By: Stephen Warrington  
Name: Stephen Warrington  
Title: Mayor

Attest:

Catherine R. Brubaker-Clarke  
Name: Catherine R. Brubaker-Clarke  
Title: Dir. of Comm. & Econ. Dev.

Attest:

Gail Kunderger  
Name: Gail Kunderger  
Title: Clerk

**Exhibit A**  
**Legal Description**

## LEGAL DESCRIPTIONS

## DESCRIPTION OF PROPOSED WESTERN AVENUE

ALL THAT PART OF BLOCKS 309, 310, 311, 312, 560, 564 AND 565 AND PART OF VACATED WESTERN AVENUE OF THE REVISED PLAT OF THE CITY OF MUSKEGON, AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY RECORDS, CITY OF MUSKEGON, MUSKEGON COUNTY MICHIGAN DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF MORRIS AVENUE AND THIRD STREET; THENCE ALONG THE NORTHEASTERLY LINE OF THIRD STREET S38°20'43"E 195.93 FEET, TO THE POINT OF BEGINNING; THENCE S83°17'12"E 70.78 FEET; THENCE N51°46'18"E 1191.94 FEET; THENCE N58°32'56"E 328.42 FEET TO THE SOUTHWESTERLY LINE OF TERRACE STREET; THENCE S55°05'10"W 66.01 FEET; THENCE ALONG SAID SOUTHWESTERLY LINE 104.53 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 496.71 FEET, A CENTRAL ANGLE OF 12°03'27", THE CHORD OF WHICH BEARS S48°01'37"E FOR A DISTANCE OF 104.34 FEET; THENCE S58°32'56"W 350.76 FEET; THENCE S55°14'25"W 66.01 FEET; THENCE S51°46'18"W 1187.31 FEET; THENCE S06°42'48"W 70.64 FEET TO SAID NORTHEASTERLY LINE OF THIRD STREET; THENCE N38°20'43"W 200.00 FEET ALONG SAID NORTHEASTERLY LINE OF THIRD STREET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 3.84 ACRES OR 167,225 SQUARE FEET OF LAND.

## DESCRIPTION OF PROPOSED FIRST STREET

- ALL THAT PART OF BLOCKS 309, 310, 311, 312, 560, 564 AND 565 AND PART OF VACATED FIRST STREET OF THE REVISED PLAT OF THE CITY OF MUSKEGON, AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY RECORDS, CITY OF MUSKEGON, MUSKEGON COUNTY MICHIGAN DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF MORRIS AVENUE AND THIRD STREET; THENCE ALONG THE NORTHEASTERLY LINE OF THIRD STREET S38°20'43"E 195.93 FEET; THENCE S83°17'12"E 70.78 FEET; THENCE N51°46'18"E 913.35 FEET TO THE POINT OF BEGINNING; THENCE N38°15'51"W 295.62 FEET TO THE SOUTHEASTERLY LINE OF MORRIS AVENUE; THENCE ALONG SAID SOUTHEASTERLY LINE N23°38'35"E 74.90 FEET; THENCE S38°15'14"E 715.12 FEET TO THE NORTHWESTERLY LINE OF CLAY AVENUE; THENCE ALONG SAID NORTHWESTERLY LINE S51°39'36"W 65.95 FEET; THENCE N38°15'51"W 384.32 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 1.06 ACRES OR 46,045 SQUARE FEET OF LAND.

**Exhibit B**  
**Donation Agreement**

**DONATION OF REAL PROPERTY UNDER THE UNIFORM RELOCATION ASSISTANCE  
AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (URA), AS AMENDED**

I, Downtown Muskegon Development Corporation, am presently the owner of the property described on attached Exhibit A.

I have been formally notified that this property is to be acquired for a project to be carried out by the City of Muskegon with federal funds from the U.S. Department of Housing and Urban Development through the state of Michigan. As the property owner, I understand that I am entitled to receive just compensation for my property and cannot be required to sell the property to the City of Muskegon for less than its appraised fair market value. I also understand that I may donate my property.

I have been further advised that the acquiring agency is responsible for having a real estate appraisal of my property prepared and that I may accompany the appraiser during the inspection of my property. The appraisal must be reviewed by a certified or licensed appraiser to establish just compensation for my property.

The City of Muskegon has provided me a copy of **HUD Booklet 1041-CPD, "When a Public Agency Acquires Your Property."**

I have been informed that the estimated fair market value of my property is Four Hundred Seventy-Five Thousand Dollars (\$475,000) and hereby release the City of Muskegon from the requirement of preparing an appraisal and donate my property to the extent the value of the property exceeds Four Hundred Fifty Thousand Dollars (\$450,000). I do this freely on the basis of my full understanding of my legal rights under the URA. I am under no duress or coercion and make this decision without reservation or qualification.

WITNESSES:

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

DOWNTOWN MUSKEGON  
DEVELOPMENT CORPORATION

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

Its \_\_\_\_\_

Dated: \_\_\_\_\_, 2005

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2005 by \_\_\_\_\_, \_\_\_\_\_, for and on behalf of the DOWNTOWN MUSKEGON DEVELOPMENT CORPORATION.

\_\_\_\_\_, Notary Public  
State of Michigan, County of Muskegon  
My commission expires: \_\_\_\_\_  
Acting in County of Muskegon

**Commission Meeting Date: July 26, 2005**

**Date: July 14, 2005**  
**To: Honorable Mayor & City Commission**  
**From: Bryon Mazade, City Manager**  
**RE: Development and Reimbursement Agreement  
between the City of Muskegon, the Brownfield  
Redevelopment Authority and the Downtown  
Muskegon Development Corporation**

---

SUMMARY OF REQUEST: The Development and Reimbursement Agreement outlines the responsibilities of each party in regards to the redevelopment of the former Muskegon Mall site. The signed document is required for the Brownfield Work Plan, which will be reviewed by the Michigan Economic Development Corporation on August 1, 2005.

FINANCIAL IMPACT: These impacts are included in the Agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development and Reimbursement Agreement and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Board will meet on July 26 to consider approval of the document.

**Commission Meeting Date: July 26, 2005**

**Date: July 20, 2005**

**To: Honorable Mayor & City Commission**

**From: Community and Neighborhood Services  
Department**

**RE: Selection of Siding Supplier for fiscal year 2005 -  
2006**

---

SUMMARY OF REQUEST: To approve Community and Neighborhood Services department selection of the vinyl siding supplier for fiscal year 2005 – 2006. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey – Muskegon for the price of \$37.65 (thirty-eight dollars and ninety-four cents) per building square for white and \$39.94 (thirty-nine dollars and ninety-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2005 – 2006 siding fund.

BUDGET ACTION REQUIRED: None required at this time

STAFF RECOMMENDATION: To approve the request

**COMMITTEE RECOMMENDATION:** Funding for the vinyl siding program was approved by the commission during the allocation period last April.

**Commission Meeting Date: July 26, 2005**

**Date: July 20, 2005**

**To: Honorable Mayor & City Commission**

**From: Community and Neighborhood Services  
Department**

**RE: Selection of Siding Contractors for fiscal year  
2005 - 2006**

---

**SUMMARY OF REQUEST:** To approve Community and Neighborhood Services to sign contracts with Cutting Edge Construction, 975 Washington, Muskegon and Gawlik Construction, 2084 Mary, Muskegon to install vinyl siding at an agreed price of \$70.00 (Seventy dollars) per building square for the siding program, 2005 – 2006 fiscal year.

**FINANCIAL IMPACT:** Funding will be disbursed from the 2005 – 2006 CDBG Siding fund.

**BUDGET ACTION REQUIRED:** None at this time.

**STAFF RECOMMENDATION:** To approve request.

**COMMITTEE RECOMMENDATION:** The funding for the siding program was approved by the commission during the 2005-2006 allocation period last April.

Date: July 26, 2005  
To: Honorable Mayor and City Commissioners  
From: Engineering  
RE: Authorization to Negotiate Construction Contract for the Mall Re-Development Project

---

#### SUMMARY OF REQUEST:

Authorize staff to negotiate with Milbocker & Sons, the lowest responsible bidder, a construction contract to construct the infrastructure within the referenced development **without** the snowmelt system and related items from the bids which were received on the 8<sup>th</sup> of July, 2005. The removal of that system will result in a base bid reduction of \$821,082.40 plus a possible reduction in the unit prices of other items within the contract that maybe impacted by the snowmelt system. If authorized, staff's recommendation and final numbers will be brought to the Commission at a later date for a decision.

A copy of the bid tabulation for the two lowest bids is attached reflecting prices with and without the snowmelt system.

#### FINANCIAL IMPACT:

None at this time

#### BUDGET ACTION REQUIRED:

None.

#### STAFF RECOMMENDATION:

Authorize staff to negotiate with Milbocker and Sons since they were the lowest responsible bidder with or without the snowmelt system.

#### COMMITTEE RECOMMENDATION:

**CITY OF MUSKEGON**  
**H-1591, S-597 & W-661 DOWNTOWN REDEVELOPMENT**  
**Construction Schedule - August 14, 2005 - November 15, 2005**

**FLEIS & VANDENBRINK**  
 10000 W. 10th Ave., Suite 100  
 Denver, CO 80202  
 (303) 751-1100  
 Fax: (303) 751-1101  
 E-mail: [info@fleis.com](mailto:info@fleis.com)  
 Website: [www.fleis.com](http://www.fleis.com)

Discrepancy from 8th Form

**OR**

Construction Schedule - begin in 2005, completed by May 31, 2006

[illegible]

| ITEM |   | QUANTITY |   | UNIT |   | PRICE |   | TOTAL |    |
|------|---|----------|---|------|---|-------|---|-------|----|
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 | 3        | 4 | 5    | 6 | 7     | 8 | 9     | 10 |
| 1    | 2 |          |   |      |   |       |   |       |    |



**DATE:** July 11, 2005  
**TO:** Honorable Mayor and Commissioners  
**FROM:** Mark Kincaid, Deputy Director of Public Safety  
**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050086

---

**SUMMARY OF REQUEST:** This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **227 Southern** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

**Case# & Project Address:** # EN-050086 – 227 W. Southern

**Location and ownership:** This structure is located on W. Southern between Fifth and Sixth Streets and is owned by Anthony Gomez.

**Staff Correspondence:** A dangerous building inspection was conducted on 02/23/05. The Notice and Order to Repair was issued on 02/23/05. On 04/07/05 the HBA declared the structure substandard and dangerous.

**Owner Contact:** Mr. Gomez was not present for the HBA meeting. An electrical permit for service only was issued on 04/28/05. Mr. Kleibecker said he had a personal conversation with Mr. Gomez late last fall regarding getting this project going, Mr. Gomez indicated he had an electrical contractor involved. There have been no inspections, no new permits issued and no owner contact since that time.

**Financial Impact:** CDBG Funds

**Budget action required:** None

**State Equalized value:** \$18,200

**Estimated cost to repair:** Exterior Only \$15,000. Note: Housing Inspection report notes additional \$10,000 in repairs.

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

**City Commission Recommendation:** The commission will consider this item at it's meeting Tuesday, July 26, 2005.

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**

**227 W. Southern**

**02/23/05**

Inspection noted:

1. Front porch columns disconnected failing structural support for roof system. Replace, repair to code.
2. Chimney on home needs to be rebuilt severe lean.
3. Siding on home needs repaired, replaced, scraped and painted to protect exterior or reside home.
4. Windows, doors, frames, and sills need to be repaired, replaced and protected from weather.
5. Back porch must repair, replace, guardrail and handrail.
6. Repair, replace any roof system damage on home, garage, soffit, fascia and shingles.

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

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 10-61 OF THE MUSKEGON CITY CODE.

\_\_\_\_\_  
HENRY FALTINOWSKI, BUILDING INSPECTOR

\_\_\_\_\_  
DATE



227 W. Southern

**DATE:** July 14, 2005  
**TO:** Honorable Mayor and Commissioners  
**FROM:** Mark Kincaid, Deputy Director of Public Safety  
**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050079 Address: 1538 Hudson

*Tabled  
to 8-23-05*

---

**SUMMARY OF REQUEST:** This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1538 Hudson – Area 12** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

**Case# & Project Address:** #EN-050079, 1538 Hudson, Muskegon, MI

**Location and ownership:** This structure is located on Hudson between W. Grand and W. Southern and transfer of ownership from Terri L. Michael to Daniel Ortega as of 05/31/05.

**Staff Correspondence:** Case began with a police report 01/25/05 where house was found unsecured and trash throughout the interior. A dangerous building inspection was conducted 02/02/05. Notice & Order was issued 02/09/05. Case came before the HBA and was declared dangerous, substandard, a public nuisance on 04/07/05.

**Owner Contact::** Terri L. Michael and Bernadette Stover was at the HBA meeting 04/07/05 to represent this case. Ms Michael stated initial plans were for her daughter and son-in-law to fix up property and move in. Ms. Michael also stated that they had spoken with an interested buyer. No permits issued, no inspections scheduled and no owner contact since that time.

**Financial Impact:** General Funds

**Budget action required:** None

**State Equalized value:** \$17,300

**Estimated cost to repair:** \$20,000 ( Exterior Only)

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

**City Commission Recommendation:** The commission will consider this item at it's meeting Tuesday, July 26, 2005.