

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 23, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Request – Lakeview Mart, 1930 Lakeshore Drive.
CITY CLERK
 - c. Sale of Buildable Vacant Lot on Yuba Street. PLANNING &
ECONOMIC DEVELOPMENT
 - d. Sale of Non-buildable Lot at 300.5 Jackson Avenue. PLANNING &
ECONOMIC DEVELOPMENT
 - e. Sale of Non-buildable Lot at 213 Amity Avenue. PLANNING &
ECONOMIC DEVELOPMENT
 - f. Sale of Non-buildable Lot at 644 Leonard Avenue. PLANNING &
ECONOMIC DEVELOPMENT
 - g. Request for a Planned Unit Development for 808 Oak Avenue
PLANNING & ECONOMIC DEVELOPMENT
 - h. Vacation of a Portion of Bluff Street. PLANNING & ECONOMIC
DEVELOPMENT
 - i. Rezoning Request for the West Village Mall. PLANNING &
ECONOMIC DEVELOPMENT
 - j. FIRST READING: Zoning Ordinance Amendment to Change the
Floodplain Requirements to Reflect Recent Changes in the Building
Code. PLANNING & ECONOMIC DEVELOPMENTS

- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:** The City Manager requested that Commission Consider going into closed session at the end of meeting to discuss Property Acquisition.
- ❑ **UNFINISHED BUSINESS:**
- ❑ **NEW BUSINESS:**
 - a. Request for Amendment to Planned Unit Development for Harbour Towne. PLANNING & ECONOMIC DEVELOPMENT
 - b. Second Quarter 2002 Budget Reforecast. FINANCE
 - c. Reimbursement Resolution for Smartzone Costs. FINANCE
 - d. Renaissance Zone Proposals. PLANNING & ECONOMIC DEVELOPMENT
 - e. Local Law Enforcement block Grant – Joint Spending Agreement ASSISTANT CITY MANAGER
 - f. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following:
 - 1. 1969 Hoyt
 - 2. 1708 Pine
 - 3. 1226 Pine (Garage Only)
 - 4. 246 Laketon (Garage Only)
- ❑ **ANY OTHER BUSINESS:**
- ❑ **PUBLIC PARTICIPATION:**
- ❑ **CLOSED SESSION: To discuss pending litigation**
 - *Reminder: Individuals who would like to address the City Commission shall do the following:*
 - Be recognized by the Chair.
 - Step forward to the microphone.
 - State name and address.
 - Limit of 3 minutes to address the Commission.
 - (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)
- ❑ **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 23, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, July 8, 2002, and the Regular Commission Meeting that was held on Tuesday, July 9, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 23, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City of Muskegon was held at the City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday July 23, 2002.

Mayor Warmington opened the meeting with a prayer from Reverend Mary Riegler of Metaphysical Church of Prophecy, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice-Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2002-86 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, July 8, 2002, and the Regular Commission Meeting that was held on Tuesday, July 9, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Liquor License Request – Lakeview Mart, 1930 Lakeshore Drive. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Marilyn J. Felinski to transfer ownership of the existing 2002 SDM licensed business from Bill W. Felinski.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All Departments are recommending approval.

c. Sale of Buildable Vacant Lot on Yuba Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: to approve the sale of a vacant buildable lot at 371 Yuba Street (designated as parcel number 24-205-142-0012-00) described as SLY 65 FT of ELY 115 FT OF LOT 12 BLK 142 CITY OF MUSKEGON REVISED PLAT OF 1903 to Galloway Homes, L.L.C., of 6329 Red Rock Court Muskegon, MI. The lot is 65 x 115 ft. and is being offered to Galloway Homes for \$4,250. He plans to use the land for the construction of a 1,260 sq. ft. single-family home. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is \$4,250 and the Galloway Homes submitted the only bid of \$4,250.

FINANCIAL IMPACT: The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution.

d. Sale of Non-buildable Lot at 300.5 Jackson Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-141-0008-10) at 300.5 Jackson Avenue to Doris Hopper, of 300 Jackson Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to expand her current yard. Since this vacant lot is located directly behind Ms. Hopper's property and has no street frontage, the sale of the entire lot to her makes the most sense. As is required by City policy, the subject parcel is being offered for \$100 to Ms. Hopper.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign the resolution.

e. Sale of Non-buildable Lot at 213 Amity Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-209-0005-00) at 213 Amity Avenue to Floyd L. Cook, Jr., 223 Amity Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to expand his current yard. As is required by City policy, the subject parcel is being offered for \$100 to Mr. Cook.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign the resolution.

f. Sale of Non-buildable Lot at 644 Leonard Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-765-003-0033-00) at 644 Leonard Avenue to Roshelia Winters, 634 Leonard Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to expand her current yard. As is required by City policy, the subject parcel is being offered for \$100 to Ms. Winters.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign the resolution.

g. Request for a Planned Unit Development for 808 Oak Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for preliminary approval for a Planned Unit Development for a portion of the property at 808 Oak Ave., for a mini-storage development. The request is from Tim Vanderstelt.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended denial of the request for a preliminary PUD at their 7/11 meeting. The vote was unanimous with P. Veltkamp, B. Mazade and M. Kleaveland absent.

h. Vacation of a Portion of Bluff Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Bluff St., south of Fulton St.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Bluff St., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended the vacation, with the condition as listed above. The vote was unanimous with P. Veltkamp, B. Mazade and M. Kleaveland absent.

i. Rezoning Request for the West Village Mall. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by West Village Mall,

LLC, located at 2500 Henry St. (West Village Mall), from B-2, Convenience and Comparison Business to B-4 General Business.

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 7/11 meeting. The vote was unanimous with P. Veltkamp, B. Mazade and M. Kleaveland absent.

J. FIRST READING: Zoning Ordinance Amendment to Change the Floodplain Requirements to Reflect Recent Changes in the Building Code. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2323 (Flood Hazard Areas) of Article XXIII (General Provisions) of the City's Zoning Ordinance to require that the lowest floor of a structure be compliant with the State of Michigan code.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to change the proposed language in the article and section described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 7/11 meeting, with P. Velkamp, B. Mazade and M. Kleaveland absent.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the Consent Agenda.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

2002-87 CITY MANAGER'S REPORT:

The City Manager requested that Commission consider going into closed session at the end of meeting to discuss Property Acquisition.

2002-88 NEW BUSINESS:

a. Request for Amendment to Planned Unit Development for Harbour Towne. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Planned Unit Development for Harbour Towne near the intersection of Fulton St. and W. Harbour Towne Circle to include three two-unit condominium buildings and twenty 'Carriage House' (garage) units.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of a portion of the PUD amendment, with the conditions listed on the resolution. That vote was unanimous. The motion to recommend approval of the 'Carriage House' portion of the request failed on a 3-3 vote, with L. Spataro, S. Warmington, and B. Smith voting yes and J. Aslakson, P. Sartorius, and J. Stewart voting nay. P. Veltkamp, B. Mazade and M. Kleaveland were absent.

Motion by Commissioner Spataro to adopt resolution regarding the amendment Planned Unit Development for Harbour Towne, with approval for new units, reaffirming the development for sidewalks, and denying the request for the Carriage Houses.

There was no second and motion died from non-support.

Motion by Commissioner Schweifler, second by Commissioner Larson, to approve the request for the Planned Unit Development for Harbour Towne for the two-unit condominium buildings that includes sidewalks. This motion does not include the proposal for the Carriage Houses,

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Wamington, Buie

Nays: None

MOTION PASSED

A representative for the Developer, Dick Anderson spoke to the Commission and declared their withdrawal at this time for the Carriage House proposal. It was recognized by the Commission for the withdrawal of the proposal at this time.

b. Second Quarter 2002 Budget Reforecast. FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the Second Quarter 2002 Budget Reforecast which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated information, or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the proposed budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: The second quarter 2002 Budget Reforecast reflects continued falloff in general fund revenues due to the economy. Significant downward adjustments have been made in the areas of city income tax, state shared revenues and interest income. Also, budgets for some areas (particularly City Attorney, Fire Safety Inspections and Environmental Services) have had to be increased due to unforeseen service demands and/or labor contract issues.

Accordingly, the following budget adjustments are proposed: 1) postponement of the scheduled renovation of the Reese Playfield restrooms (\$150,000), 2) postponement of purchase of an alternate power supply for City Hall (\$100,000), 3) reduction and reallocation of \$50,000 originally earmarked for fire station

property acquisition to instead be used for a fire station location and operations study. At this time we also forecast the need for a yearend transfer of \$500,000 from the City's budget stabilization (i.e. "rainy day") fund to the general fund.

BUDGET ACTION REQUIRED: Self-explanatory

STAFF RECOMMENDATION: The City Commission should review the Reforecast to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the Reforecast and related budget amendments.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

There was no action on this item at this time. It is to be put on the August 13, 2002 Regular Commission Meeting.

c. Reimbursement Resolution for Smartzone Costs. FINANCE

SUMMARY OF REQUEST: In conjunction with the Smartzone development, the City may issue bonds at a later date to construct the GVSU Research/Incubator building. Contracts for the work may be let prior to the issuance of bonds so it is prudent to adopt the "reimbursement resolution". This action will allow the City to reimburse itself from bond proceeds for project costs incurred prior to the time bonds are sold.

FINANCIAL IMPACT: Costs of adopting the resolution are minimal. Taking care of this preliminary step will permit the City to move ahead with the planned project and reimburse itself from proceeds from bonds issued a later date. Formal project approval will require several additional commission actions at late dates for contract award, bond authorization, etc.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the resolution.

Motion by Commissioner Schweifler, second by Vice Mayor Buie to adopt the Reimbursement Resolution for Smartzone Costs.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

MOTION PASSED

d. Renaissance Zone Proposals. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: There were six Renaissance Zone Proposals received on July 14. Staff has reviewed them and prepared a spreadsheet outlining their conformity to the City's Renaissance Zone Policy and the requirements of the RFP. Staff is recommending that we proceed with discussions on the following proposals: Shaw Walker, the Mall, Seaway/Grooters, Cordova and Mart Dock. A final recommendation will be brought to the City Commission at a later date.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to proceed with discussions on the five proposals listed above, and to bring back a final recommendation in the future.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to authorize staff to proceed with discussions on the following proposals: Shaw Walker, the Mall, Seaway/Grooters, Cordova and Mart Dock.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSED

e. Local Law Enforcement Block Grant – Joint Spending Agreement.

ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To approve a joint spending agreement with the County for the City's Local Law Enforcement Block Grant (LLEBG). This is required because the U.S. Department of Justice has determined that disparate funding exists.

FINANCIAL IMPACT: City of Muskegon	\$62,710
Muskegon County	<u>\$24,146</u> (use is for jail security services)
	<u>\$86,856</u>

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the above distribution.

Motion by Commissioner Spataro, second by Commissioner Shepherd, to approve a joint spending agreement with the County for the City's Local Law Enforcement Block Grant.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

f. Concurrence with the Housing Board of Appeals Notice and Order to Demolish:

1) 1969 Hoyt

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 1969 Hoyt, is 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: #99-36, 1969 Hoyt.

Location and ownership: This structure is located on Hoyt Street between Reynolds and Leahy in the Marsh Neighborhood. It is owned by David VanKammen who lives at 2086 Estes.

Staff Correspondence: A dangerous building inspection was conducted 8/5/96. It was declared unsafe by HBA on 6/5/97. The City Commission concurred with the HBA on 7/22/97 and ordered it demolished. A TRO was issued 9/17/97. The deadline for the TRO was 1/31/98 and repairs were not completed. On 11/4/99, 8/17/00, and 6/6/02 the HBA again declared the structure unsafe.

Owner Contact: Mr. VanKammen has been in contact with Bob Grabinski and has promised to complete repairs, but does not follow through. An electrical permit was issued 7/3/02.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$16,300

ESTIMATED COST TO REPAIR: \$10,000

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 23, 2002.

2) 1708 Pine

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 a 1708 Pine, is 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: #00-46, 1708 Pine St.

Location and ownership: This structure is located on Pine Street between E. Dale and E. Larch in the McLaughlin Neighborhood. It is owned by James Bauer.

Staff Correspondence: A dangerous building inspection was conducted 8/9/96 and a Notice and Order to repair or demolish was issued 8/15/96. It was heard before the HBA on 5/1/97 declared unsafe and forwarded to commission. The City Commission determined to monitor progress on the structure until April 1998. On 6/24/98 CC concurred with the HBA and declared unsafe. Another order to repair or demolish was issued 5/12/00. On 8/17/00 the HBA declared it unsafe and commission concurred 10/10/00. An interior inspection was conducted on 9/10/01. On 5/2/02 the HBA ordered an opportunity to repair to the owners and an inspection to be called for. An inspection was conducted, but did the work was not approved.

Owner Contact: Mr. Bauer contacted the Inspection office and stated the repairs

are all completed and he didn't understand what was needed. He was told he needed to talk to Rick Clark, the plumbing and mechanical inspector because some of the work was not correctly done. He has not contacted the inspector as of this date.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$12,800

ESTIMATED COST TO REPAIR: \$2,500

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 23, 2002.

3) 1226 Pine (Garage Only)

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 a 1226 Pine (G), is 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: #02-014, 1226 Pine St (G).

Location and ownership: This structure is located on Pine Street between Catherine and Isabella in the McLaughlin Neighborhood. It is owned by Equicredit Corporation in Florida.

Staff Correspondence: A dangerous building inspection was conducted 4/4/02 and a Notice and Order to repair or demolish was issued 4/15/02. On 6/11/02 the HBA declared it unsafe.

Owner Contact: On 6/21/02 a real estate agent contact the Inspection office about a potential sale. She was faxed copies of all documents and instructed on what needed to be done. On 6/16/02 a message was left for her updating where the case was at with the office and requesting her to call back. As of 6/17/02 there has been no further contact.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$22,000 (House and garage)

ESTIMATED COST TO REPAIR: \$4,000

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 23, 2002.

4) 246 Laketon (Garage Only)

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 246 Laketon, is 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: #246 Laketon (G).

Location and ownership: This structure is located on Laketon Avenue between Terrace and Hoyt in the McLaughlin Neighborhood. It is owned by John Markavitch who lives at this address.

Staff Correspondence: A dangerous building inspection was conducted 6/15/01 and a Notice and Order to repair or demolish was issued 7/5/01. A permit to repair was issued on 8/1/01, but the work has not been done. On 11/1/01 the HBA issued an opportunity to repair. Mr. Markovitch contacted the office on the date of the HBA meeting (2/7/02) and stated he could finish the repairs within 30 days. On 2/7/02 the HBA declared the garage unsafe because the work has not been completed. As of this date the roof is not repaired.

Owner Contact: There has been no contact since 2/7/02.

FINANCIAL IMPACT: CDBG Funds

STATE EQUALIZED VALUE: \$14,600 (House and garage)

ESTIMATED COST TO REPAIR: \$2,000

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

CITY COMMISSION RECOMMENDATION: The commission will consider this item at its meeting Tuesday, July 23, 2002.

Motion by Commissioner Gawron, second by Commissioner Spataro to concur with the Housing Board of Appeals decision to demolish 1969 Hoyt, 1708 Pine, 1226 Pine (garage) and 246 Laketon (garage).

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Spataro, Warmington

Nays: Shepherd

MOTION PASSED

2002-89 CLOSED SESSION: To Discuss Property Acquisition

Motion by Commissioner Spataro, second by Commissioner Schweifler to go to closed Session at 7:02pm and discuss Property Acquisition.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSED

Motion by Commissioner Schweifler, second by Commissioner Larson to go to open session at 7:36pm.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:37pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Kunding".

Gail Kunding, CMC/AAE

City Clerk

Date: July 23, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Lakeview Mart
1930 Lakeshore Drive

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Marilyn J. Felinski to transfer ownership of the existing 2002 SDM licensed business from Bill W. Felinski.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

Muskegon Police Department

Anthony L. Kleibecker

Chief of Police



980 Jefferson Street P.O. Box 536 Muskegon Michigan 49443-0536
(231) 724-6750 (231) 722-5140 fax
www.muskegonpolice.com

June 20, 2002

To: The City Commission through the City Manager

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

Re: Liquor License Transfer at 1930 Lakeshore Drive

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Marilyn J. Felinski concerning 1930 Lakeshore Drive.

Marilyn J. Felinski is requesting to transfer ownership of 2002 SDM licensed business from Bill W. Felinski. Marilyn is the wife of deceased Bill Felinski. Because of the death of the previous license holder a transfer of the license was not completed before the annual renewal.

We have completed a check of Muskegon Police Department records and Criminal History showed no reason to deny this request.

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 6-10-02

Re: Liquor License Transfer

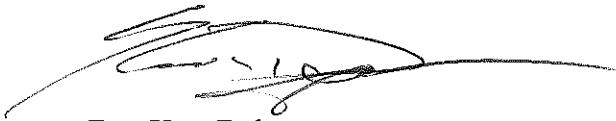
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Marilyn J. Felinski.

Marilyn J. Felinski is requesting transfer ownership of 2002 SDM licensed business from Bill W. Felinski. The applicant for this transfer is the wife of deceased Bill Felinski. Because of the death of the previous license holder a transfer of the license was not completed before the annual renewal.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal flourish extending to the right.

Det. Kurt Dykman

data/common/felinski

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

2002-86(b)

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. RID #186531 (vlr)

BUSINESS NAME AND ADDRESS: (include zip code)

1930 LAKESHORE, MUSKEGON, MI 49441 MUSKEGON COUNTY

REQUEST FOR:

MARILYN W. FELINSKI REQUEST TRANSFER OWNERSHIP 2002 SDM LICENSED BUSINESS FROM BILL W. FELINSKI

Section 1. APPLICANT INFORMATION

APPLICANT #1:

MARILYN W. FELINSKI

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 8-22-36

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: 6-7-02

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

Does applicant intend to have dancing or entertainment?

☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☐ No ☒ Yes, explain relationship: GAS STATION**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)



Signature (Sheriff or Chief of Police)

6-10-02

Date



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Liquor Control Commission
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
(517) 322-1345
Fax: (517) 322-6137

POLICE INVESTIGATION REQUEST

(Authorized by MCL 436.1(4))

June 7, 2002

CHIEF OF POLICE
MUSKEGON POLICE DEPARTMENT
980 JEFFERSON ST
PO BOX 356
MUSKEGON MI 49443-0536

Request ID #186531

Chief Law Enforcement Officer

Applicant: Marilyn W. Felinski transfers ownership SDM licensed business located at 1930 Lakeshore, Muskegon, MI 49441, Muskegon County, from Bill W. Felinski.

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

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

(X) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.
(Marilyn W. Felinski)

If you have any questions, contact the Licensing Division at (517) 322-1400.

vlr

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Marilyn J. Felinski

Business Address: 1930 Lakeshore

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: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Deanne D. J.

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Marilyn J. Felinski

Business Address: 1930 Lakeshore

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: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

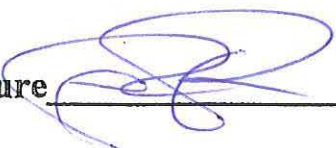
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Marilyn J. Felinski

Business Address: 1930 Lakeshore

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: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Milo L. Cane

RECEIVED

JUN 28 2002

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Marilyn J. Felinski

Business Address: 1930 Lakeshore

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: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature



Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Marilyn J. Felinski

Business Address: 1930 Lakeshore

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: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Seelink 7/5/02

Gail A. Kunder, City Clerk
Liquor License Coordinator

Commission Meeting Date: July 23, 2002

Date: July 10, 2002

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBC

RE: Sale of Buildable Vacant Lot on Yuba Street

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 371 Yuba Street (designated as parcel number 24-205-142-0012-00) described as SLY 65 FT OF ELY 115 FT OF LOT 12 BLK 142 CITY OF MUSKEGON REVISED PLAT OF 1903 to Galloway Homes, L.L.C., of 6329 Red Rock Court, Muskegon, MI. The lot is 65 x 115 ft. and is being offered to Galloway Homes for \$4,250. He plans to use the land for the construction of a 1,260 sq. ft single-family home. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is \$4,250 and the Galloway Homes submitted the only bid of \$4,250.

FINANCIAL IMPACT:

The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION:

Resolution No. 2002-86(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 317 YUBA STREET IN JACKSON HILL NEIGHBORHOOD FOR \$4,250.

WHEREAS, Galloway Homes, L.L.C. has placed a \$400 deposit for the parcel designated as parcel numbers 24-205-142-0012-00, located at 371 Yuba Avenue;

WHEREAS, Galloway Homes, L.L.C. has submitted the only bid of \$4,250 for the parcel designated as parcel numbers 24-205-142-0012-01, located at 371 Yuba Street;

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots;

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-142-0012-00, located at 371 Yuba Street be sold to the above-mentioned buyer.

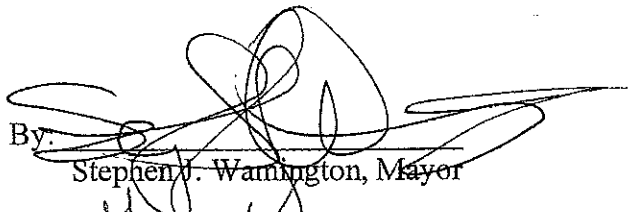
**LOT 12, BLOCK 142 OF THE REVISED PLAT (OF 1903) OF THE CITY OF
MUSKEGON, AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON
COUNTY RECORDS, EXCEPT THAT PART DEEDED TO THE STATE HIGHWAY
AS EVIDENCED IN LIBER 772, PAGE 916;**

Adopted this 23rd day of July, 2002

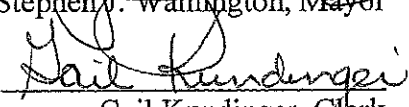
Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent None

By: 

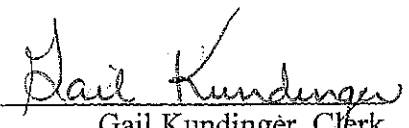
Stephen J. Warmington, Mayor

Attest: 

Gail Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on July 23, 2002.

By: 

Gail Kunderger, Clerk

Clerk

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49442,

QUIT CLAIMS to GALLOWAY HOMES, L.L.C., a Michigan limited liability company, of 6329 Red Rock Court, Muskegon, MI 49444,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

Lot 12, Block 142 of the revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, except that part deeded to the State Highway as evidenced in Liber 772, Page 916

(a/k/a 371 Yuba Street)

for the sum of Four Thousand Two Hundred Fifty and no/100 Dollars (\$4,250.00).

PROVIDED, HOWEVER, Grantee, or its assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 2nd day of August, 2002.

Signed in the presence of:

Linda Potter
Linda Potter

Margaret M. Platt
Margaret M. Platt

CITY OF MUSKEGON

By

Stephen J. Warmington, Its Mayor

and

Gail A. Kunding, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 2nd day of August, 2002, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Porter
Linda S. Porter

Notary Public, Muskegon County, MI

My Comm. Expires: 7-25-02

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

REAL ESTATE PURCHASE AGREEMENT

2002-86(c)

THIS AGREEMENT is made July 23, 2002, by and between the CITY OF MUSKEGON, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49442 ("Seller"), and GALLOWAY HOMES, L.L.C., of 6329 Red Rock Court, Muskegon, Michigan 49444 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

Southerly 65 feet of the Easterly 115 feet
of Lot 12, Block 142, CITY OF MUSKEGON
REVISED PLAT OF 1903

(a/k/a 371 Yuba Street)

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Four Thousand Two Hundred Fifty and no/100 Dollars (\$4,250.00).

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the

premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within eighteen (18) months and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. 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, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. BUYER ACKNOWLEDGES THAT SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION ON THE PROPERTY, AND BUYER WAIVES ANY CLAIM AGAINST SELLER BASED ON THE PRESENCE OF SAME.

8. **Real Estate Commission.** Buyer and Seller 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. Buyer and Seller 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.

9. **Closing.** The closing date of this sale shall be on or before _____, 2002 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company,

570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

11. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

12. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

13. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

14. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

SELLER: CITY OF MUSKEGON

Linda Potter
Linda Potter

Stephen J. Warmington
Stephen J. Warmington, Mayor

Margaret M. Platt
Margaret M. Platt

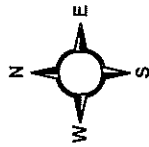
Gail A. Kunder
Gail A. Kunder, Clerk

BUYER: GALLOWAY HOMES, L.L.C., a
Michigan limited liability company

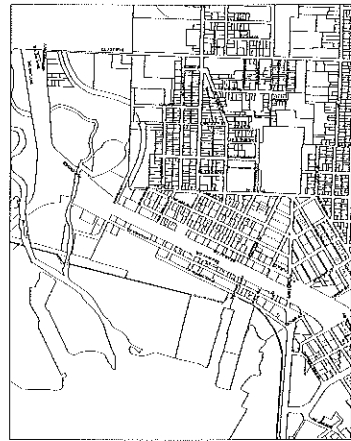
Lonna Anguila
Lonna Anguila

By Daniel Galloway
General Manager, Galloway Homes
Its
EIN# 38-3629098

City-Owned Buildable Lot to be Sold 371 Yuba Street



☆ = Subject Property(ies)
to be sold



Commission Meeting Date: July 23, 2002

Date: July 8, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-buildable Lot at 300.5 Jackson Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-141-0008-10) at 300.5 Jackson Avenue to Doris Hooper, of 300 Jackson Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to expand her current yard (see attached map). Since this vacant lot is located directly behind Ms. Hooper's property and has no street frontage, the sale of the entire lot to her makes the most sense. As is required by City policy, the subject parcel is being offered for \$100 to Ms. Hooper.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2002- 86(d)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$100 from Doris Hooper, 300 Jackson Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to his property at 300.5 Jackson Avenue (parcel #24-205-141-0008-10);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City;

NOW, THEREFORE BE IT RESOLVED, that CITY OF MUSKEGON REVISED PLAT 1903 N ½ OF LOT 7 AND N ½ OF W ½ LOT 8 BLK 141 be sold to Doris Hooper for \$100.

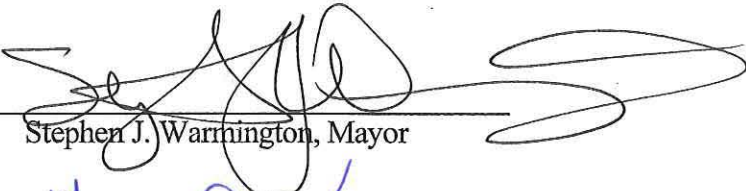
Resolution adopted this 23rd day of July, 2002.

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent: None

By: _____


Stephen J. Warmington, Mayor

Attest: _____


Gail A. Kunderinger, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on July 23, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunding
Gail A. Kunding, Clerk

QUIT-CLAIM DEED

2002-86(d)

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO: DORIS HOOPER, of 300 Jackson Avenue, Muskegon, MI 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903
North 1/2 of Lot 7 and North 1/2 of West 1/2 of Lot 8, Block 141

for the sum of One Hundred and no/100 Dollars (\$100.00).

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

Dated this 1st day of August, 2002.

Signed in the presence of:

[Signature]
Diondea Jefferson
[Signature]
Linda Potter
Linda Potter

CITY OF MUSKEGON

By

[Signature]
Steve Warmington, Mayor

and

[Signature]
Gail A. Kunding, Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of July, 2002, by Steve Warmington and Gail A. Kunding, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

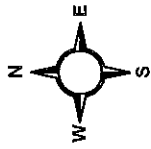
PREPARED BY:

John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621

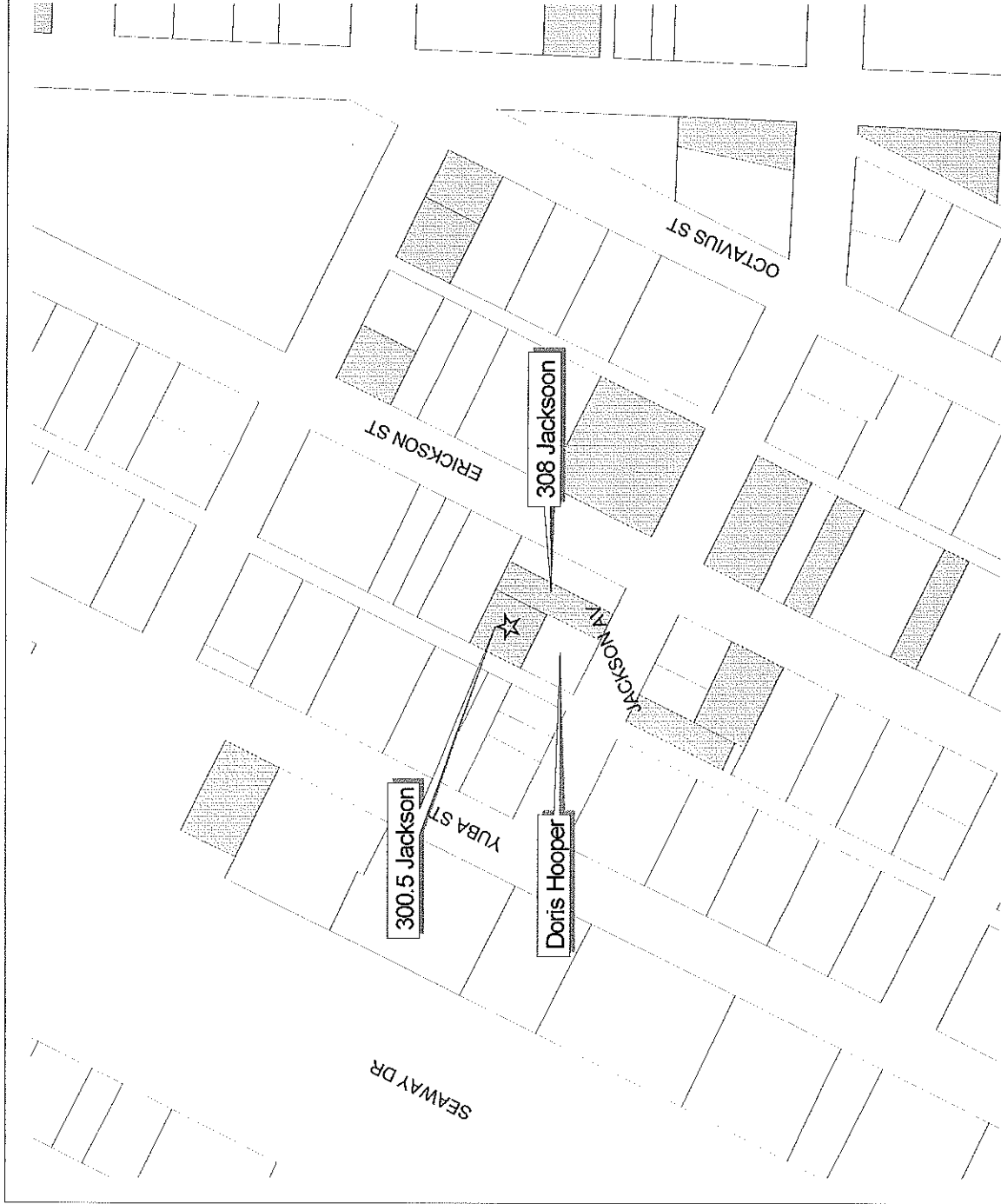
SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

[Signature]
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

**Vacant Unbuildable City-Owned Lot
300.5 Jackson Avenue**



☆ = Subject Property(ies)
to be sold



Commission Meeting Date: July 23, 2002

Date: July 8, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Sale of Non-buildable Lot at 213 Amity Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-209-0005-00) at 213 Amity Avenue to Floyd L. Cook, Jr., 223 Amity Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to expand his current yard (see attached map). As is required by City policy, the subject parcel is being offered for \$100 to Mr. Cook.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2002-86(e)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$100 from Floyd L. Cook, Jr., 223 Amity Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to his property at 213 Amity Avenue (parcel #24-205-209-0005-00);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City;

NOW, THEREFORE BE IT RESOLVED, that CITY OF MUSKEGON REVISED PLAT 1903 LOT 5 BLK 209 be sold to Floyd L. Cook, Jr. for \$100.

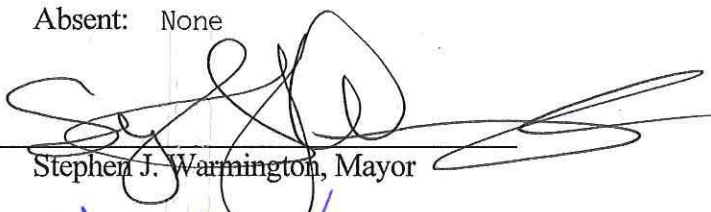
Resolution adopted this 23rd day of July, 2002.

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent: None

By:


Stephen J. Warmington, Mayor

Attest:


Gail A. Kunding, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on July 23, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, Clerk

QUIT-CLAIM DEED

2002-86 (e)

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO: FLOYD L. COOK, JR., a single man, of 223 Amity Avenue, Muskegon, MI 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, Lot 5, Block 209

for the sum of One Hundred and no/100 Dollars (\$100.00)

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

Dated this 15th day of August, 2002.

Signed in the presence of:

Alvinde Jefferson
Diondre Jefferson
Linda Potter
Linda Potter

CITY OF MUSKEGON
By *[Signature]*
Steve Warmington, Mayor
and *Gail A. Kunderger*
Gail A. Kunderger, Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of July, 2002, by Steve Warmington and Gail A. Kunderger, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, MI
My Comm. Expires: 9-25-02

PREPARED BY:

John C. Schrier

Parmenter O'Toole

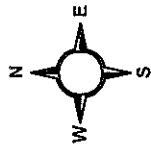
175 W. Apple Ave., P. O. Box 786

Muskegon, MI 49443-0786

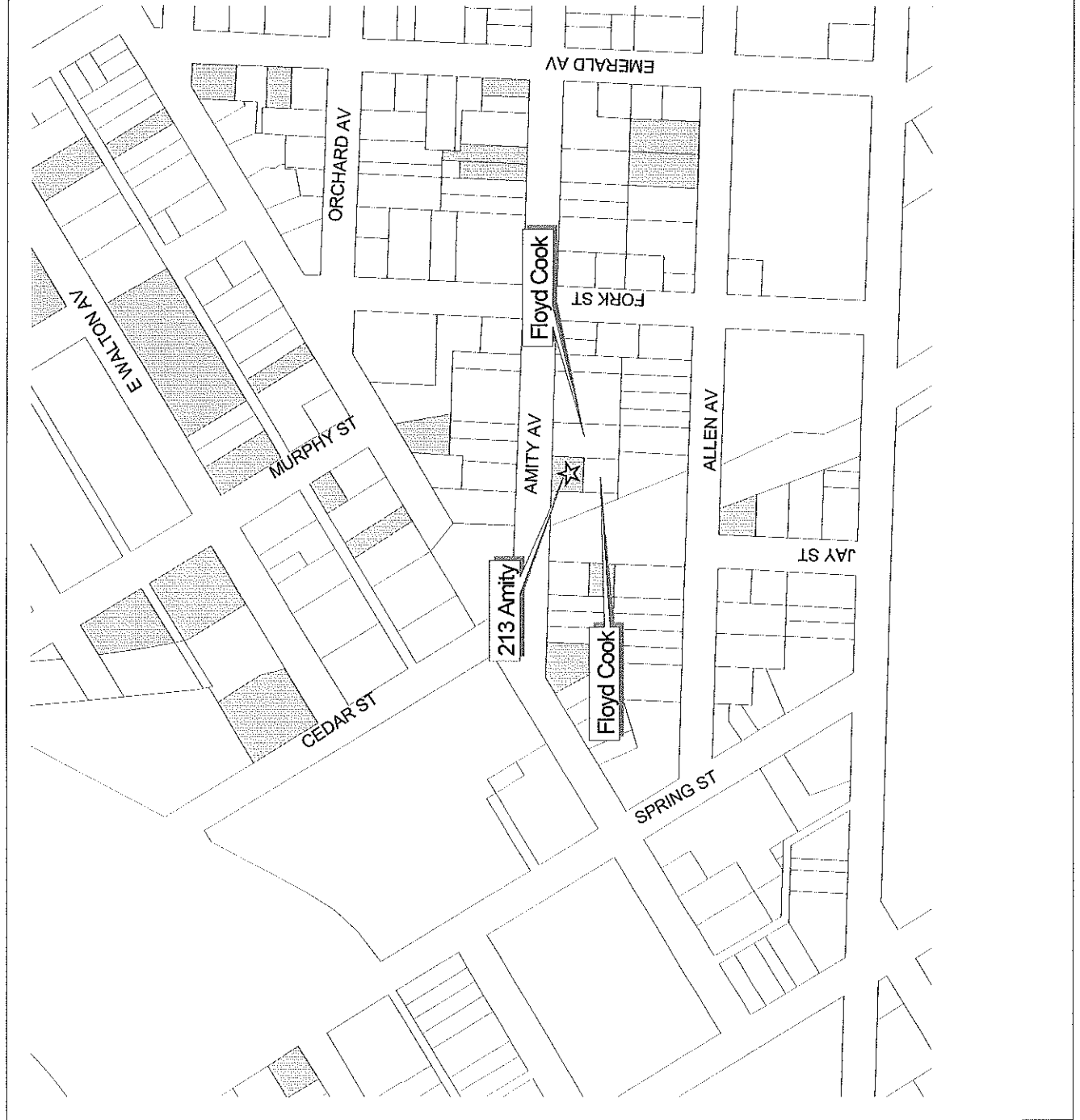
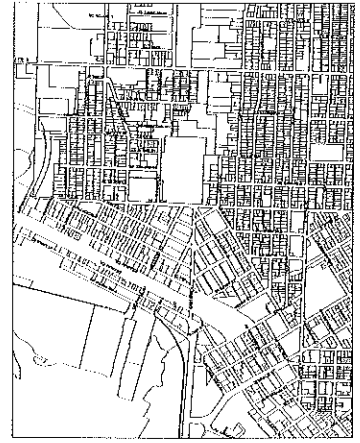
Telephone: 616/722-1621

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

**Vacant Unbuildable City-Owned Lot
213 Amity Avenue**



☆ = Subject Property(ies)
to be sold



Commission Meeting Date: July 23, 2002

Date: July 16, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ckc*
RE: Sale of Non-buildable Lot at 644 Leonard Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-765-003-0033-00) at 644 Leonard Avenue to Roshelia Winters, 634 Leonard Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to expand her current yard (see attached map). As is required by City policy, the subject parcel is being offered for \$100 to Ms. Winters.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2002- 86(f)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$100 from Roshelia Winters, 634 Leonard Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to her property at 644 Leonard Avenue (parcel #24-765-003-0033-00);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City;

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903, SUB DIV OF BLK 3 LOT 33 BLK 3 ALSO S ½ VAC ADJ ALLEY be sold to Roshelia Winters for \$100.

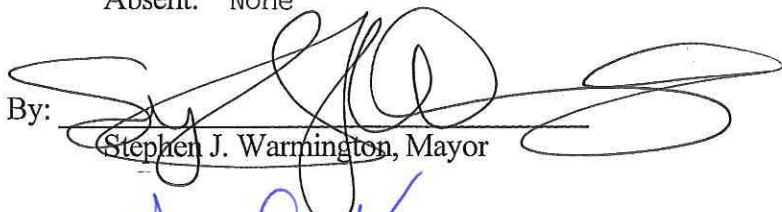
Resolution adopted this 23rd day of July, 2002.

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent: None

By:


Stephen J. Warmington, Mayor

Attest:

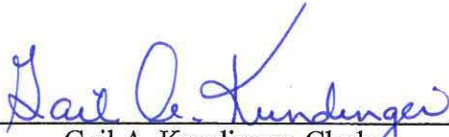

Gail A. Kunding, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on July 23, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunding, Clerk

QUIT-CLAIM DEED

2002-86(f)

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO: **ROSHELIA WINTERS**, of 634 Leonard Avenue, Muskegon, MI 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903 Subdivision of Block 3,
Lot 33, Block 3, also South 1/2 of vacated adjacent alley

for the sum of One Hundred and no/100 Dollars (\$100.00) Dollars.

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

Dated this 31st day of August, 2002.

Signed in the presence of:

[Signature]
DIONDRA Jefferson
Linda Potter
Linda Potter

CITY OF MUSKEGON

By

[Signature]
Stephen J. Warmington, Mayor

and

Gail A. Kunderinger
Gail A. Kunderinger, Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of July, 2002, by Stephen J. Warmington and Gail A. Kunderinger, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

John C. Schrier

Parmenter O'Toole

175 W. Apple Ave., P. O. Box 786

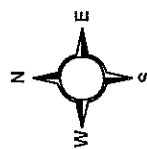
Muskegon, MI 49443-0786

Telephone: 616/722-1621

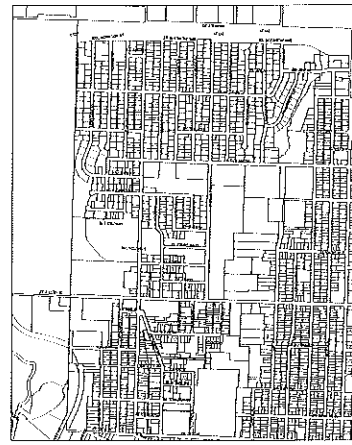
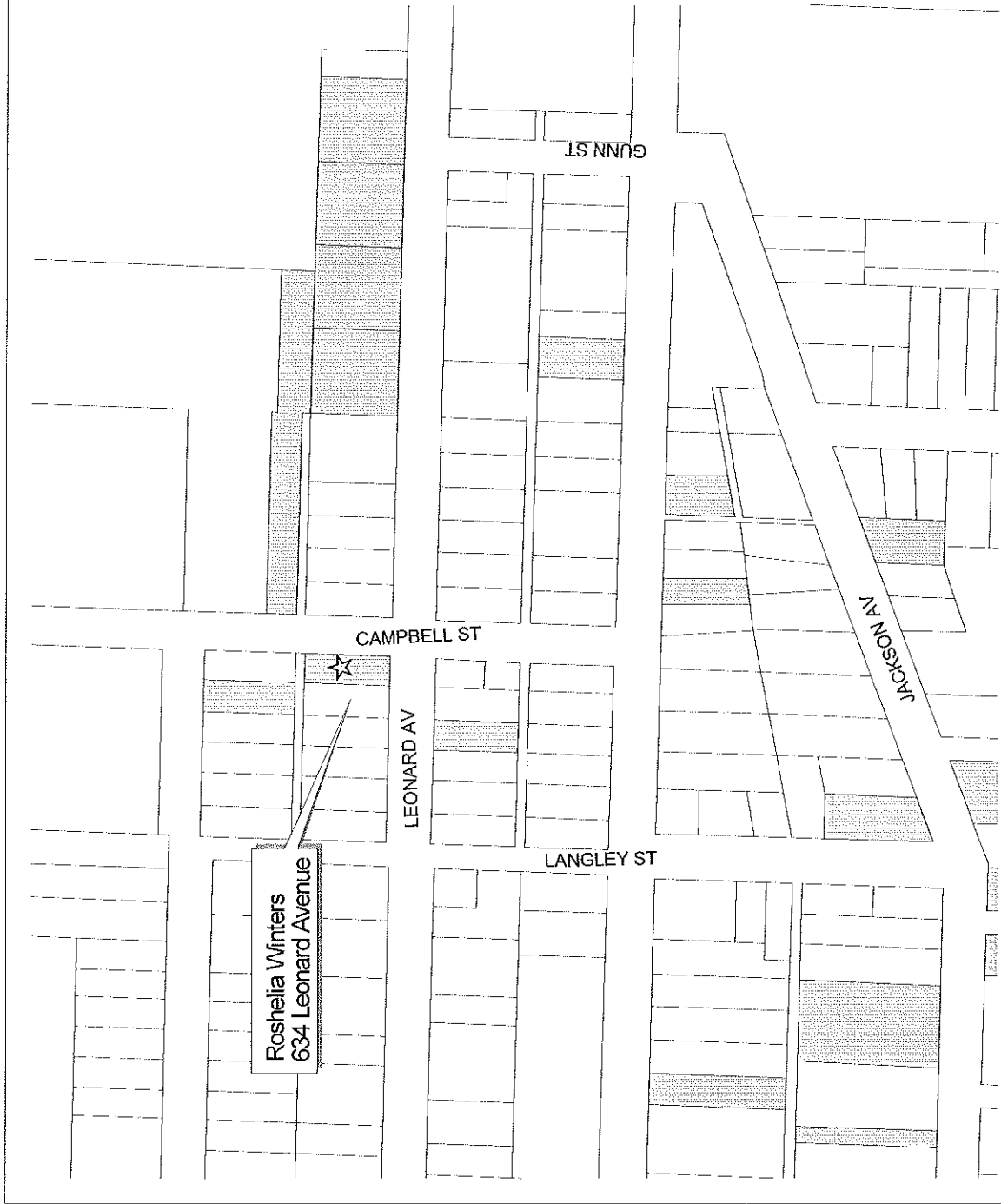
SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

Vacant Non-buildable City-Owned Lot
634 Leonard Avenue



☆ = Subject Property(ies)
to be sold



Commission Meeting Date: July 25, 2000

Date: July 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Request for a Planned Unit Development for 808 Oak Ave.

SUMMARY OF REQUEST:

Request for preliminary approval for a Planned Unit Development for a portion of the property at 808 Oak Ave., for a mini-storage development. The request is from Tim Vanderstelt.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

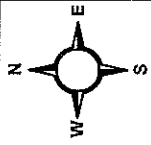
STAFF RECOMMENDATION:

Staff recommends denial of the request.

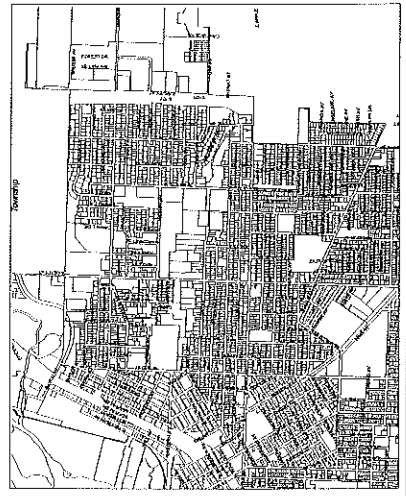
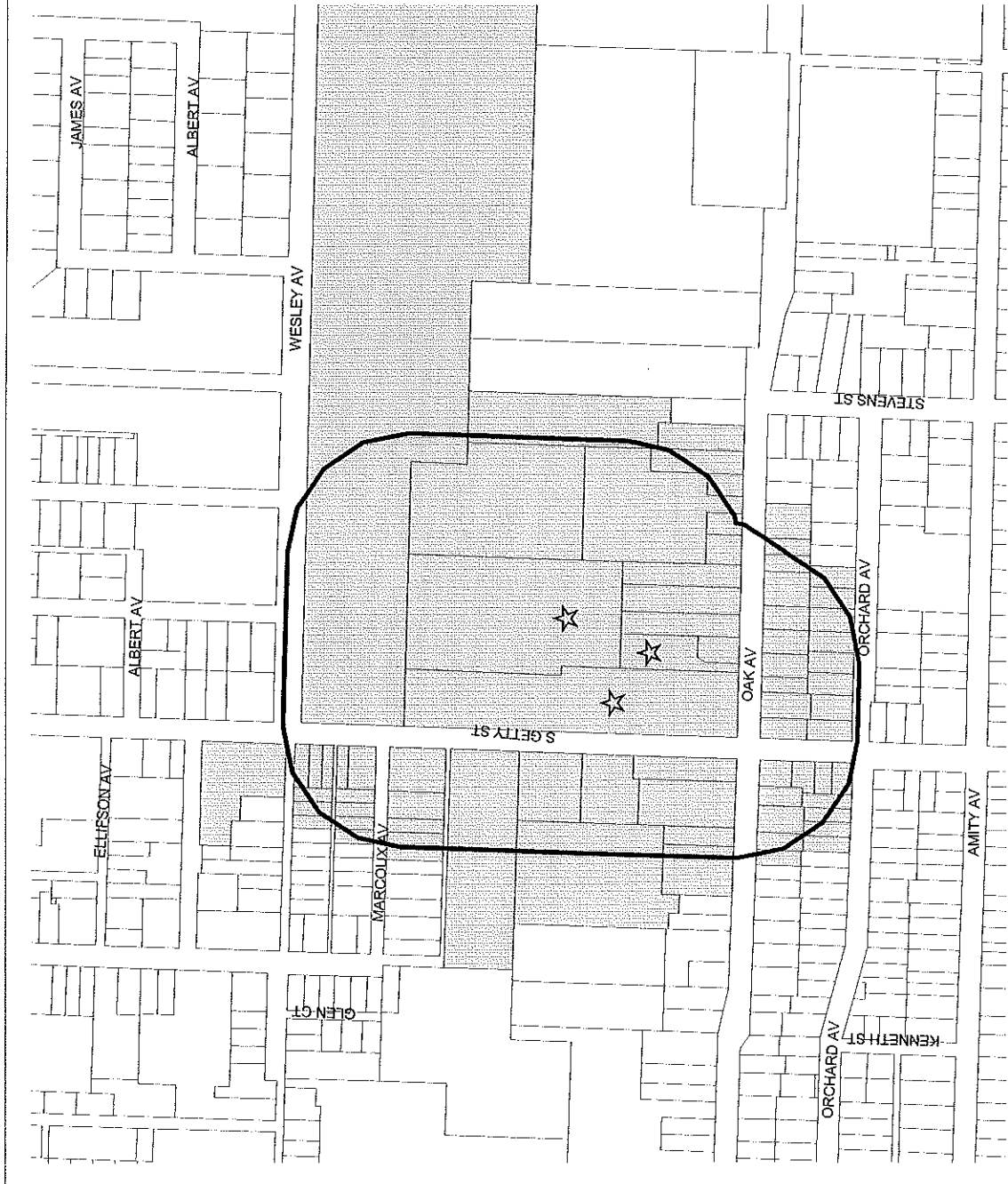
COMMITTEE RECOMMENDATION:

The Planning Commission recommended denial of the request for a preliminary PUD at their 7/11 meeting. The vote was unanimous with P. Veltkamp, B. Mazade and M. Kleaveland absent.

City of Muskegon Planning Commission Case # 2002-28



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



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

July 11, 2002

Hearing; Case 2002-28: Request for a Planned Unit Development to allow a portion of the property at 808 Oak Ave. to be used for mini-storage, by Tim Vanderstelt.

BACKGROUND

Applicant: Tim Vanderstelt

Request: To permit allow a portion of the property at 808 Oak Ave. to be used for mini-storage.

Present Land Use: Residential and greenhouses

Zoning: R-1, Single-Family Residential and OSC, Open Space Conservation

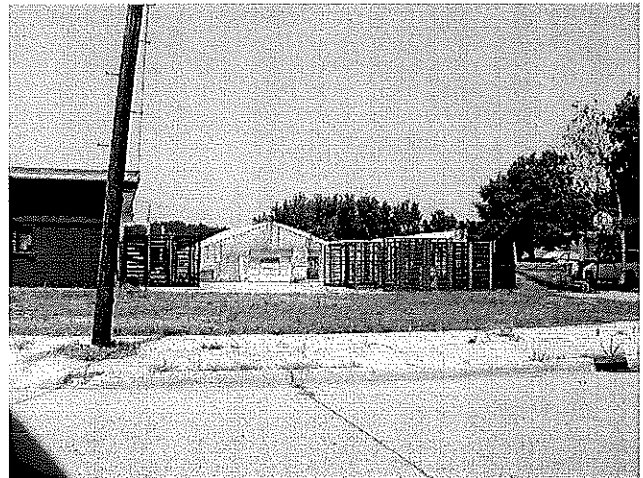
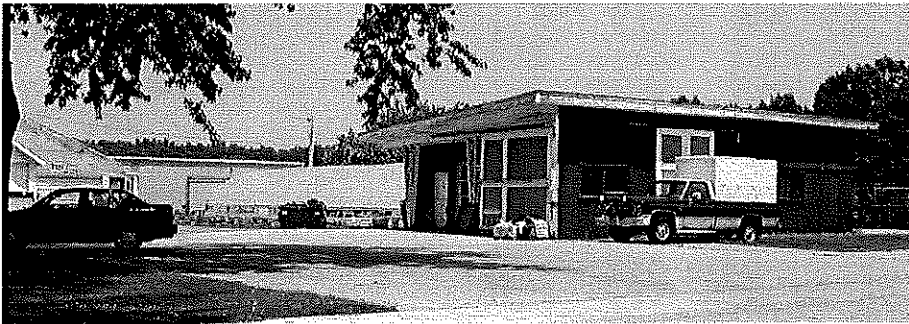
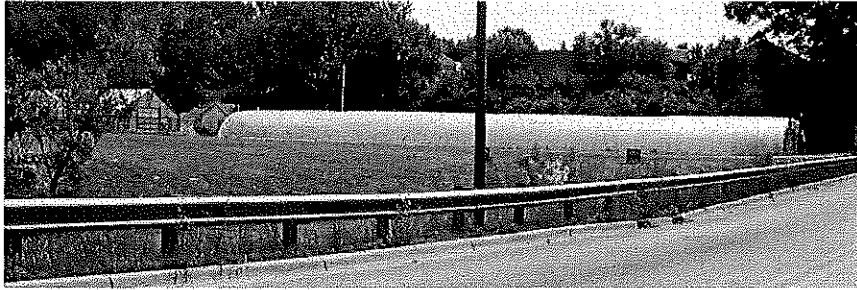
STAFF OBSERVATIONS

1. In July of 2000, the applicant applied to have the subject property rezoned from R-1 and OSC to B-4 (General Business) in order to allow a mini-storage use on the property. The rezoning was denied by the City Commission (see enclosed PC minutes).
2. In October of 2000, the applicant applied for a use variance from the Zoning Board of Appeals (ZBA) in order to allow the mini-storage use on the property. The use variance was denied by the ZBA (see enclosed ZBA minutes).
3. The subject property is located within two different zoning districts, R-1 and OSC. The property has frontage along Getty St., as well as Oak Ave., and contains a portion of the Ryerson Creek ravine in the rear portion, and along the Getty St. frontage.
4. There is currently one business located on the R-1 portion of the subject property, Vanderstelt Greenhouses. This existing use is non-conforming. The R-1 portion of the property also contains a residence.
5. The subject property is located several blocks north of the more commercialized Apple Avenue corridor, and is almost completely surrounded by residential uses with some vacant, open space behind. The Master Plan recommends that the focus of the area stay residential.
6. Although Getty St. is mostly a commercial corridor south of Apple Ave., the section north of Apple Ave. mostly contains lower intensity uses such as homes and churches. There are some existing commercial uses scattered along this section of Getty St. as well, although the zoning is B-1 (Limited Business).
7. The Getty Street Corridor Study (adopted by the City Commission in February 2001), shows the subject property as being located along Segment A, which it calls 'predominantly residential'. The study also states:
 - a. Segment A (Skyline to Apple Ave.) is principally zoned single-family residential with a small portion near the US31 Bypass zoned as light industrial and commercial. Several

commercial uses are currently non-conforming. Between Oak and Marquette Aves., there are more vacant lots than built structures.

- b. Segment A can be classified as a “suburban” arterial street serving residential neighborhoods, in contrast to Segment B which can be classified as an “urban” arterial street gradually transitioning to an “intermediate” arterial at the Sherman Boulevard intersection (Segment C).
 - c. Strategy #2 - “Restore Commercial Vibrancy and Promote Business Competitiveness through Aesthetic Elements” recommends for Segment A:
 - i) Preserve residential character of the neighborhood and prohibit future commercial or industrial development within the segment.
 - ii) Preserve open spaces for future park re-development.
 - iii) Phase out non-conforming uses.
 - d. Strategy #4 - “Transform the Corridor into a Commercial Destination” recommends for Segment A:
 - i) This segment should retain its residential character and further commercial development in the area should not be allowed.
8. Staff feels that this area should remain residential in nature, as recommended by the Master Land Use Plan and the Getty Street Corridor Study. Staff has previously spoken to Mr. Vanderstelt about other options for the property, such as rezoning to a multi-family district which would permit duplexes or a small, low-density multi-family development. Due to the residential character of the area, along with the natural character of the rear portion of the property, staff is hesitant to see a commercial or business use on the property, other than the existing greenhouse use, which is already non-conforming.
9. The use of a PUD is traditionally for mixed-use developments. There is no mixed-use proposed for this site. Staff feels that PUDs can undermine zoning if used incorrectly as a ‘de-facto’ rezoning. Other PUDs which have been approved recently include Balcom’s Cove, which is an allowed use within the WM district through the use of a PUD. The PUD for the former Norge building included retail and industrial uses many of which were already permitted in the WM district as well. Mini-storage is only permitted in the B-4 zoning district, and as such is a very intensive commercial use with increased traffic and noise, which staff does not feel is an appropriate type of use for an area zoned for either single-family residential or open space conservation.
10. Staff has received one phone call on this case. The caller did not leave a name or address but lives close by and is in opposition to the request. He stated that mini-storage won’t improve the neighborhood and will bring a lot of additional foot traffic to the area, giving him concerns about security. He believes the use would bring added traffic and had concerns with where the entrance to the site would be. If off of Getty at the bottom of the hill, he stated that there will be accidents as cars travel too fast already down the hill. He is also worried about pest and garbage problems with the storage units.

PHOTOS



DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

CITY OF MUSKEGON

RESOLUTION #2002- 86(g)

**RESOLUTION TO DENY A PLANNED UNIT DEVELOPMENT FOR A PORTION OF
THE PROPERTY LOCATED AT 808 OAK AVE.**

WHEREAS, a petition for a preliminary planned unit development was received from Tim Vanderstelt to allow mini-storage on a portion of his property; and,

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

WHEREAS, the Planning Commission and staff have recommended denial of the preliminary Planned Unit Development.

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

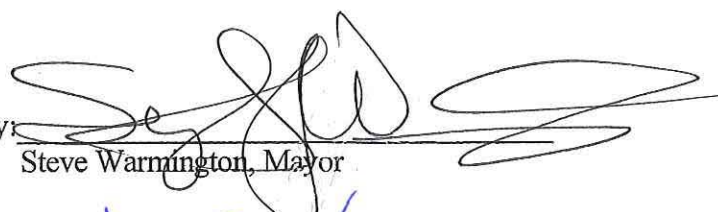
Adopted this 23rd day of July, 2002

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent: None

By:


Steve Warmington, Mayor

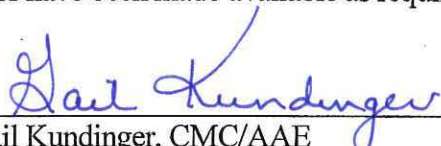
Attest:


Gail A. Kunding, Clerk

CERTIFICATE (Preliminary PUD for 808 Oak Ave.)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of July, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: 8-1, 2000.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

Commission Meeting Date: July 23, 2002

Date: July 15, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Vacation of a portion of Bluff St.

SUMMARY OF REQUEST:

Request for the vacation of Bluff St., south of Fulton St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of Bluff St., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended the vacation, with the condition as listed above. The vote was unanimous with P. Veltkamp, B. Mazade and M. Kleaveland absent.

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

July 11, 2002

Hearing; Case 2002-27: Request for vacation of a portion of Bluff St., lying adjacent to Block 747 and Block 749 (near Fulton Ave.), by John Darien Homes, Inc.

BACKGROUND

This request was made along with the previous request in order to allow the development of the proposed condominium units at the north end of the Harbour Towne development. There is a small (approx. 80 feet long) existing portion of Bluff St. right-of-way off of the south side of Fulton St., adjacent to the intersection of Fulton St., and W. Harbour Towne Circle. This portion of Bluff St. does not physically exist and does not appear to serve any practical purpose. There are no buildings or other structures currently located along this portion of Bluff St.

The Department of Public Works has no objections to vacating this portion of street, as there are no City utilities located in the right-of-way.

CITY OF MUSKEGON

RESOLUTION #2002-86(h)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Bluff St., south of Fulton St.; and

WHEREAS, the Planning Commission held a public hearing on July 11, 2002 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the July 23, 2002 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Bluff St., south of Fulton St., as described in the attached legal description;

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

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

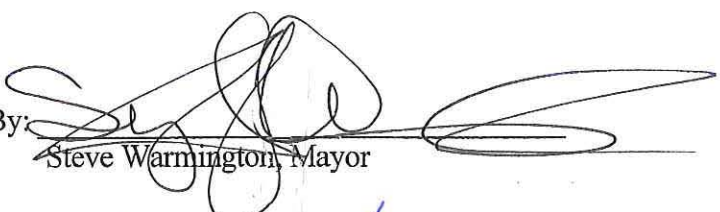
Adopted this 23rd day of July, 2002.

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent: None

By:

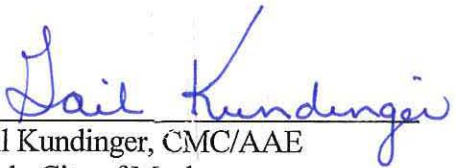

Steve Warmington, Mayor

Attest:


Gail A. Kunderger, Clerk

CERTIFICATE (Vacation of Bluff St.)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on July 23, 2002.


Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

VACATED PORTION OF BLUFF STREET

THAT PART OF VACATED BLUFF STREET LYING ADJACENT TO BLOCK 747 AND BLOCK 749 OF THE 1903 REVISED PLAT OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 OF BLOCK 747 FOR THE POINT OF BEGINNING;

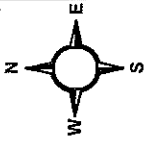
THENCE SOUTH 33 DEGREES 31 MINUTES 25 SECONDS EAST ALONG THE WESTERLY SIDE OF SAID BLOCK 747, A DISTANCE OF 84.98 FEET TO THE NORTHWEST CORNER OF LOT 5 OF BLOCK 747;

THENCE SOUTH 84 DEGREES 05 MINUTES 58 SECONDS WEST ALONG THE EXTENDED NORTH LINE OF SAID LOT 5, A DISTANCE OF 49.65 FEET;

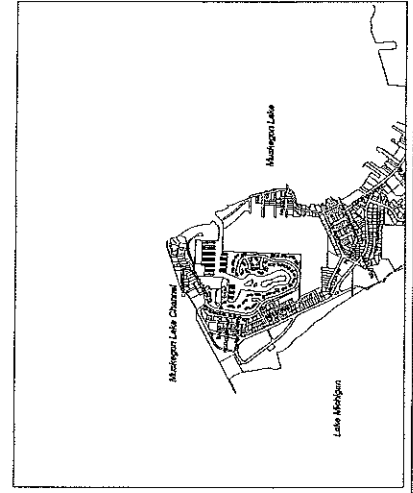
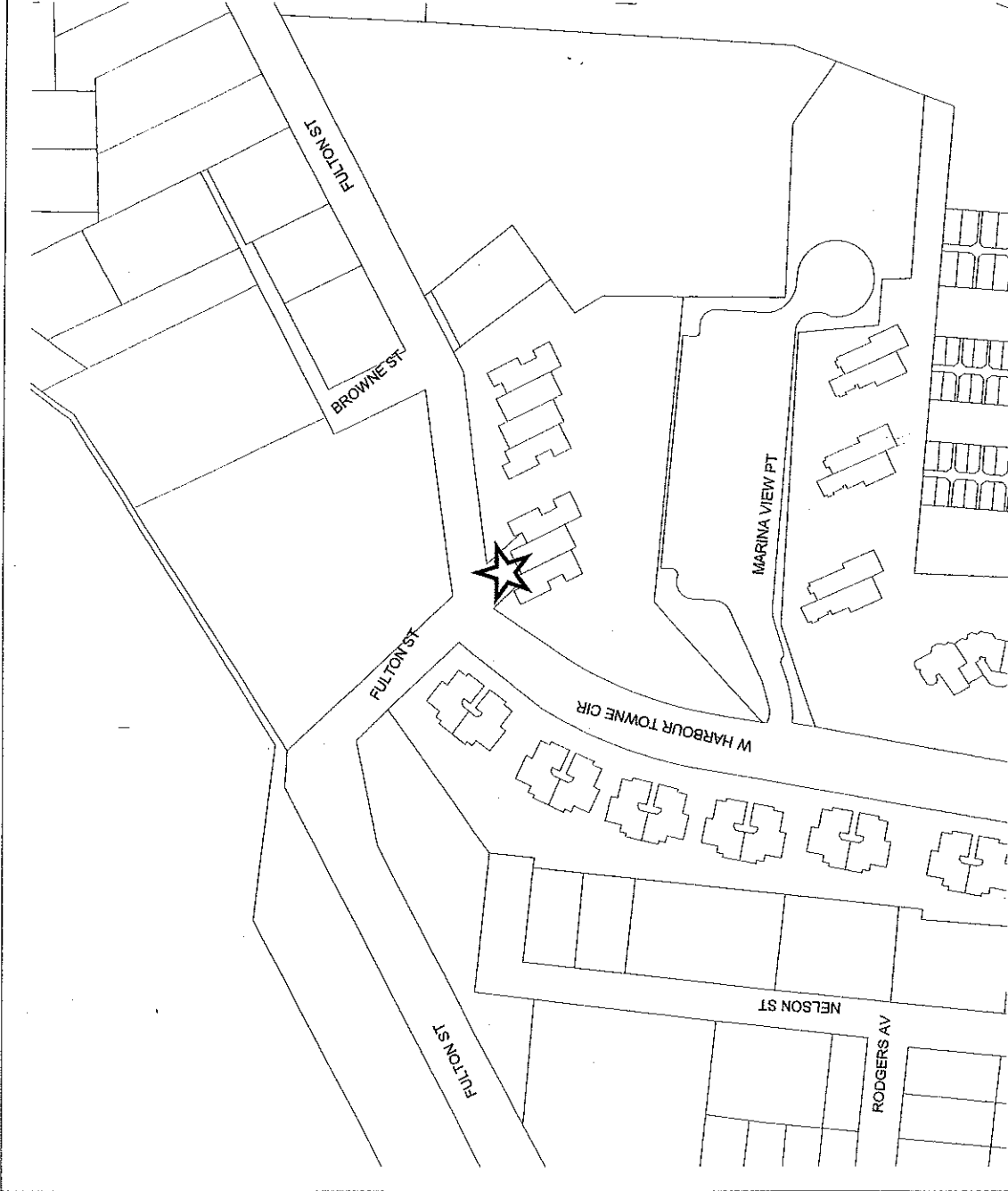
THENCE NORTH 33 DEGREES 31 MINUTES 25 SECONDS WEST ALONG THE WESTERLY LINE OF BLUFF STREET, AS PLATTED, A DISTANCE OF 84.98 FEET;

THENCE NORTH 84 DEGREES 05 MINUTES 58 SECONDS EAST ALONG THE EXTENDED SOUTHERLY LINE OF FULTON STREET, A DISTANCE OF 49.65 FEET TO THE POINT OF BEGINNING;

**City of Muskegon
Planning Commission
Case # 2002-27**



☆ = Subject Property(ies)



Commission Meeting Date: July 23, 2002

Date: July 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for the West Village Mall

SUMMARY OF REQUEST:

Request to rezone property owned by West Village Mall, LLC, located at 2500 Henry St. (West Village Mall), from B-2, Convenience and Comparison Business to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

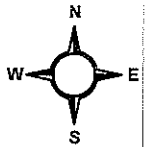
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/11 meeting. The vote was unanimous with P. Veltkamp, B. Mazade and M. Kleaveland absent.

City of Muskegon Planning Commission Case # 2002-30

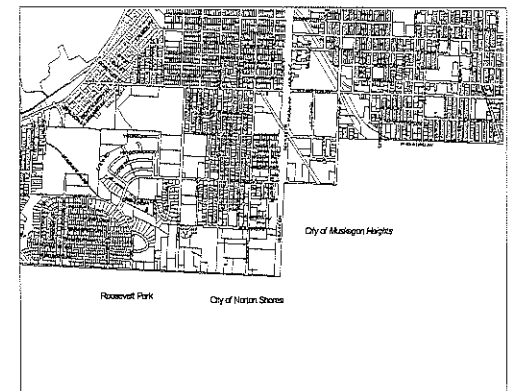


■ = Subject Property(ies)

○ = Notice Area

R-1 = Single-Family Residential
B-2 = Convenience and Comparison Business
B-4 = General Business
I-1 = Light Industrial
PUD = Planned Unit Development Overlay

600 0 600 1200 Feet



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

July 11, 2002

Hearing; Case 2002-30: Request to rezone the West Village Mall (NE corner of Sherman Blvd. & Henry St.) from B-2, Convenience and Comparison Business to B-4, General Business, by West Village Mall, LLC.

BACKGROUND

Applicant: West Village Mall, LLC

Address/Location of Subject Property: 1500 Henry St.

Current Zoning: B-2, Convenience and Comparison Business

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located at 1500 Henry St., and fronts on both Henry St. and Sherman Blvd. The subject property contains the West Village Mall strip commercial development as well as several separate buildings. These include the Sardine Room, the former New York Carpet World building (now vacant), and the former Professional Center which has since been demolished.
2. The West Village Mall is currently zoned B-2. The B-2 district allows retail uses such as are found on the property, but the intent of the district is to prohibit 'strip' commercial development. As the mall is situated on one of the busiest corners in Muskegon, and already contains a strip commercial development, staff feels that B-4 is a more appropriate zoning designation.
3. All of the existing uses within the property will conform with the B-4 district if the rezoning is approved. The West Michigan Children's Museum is looking to occupy the former New York Carpet World building and that use is also permitted in the B-4 district.
4. The Future Land Use Map shows the subject property to be "Commercial".
5. The Master Land Use Plan states:
 - ◆ Henry Street is one of the metro areas most popular commercial corridors. Henry St. links the sub-area to the nearby cities of Roosevelt Park and Norton Shores. Commercial development is generally found throughout the length of Henry Street, with the largest concentration at the southern end near Sherman Boulevard. At this location, one finds retail strip centers lying east and west of Henry. Historically, these centers have served a regional population base offering grocery, pharmacy, clothing, automotive, restaurant, and general retail goods.
6. Sub-Area Stability:

- ◆ Although commercial development along Henry St. is undergoing some change, the sub-area as a whole is relatively stable.
 - ◆ Due to competition from new commercial development occurring in outlying locations, Henry Street's position as the region's premier commercial sector has declined. Notwithstanding that fact, however, Henry Street's central position to a large population base should ultimately counter any declining trend.
7. The Master Plan recommends for this sub-area:
- ◆ Complete the full commercial development of that area lying between Henry Street, Laketon Avenue, Seaway Drive and Sherman Boulevard.
8. Staff has not received any phone calls or letters regarding this case.

PHOTOS



ORDINANCE EXCERPTS

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Restaurants, or other places serving food.
4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
5. Office buildings for any of the following types of occupations: executive, administrative and professional.
6. Post offices and other governmental office buildings.
7. Newspaper offices and printing offices.
8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.
9. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
11. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public

Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when no external changes are made to the buildings or properties.

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:
2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
3. Business in the character of a drive-in restaurant, or open front store, subject to the following:
4. Churches and other facilities normally incidental thereto subject to the following conditions:..
5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions:...
6. Stores selling second hand merchandise, subject to the following: [amended 12/01]...
7. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios: [amended 5/02]...
8. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
9. Uses similar to the above Special Land Uses Permitted.
10. Self-serve, coin operated, automobile car wash, enclosed in a building.

SECTION 1102: PLANNED UNIT DEVELOPMENTS

...

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

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

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.

3. Stores selling second hand merchandise.
4. Funeral homes.
5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:...
7. Self service laundry and dry cleaning establishments.
8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
10. Theaters, when completely enclosed.
11. Banks, with or without drive-in facilities.
12. Restaurants and cocktails lounges.
13. Motels and hotels.
14. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
15. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.
16. Principal Use as permitted in B-2 Districts.
17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following...
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:..
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:..
5. Outdoor theaters subject to the following conditions:...

6. Private clubs, lodges, social and similar facilities.
7. Churches and other facilities normally incidental thereto subject to the following conditions:...
8. Commercial Kennels [amended 5/96]
9. Mini Storage (warehouse facilities) [amended 10/98]...
10. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
11. Uses similar to the above Special Land Uses Permitted.
12. Non-accessory signs provided that the signs conform to Section 2308 (1) (f) of this code.

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

...

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

...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

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

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2083

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from B-2 "Convenience and Comparison Business" to B-4 "General Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

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

COMMENCING ON THE SOUTH LINE OF SECTION 31, TOWN 10 NORTH, RANGE 16 WEST, 264 FEET SOUTH 88 DEGREES, 30 MINUTES 10 SECONDS EAST OF THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE SOUTH 88 DEGREES 30 MINUTES 10 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION, 480.08 FEET TO THE WESTERLY LINE OF THE NORTON GLADE EXPRESSWAY, THENCE NORTH 1 DEGREE 06 MINUTES 50 SECONDS EAST ALONG THE WEST LINE OF THE NORTON GLADE EXPRESSWAY 707 FEET, THENCE NORTH 88 DEGREES 30 MINUTES 10 SECONDS WEST 740.34 FEET TO THE WEST LINE OF SAID SECTION 31, THENCE SOUTH 1 DEGREE 26 MINUES 50 SECONDS WEST 542 FEET ALONG THE WEST LINE OF SAID SECTION 31, THENCE SOUTH 88 DEGREES 30 MINUTES 10 SECONDS EAST 264 FEET, THENCE SOUTH 1 DEGREE 26 MINUTES 50 SECONDS WEST 165 FEET TO THE PLACE OF BEGINNING.

This ordinance adopted:

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nayes: None

Adoption Date: July 23, 2002

Effective Date: August 11, 2002

First Reading: July 23, 2002

Second Reading: N/A

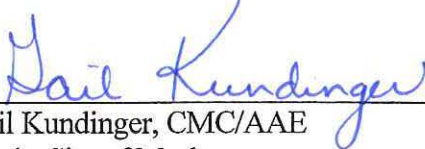
CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of West Village Mall from B-2 to B-4)

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 23rd day of July, 2002, 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: 7-29, 2002.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on July 23, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from B-2 "Convenience and Comparison Business" to B-4 "General Business"

2500 Henry St. (West Village Mall):

COMMENCING ON THE SOUTH LINE OF SECTION 31, TOWN 10 NORTH, RANGE 16 WEST, 264 FEET SOUTH 88 DEGREES, 30 MINUTES 10 SECONDS EAST OF THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE SOUTH 88 DEGREES 30 MINUTES 10 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION, 480.08 FEET TO THE WESTERLY LINE OF THE NORTON GLADE EXPRESSWAY, THENCE NORTH 1 DEGREE 06 MINUTES 50 SECONDS EAST ALONG THE WEST LINE OF THE NORTON GLADE EXPRESSWAY 707 FEET, THENCE NORTH 88 DEGREES 30 MINUTES 10 SECONDS WEST 740.34 FEET TO THE WEST LINE OF SAID SECTION 31, THENCE SOUTH 1 DEGREE 26 MINUES 50 SECONDS WEST 542 FEET ALONG THE WEST LINE OF SAID SECTION 31, THENCE SOUTH 88 DEGREES 30 MINUTES 10 SECONDS EAST 264 FEET, THENCE SOUTH 1 DEGREE 26 MINUTES 50 SECONDS WEST 165 FEET TO THE PLACE OF BEGINNING.

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

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

Published August 1, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: July 23, 2002

Date: July 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendment to change the Floodplain Requirements to reflect recent changes in the building code.

SUMMARY OF REQUEST:

Request to amend Section 2323 (Flood Hazard Areas) of Article XXIII (General Provisions) of the City's Zoning Ordinance to require that the lowest floor of a structure be compliant with the State of Michigan code.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to change the proposed language in the article and section described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/11 meeting, with P. Veltkamp, B. Mazade and M. Kleaveland absent.

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

July 11, 2002

Hearing; Case 2002-31: Staff-initiated request to amend the floodplain regulations of the zoning ordinance to reflect recent changes in the building code.

BACKGROUND

In January, staff met with the District Floodplain Engineer from the Michigan Department of Environmental Quality (MDEQ). One recommendation which was made to staff during that meeting was that Muskegon's Zoning Ordinance should be amended to reflect the July 2001 change in the building code. The exact comment from the DEQ was stated as below:

Our review indicates that the city's floodplain ordinance meets the minimum standards of the NFIP (National Flood Insurance Program). However, with the new building code, there exists much potential for confusion. When referring to the elevation of the lowest floor related to the 100-year floodplain elevation, the Muskegon Ordinance uses the "at or above" language and the building code requires at least one foot above. The more restrictive standard would apply. In order to avoid confusion, we suggest the floodplain ordinance be amended to require the lowest floor be one foot above the 100-year floodplain elevation or require compliance with Section 327 of the Michigan Residential Code or Section 1612 of the Michigan Building Code for non-residential buildings.

Therefore staff is asking to make the amendment proposed in the language below (new language in *italics*, deleted language in ~~strike-thru~~).

ORDINANCE EXCERPT

SECTION 2323: FLOOD HAZARD AREAS

The intent of the regulations in this Section is to promote public health, safety, and general welfare and minimize public and private losses due to flood conditions.

1. Flood hazard areas shall be treated as overlay districts, which shall:
 - a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion, or in flood heights or velocities.
 - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

- d. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
 - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
2. This Section shall apply to all land which is depicted on the Flood Hazard Boundary Map/Flood Insurance Rate Map 260161B dated June 1, 1977 as determined by the Federal Insurance Administration. Any map amendments are hereby adopted by reference, and Flood Hazard Districts are overlay Districts.
3. All new construction and substantial improvement to structures shall be constructed so that the lowest floor, including basements shall be *at least one foot at or* above the base flood elevation. As an alternate, *residential structures must comply with Section 327 of the Michigan Residential Code or non-residential buildings with Section 1612 of the Michigan Building Code.* ~~nonresidential structures, together with attendant utilities and sanitary facilities may be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~
- Any new and replacement water systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters. On-site waste disposal systems are to be located to avoid impairment to them, or contamination from them during flooding.
4. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section shall not create liability on the part of the City of Muskegon or by any officer or employee thereof for any flood damages that result from reliance of this Section or any administrative decision lawfully made thereunder.
5. When base flood elevation data has not been provided in accordance with Item 3, above, then the Zoning Administrator, shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source.
6. Responsibilities of the Zoning Administrator shall be as follows:
- a. Notify adjacent communities and the Michigan Department of Natural Resources prior to any alteration or relocation of watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Obtain necessary engineering analysis to assure that the flood-carrying capacity with the altered or relocated portion of said watercourse is maintained.
 - c. The Zoning Administrator shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - d. For the purpose of the determination of applicable flood insurance risk premium rate, the Zoning Administrator shall:
 - 1) Obtain the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and determine whether or not such structures contain a basement.

- 2) Obtain from a Registered Professional Engineer or Architect, certification that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood so that the structure is watertight to the base flood level.
 - 3) Maintain a record of all such information.
7. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in this Ordinance.

No new construction, substantial improvements or other development (including fill) shall be permitted within the zones A1-30 of the City's Flood Insurance Rate Map (FIRM), unless it is demonstrated to the City Commission and/or Zoning Administrator that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2084

An ordinance to amend Section 2323 (Flood Hazard Areas), of Article XXIII (General Provisions) of the City's Zoning Ordinance to amend the language for structures constructed in floodplain areas.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2323 (Flood Hazard Areas), of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

3. All new construction and substantial improvement to structures shall be constructed so that the lowest floor, including basements, for residential structures shall comply with Section 327 of the Michigan Residential Code or for non-residential buildings shall comply with Section 1612 of the Michigan Building Code.

This ordinance adopted:

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nayes: None

Adoption Date: July 23, 2002

Effective Date: August 11, 2002

First Reading: July 23, 2002

Second Reading: N/A

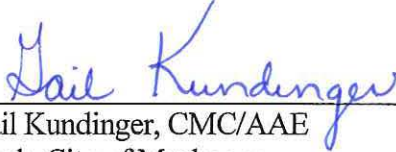
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of July, 2002, 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 23, 2002.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on July 23, 2002, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2323 (Flood Hazard Areas), of Article XXIII (General Provisions) of the City's Zoning Ordinance as follows:

3. All new construction and substantial improvement to structures shall be constructed so that the lowest floor, including basements, for residential structures shall comply with Section 327 of the Michigan Residential Code or for non-residential buildings shall comply with Section 1612 of the Michigan Building Code.

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

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

Published August 1, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: July 23, 2002

Date: July 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Request for amendment to Planned Unit Development for Harbour Towne

SUMMARY OF REQUEST:

Request to amend the Planned Unit Development for Harbour Towne near the intersection of Fulton St. and W. Harbour Towne Circle to include three two-unit condominium buildings and twenty 'Carriage House' (garage) units.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

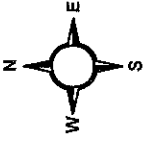
STAFF RECOMMENDATION:

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

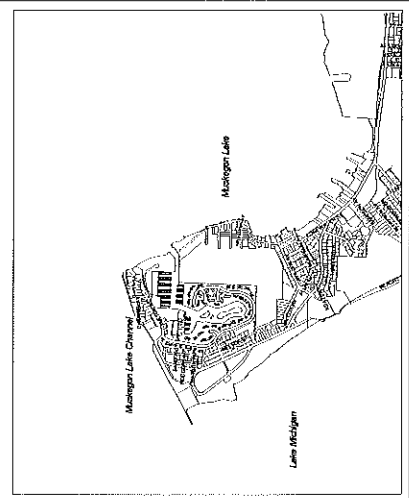
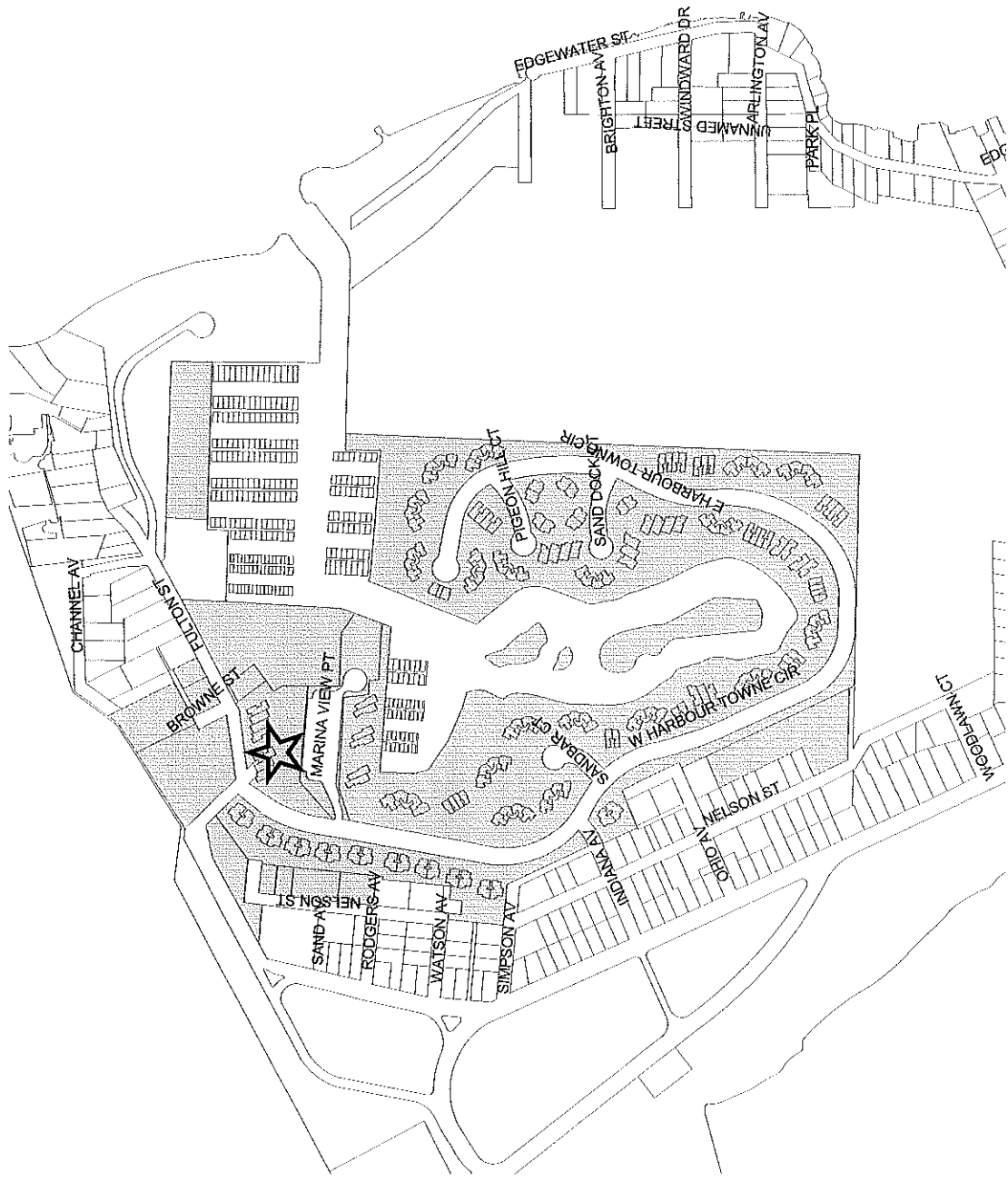
COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of a portion of the PUD amendment, with the conditions listed on the attached resolution. That vote was unanimous. The motion to recommend approval of the 'Carriage House' portion of the request failed on a 3-3 vote, with L. Spataro, S. Warmington, and B. Smith voting yes and J. Aslakson, P. Sartorius, and J. Stewart voting nay. P. Veltkamp, B. Mazade and M. Kleaveland were absent.

**City of Muskegon
Planning Commission
Case # 2002-26**



- ☆ = Subject PUD Area
- = Notice Area



CITY OF MUSKEGON

RESOLUTION #2002- 88(a)

RESOLUTION FOR AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR HARBOUR TOWNE

WHEREAS, a petition for a planned unit development amendment was received from John Darien Homes, Inc.; and

WHEREAS, a planned unit development amendment will allow a change in the condominium unit density and style planned for the area near the intersection of Fulton St. and W. Harbour Towne Circle; and

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

WHEREAS, the Planning Commission and staff have recommended approval of a portion of the of the Planned Unit Development amendment with conditions as follows:

1. The proposed three 'Sandocker' buildings are approved as proposed.
2. A revised landscape plan shall be submitted showing:
 - a. The sizes and species of proposed landscape materials as well as a cross-section of the proposed berm. Areas to be preserved shall be marked as such.
3. The original agreement for sidewalks for this Planned Unit Development is retained.
4. The applicant will work with the Fire Marshal for the required flow test.

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

Adopted this 23rd day of July, 2002

Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

Absent: None

By:


Steve Warmington, Mayor

Attest:


Gail A. Kunding, Clerk

CERTIFICATE (Harbour Towne PUD Amendment)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of July, 2002, 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: _____, 2002.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

July 11, 2002

Hearing; Case 2002-26: Request to amend the Planned Unit Development for Harbour Towne to permit construction of additional condominium and separate garage units, by John Darien Homes, Inc.

BACKGROUND

Applicant: John Darien Homes, Inc.

Request: To permit construction of additional condominium and separate garage units in the planned unit development.

Present Land Use: Residential condominiums and vacant land.

Zoning: LR, Lakefront Recreation

STAFF OBSERVATIONS

1. Harbour Towne is located in the Bluffton peninsula and contains several different styles of condominium units as well as a marina and Docker's restaurant. Much of the development has already been completed, although there are several units currently under construction.
2. The development is zoned LR, Lakefront Recreation, and is under a planned unit development for a mixed-use residential, marina and commercial development.
3. The applicant is asking to amend the plans for a portion of the development at the northern edge near where W. Harbour Towne Circle intersects with Fulton St., just north of the Docker's parking area. The previously approved plan included two 'Baysider' 6-plex units and associated landscaping in this location. The area currently proposed for the 'Carriage House' units was indicated to be vacant on the previously approved plan.
4. The applicant is proposing to change the units to three 'Revised Sandocker' 2-unit buildings, which would reduce the total amount of units by half for the area. As a frame of reference, the proposed buildings would be the same design as the end units of the following existing structures: 3435 Pigeon Hill Ct., 3432 Sand Dock Ct., 1575 East Harbor Circle, and 1581 East Harbor Circle.
5. The plan also calls for six 'Carriage House' buildings containing a total of 19 garage stalls, to be located between W. Harbour Towne Cir. and the Docker's parking lot. The units would consist of 2, 3, and 4-unit 'garages' intended as extra storage space for Harbour Towne residents. The buildings are shown to be 8 feet apart, with a 25-foot to 33-foot maneuvering lane in between them and two-way access to the private driveway and Marina View Point at each end.
6. All of the proposed 'Sandocker' units would take access from a drive which would be constructed off of W. Harbour Towne Cir., with no access onto Fulton St., or into the Docker's parking lot. Individual drives for each unit would access off of the proposed new drive.

7. Staff has reviewed the submitted site plan and has the following comments:
- a. The site plan shows a 25-foot setback for all structures off of both Fulton St. and W. Harbour Towne Circle. This meets setback requirements.
 - b. The three duplex buildings are shown to be 33.39 feet apart from each other. This distance is greater than what the side setback requirement would be if each duplex were to be built on a separate lot.
 - c. Each proposed duplex unit contains an attached garage and paved driveway, which meets the 2 space per unit requirement of the zoning ordinance.
 - d. The proposed elevations for the 'Sandocker' units reflect 2-½ story buildings with offset rooflines, gables, decorative windows and decks off of the second story. The 'front' elevation would be visible from Fulton St., with the 'entry level' elevation visible from the access driveway interior to Harbour Towne (see enclosed elevation drawings). The majority of the buildings' windows and patio doors are on the 'front' elevation sides of the buildings.
 - e. The height of the proposed 'Sandocker' units about the same as than the units currently under construction on the opposite corner of W. Harbour Towne Circle and Fulton St. Since the proposed buildings are a design already used in the development and single family homes are not immediately adjacent to the proposed structures, staff feels they will blend well with the area.
 - f. The proposed 'Carriage House' units would be located on the south side of the proposed access drive, between W. Harbour Towne Cir., and the Dockers' parking lot, at the corner of W. Harbour Towne Cir. and Marina View Point. The units would be accessed both from the proposed access drive and from Marina View Point.
 - g. The proposed setbacks from the Docker's parking area need to be provided for the 'Carriage House' units.
 - h. The proposed elevations for the 'Carriage House' units show garage doors on the interior sides of the buildings with gabled rooflines and windows facing out toward both W. Harbour Towne Circle and the Dockers' parking lot. The street elevation shows a different style window for each unit within a building. This helps to break up the long expanse of wall and mimics the design of the condominium units already present within the Harbour Town development. The garage door side of the buildings also shows gabled rooflines and decorative windows which helps keep the stalls from looking like a commercial "mini-storage".
 - i. Additional landscaping should be added to both the west and east setbacks of the carriage houses to make them blend with the rest of the development.
 - j. The 'Carriage House' units are staggered so that each unit is slightly offset from others within the same building. This will also help soften the appearance of long continuous wall of storage along the street.
 - k. The proposed landscape plan for the area is similar to the rest of the development and shows natural dune grass areas interspersed with lawn areas and proposed landscape elements such as shade trees, evergreen trees, small flowering trees and ornamental trees. Landscaping is provided both along the W. Harbour Towne Circle frontage, near the drive entrance, and interior to the units as well. The landscape plan shows areas of existing trees/natural area

along the Fulton St. frontage.

- l. A berm is shown between the Sandocker units and the existing parking area to the south. A cross-section should be given for the berm, indicating the height of the proposed berm. The berm and evergreen trees shown will act as screening for the adjacent parking area.
 - m. The landscape plan should indicate the sizes and species of all proposed trees. Existing trees should be protected during construction with snow fencing or other measures.
 - n. The Fire Marshal has reviewed the site plan and has the following comment: A flow test will be required for water supply and hydrants that are currently available (Comments received 6/24).
 - o. The City Engineer has reviewed the site plan and has no issues or concerns (Comments received 7/1).
8. The proposed amendment to the PUD would decrease the residential unit density in this area, but would add the garage or 'Carriage House' units, which were not previously shown on the plan. Staff sees the necessity of having extra vehicular storage available, especially in an area where many property owners will have boats or other recreational vehicles, which may otherwise be stored in more visible areas. The proposed 'Carriage House' units are well-designed, and should easily blend into the development.
9. In previous plan amendments the issue of pedestrian walkways has come up. The original PUD required that walkways (sidewalks) be provided when the PUD became more fully developed. This issue needs to be resolved. Cement sidewalks may not be practical in the development. A boardwalk may be cost prohibitive. An option may be that a pedestrian/bike lane be painted on the existing street demarking a pedestrian area that will prompt motorists to be mindful of pedestrians and cyclists. The existing swath of pavement is fairly wide and open, which can actually promote speeding in the development.

PHOTOS





DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

CITIZEN PARTICIPATION REQUEST FORM

Name of Speaker George Chmelar Phone 755-2299

Address 1582 W. Harbour Tower Circle Signature [Signature]

Are you representing a group? Yes If you what group Harbour Tower Condominium Assoc.

Agenda item you want to speak on New Business a.

Topic not on the agenda that you want to speak on _____

Requested Amount of Time: 3 Minutes _____ 10 Minutes X Other _____

Request for Special equipment (specify) None

Date of Meeting you wish to speak at is 7-23-02

Clerk's Signature _____ Date _____

July 18, 2002

City Commission
C/o City Clerk
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

RE: Hearing Case 2002-26, John Darien Homes, Inc.

Dear City Commission,

As a resident of Harbour Towne I want to express my 100% backing of John Darien for not only the additional condominiums, but specifically for the separate garage units that will be called Carriage House.

I am personally offended to see commercial trucks, huge RV's, and boats lingering in driveways. Two to three days are fine – weeks upon weeks are not. I think it looks tacky and definitely detracts from the ambiance of Harbour Towne.

I will be out of town July 23, 2002, so please accept this letter as a **YES** vote on the above issues.

Thank you!

Marion R. Battreall

Marion R. Battreall
1616 E. Harbour Towne Circle
Muskegon, MI 49441
231-755-5954

*In
favor
of*

July 18, 2002

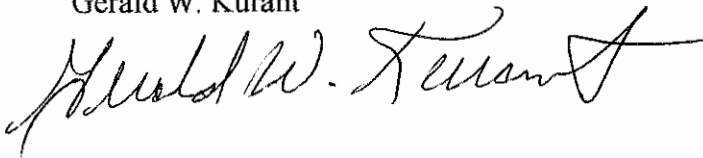
City Commission
% City Clerk
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon MI 49443-0536

I have just purchased a condominium at 1407 west Harbour Towne Circle that is directly across the street from the proposed "Carriage House" units in Harbour Towne.

I am totally in support of the Developer's plan. I feel the design of the buildings and the availability of additional garage or storage units will add to the value of my condominium.

Sincerely,

Gerald W. Kurant

A handwritten signature in black ink, appearing to read "Gerald W. Kurant". The signature is fluid and cursive, with a long horizontal stroke at the end.

John B. Whitlock
3543 Sand Bar Court
Muskegon, Michigan 49441
231-759-4218
Wednesday, July 17, 2002

Muskegon City Commission
c/o City Clerk
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49441-0536

Ladies and Gentlemen:

As residents of Harbour Towne, we are in favor of John Darien's proposal to construct carriage houses for use of the residents of this subdivision.

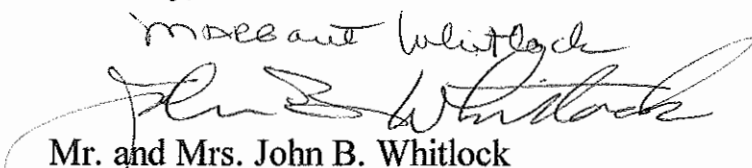
We are also in favor of the recommendation to designate a pedestrian/bicycle lane by striping Harbour Circle.

Storage units are needed by those who have a third car, commercial vehicle, recreation vehicles, boats, or other equipment which can be unsightly if stored in driveways or out of doors anywhere on the property. The plan that Darien has proposed would solve that problem for those who need the extra space, and the units as proposed would not detract from the attractiveness of the area.

Placement of sidewalks would only tend to exacerbate the problem of speeding cars along Harbour Circle, while the designation of a lane for pedestrian/bicycle use should create more awareness and more care on the part of motorists

We urge your approval of both of these proposals.

Sincerely,

Mr. and Mrs. John B. Whitlock

Mr. and Mrs. John B. Whitlock

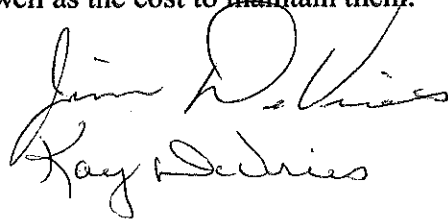
July 20, 2002

City Commission
c/o City Clerk, City of Muskegon
933 Terrace St. P.O. Box 536
Muskegon, Mi. 49443-0536

Dear Commissioners,

We have lived at 3547 Sand Bar Ct. in Harbour Towne for 31/2 years. It is a great place to live and we are enjoying it immensely. We recently received the letter from Deborah Steenhagen regarding the hearing to discuss the developer's request to approve a zoning change to his originally approved plan. The revision to the condo units is totally acceptable to us as is the addition of the "Carriage House" garages at the proposed location based upon the plans we have subsequently received from the developer. Since receiving the letter from Deborah Steenhagen and subsequent to the Planning Commission hearing, we have received letters from the developer and the Harbour Towne board regarding this proposal. It appears to us that this entire proposal could have been accomplished much faster and with much less debate and confusion if the developer had brought his proposal to the Harbour Town Board for discussion and agreement prior to the date of the Planning Commission hearing. The comments and objections we have heard from fellow owners is primarily due to lack of information which we feel resulted from poor or lack of communication between the developer and the Harbour Town Board and subsequently to the owners. A major question among the owners is who will own and maintain the garage units and will they meet the current standards and color scheme of the development. Also, with regard to the subject of adding sidewalks to the development, we walk frequently and ride bikes on the streets with no problems whatsoever. We feel the addition of sidewalks would greatly detract from the character of the development and would not be worth the added cost to install as well as the cost to maintain them.

Sincerely,

The block contains two handwritten signatures in cursive. The top signature is 'Jim DeVries' and the bottom signature is 'Kay DeVries'. Both are written in dark ink.

Jim and Kay DeVries

3553 Marina View Point
Muskegon, MI 49441
July 18, 2002

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

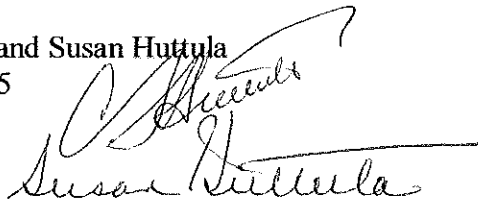
Re: Carriage House units at Harbour Towne

Dear Members of the City Commission,

As you consider the proposal before you, that of the Harbour Towne Carriage House garage/storage units, please regard the need for such units, the tasteful design of the units (which *are* in keeping with the integrity of the Harbour Towne Condominium development) and the appropriate location of those units. The developer, John Darien Homes, has carefully scrutinized the location (best-use-of land), and skillfully created a most attractive and workable unit plan. There are many here in Harbour Towne who would like to have an extra garage but cannot because of the configuration of our own buildings. We are among that number and we ask that you **vote to approve**.

Sincerely yours,

Charles and Susan Huttula
755-0085

Handwritten signatures of Charles and Susan Huttula. The signature for Charles is written above the signature for Susan. Both signatures are in cursive script.

July 19, 2002

City Commission
% City Clerk
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon MI 49443-0536

I have just purchased a condominium at 1337 West Harbour Towne Circle that is directly across the street from the proposed "Carriage House" units in Harbour Towne.

I am totally in support of the Developer's plan. I feel the design of the buildings and the availability of additional garage or storage units will add to the value of my condominium.

Sincerely,

Richard Stutzman & Terry Jager

Handwritten signatures of Richard P. Stutzman and Terry J. Jager in blue ink. The signature of Richard P. Stutzman is on top, and the signature of Terry J. Jager is below it.

*We are interested in purchase
of one of the Carriage Houses -
- reservation on one as soon
as available!*

July 22, 2002

City Commission
City of Muskegon
933 Terrace Street
Muskegon MI 49441

As a resident in Harbour Towne and the owner of Dockers Restaurant I wish to go on record in favor of the Developer's proposal to add some storage space in the form of Carriage Houses near the entrance to Dockers parking lot. My residence, adjoining the parking lot, is only a few feet from the planned storage units.

In the seven years I have been in operation many of my Harbour Towne customers have commented on the need for this type of facility. During this past week a number have expressed support for the plan. The units will be attractive and will form a nice barrier between Harbour Towne Circle and the parking lot.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gary Thrasher', with a stylized flourish at the end.

Gary Thrasher
3633 Marina View Point
Muskegon MI 49441

ROBERT L. WHEATON
1446 EAST HARBOUR TOWNE CIRCLE
MUSKEGON, MICHIGAN 49441

July 19, 2002

Muskegon City Commission,

My wife and I have been residents of Harbour Towne for nine years. We live in one of the first units that were built. We have watched it grow to its present size, and would like to think that it is, as a recent Chronicle article described it, an "up-scale" residential community.

We feel that the construction of two rows of coach-houses, orgarages, or whatever the developer chooses to call his storage sheds is anything but "up-scale", and would down-grade and de-value all the units that have been built so far.

You have asked for input on the side-walk/
street-marking issue.

Asone who has driven in and out of Harbour Towne hundreds of times, and taken daily walks on Harbour Towne Circle for years, I feel the street-marking concept, while well-intentioned, is impractical and a waste

The number of visitors varies fr
condo-owner has ar
causes a traffic p
become even worse
confined to one si
prefer side-walks.

Against

Thank you for
to the opinions of

ration

Very truly yours,

Robert L. Wheaton
Ruth Wheaton

Robert J. Mason
1494 W. Harbour Towne Circle
Muskegon, MI 49441

July 18, 2002

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

To: The members of the City Commission of the City of Muskegon

Reference is made to a request to amend the Planned Unit Development for Harbour Towne to permit construction of separate garage units by John Darien Homes, Inc.

At a meeting of the City of Muskegon Planning Commission on July 11, 2002, the Harbour Towne Condominium Association was represented at the meeting by members of its Board of Directors. Reflecting the position of residents, the Board expressed its opposition to the construction of the garage units.

Without restating the factors the Board presented opposing the proposal, as a resident of Harbour Towne, I want the members of the Commission to know that I am in complete agreement with the position taken by the Association Board on this issue, and therefore strongly recommend that the Commission deny the request to construct the garage units. Your vote in support of my position would be sincerely appreciated.

Yours truly,

Robert J. Mason

Harbour Towne Condominium Association
c/o Sun Agency Inc.
974 West Norton Avenue
Muskegon, Michigan 49441

July 18, 2002

City Commission
c/o City Clerk
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49441

Dear City Commission:

In it's regular scheduled meeting of July 10, 2002, the Board of Directors of the Harbour Towne Condominium Association, representing 130 co-owners, voted to oppose the development of separate coach house (garage) units as an addition to the Planned Unit Development for Harbour Towne as they would not be compatible with this up-scale condominium neighborhood. I cannot think of one residential neighborhood within the City of Muskegon where a developer has located storage/garage units. Harbour Towne should not be the first.

On behalf of the Board,

A handwritten signature in black ink, appearing to read "George M. Chmelar". The signature is fluid and cursive, with a large loop at the beginning and end.

George Chmelar
President
Harbour Towne Condominium Association

July 20, 2002

City Commission
% City Clerk
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0356

RE: PLANNING COMMISSION CASE #2002-26 – REQUEST FOR PUD
FOR HARBOUR TOWNE TO PERMIT ADDITIONAL CONSTRUCTION
OF SEPARATE GARAGE UNITS BY JOHN DARIEN HOMES, INC.

Dear Commissioners:

I am an owner of a condominium in Harbour Towne at 1687 E. Harbour Town Circle. I am writing to express disapproval of John Darien Homes, Inc., request to build additional "carriage house" storage spaces within our development. I support the Harbour Towne Condominium Board of Directors' 6 to 1 vote opposing the garage development. I have no opposition to the proposal to build additional condominiums.

As I see it, the proposed "carriage houses" may be of benefit to a few Harbour Towne residents (or non-residents it appears) but will be of no benefit to the development as a whole. The proposal to build "no more than 20 units" is in itself absurd, particularly when you consider the large number of residential units within the development. I fail to see how building 20 storage units within Harbour Towne will be anything other than unsightly, no matter how "attractive" Mr. Darien intends to build them.

I believe every resident of this development was made fully aware of the limitations of space when they purchased. Furthermore, that there are limits governing number and type of vehicle that can be parked in an owner's driveway is also clearly spelled out in our association rules. Violations of these rules will not perish as a result of Mr. Darien's proposal. And, considering the number of storage facilities cropping up all over West Michigan, there are plenty of "off-site" facilities available to those violating the rules. Having a storage facility within Harbour Towne is not what I expected to find when I purchased my unit.

In conclusion, I encourage you to deny John Darien Homes, Inc. storage building request.

Sincerely,



David L. McIntire
1687 E. Harbour Towne Circle
Muskegon, MI 49441

July 20, 2002

Richard and Jennifer Copley
1522 West Harbour Towne Circle
Muskegon, MI 49441

City Commission
% City Clerk
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-00536

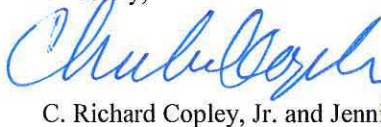
RE: Garages between West Harbour Towne Circle, Marine View Point and Docker's Parking Lot

Be advise that the Copley family of 1522 West Harbour Town Circle votes "no" against the plan to put garages on the West Harbour Town Circle. The reasons for this position include:

- **Storage facility is not compatible with the development design.** Harbour Towne was not designed originally as a "mini storage facility" for those requiring additional storage space. The highest and best use of the land was to be a single family development of condominiums with attached garages. "Stand alone garages" designed to use every available piece of property to produce corporate profits are not consistent with the original plan of the resort development as it was presented to me. Storage facilities belong in an area of commercial businesses with appropriate security, access, etc.
- **On-going maintenance.** How will the garages be properly maintained? I have seen no plan for establishing a separate association that collects funds to properly maintain the facilities which will attract their fair share of rodents, require physical maintenance, plowing in the winter, pesticide application, landscaping upkeep, etc.
- **The environment will be adversely affected.** This property has many trees, which are scarce in the development, and a rolling typography that provides refuge for deer and other wildlife already forced to adapt to a densely populated resort project to find food and access to water. This property is not of sufficient size and is simply not appropriate for construction of any kind.
- **Traffic pattern is not suitable.** A row of short driveways onto West Harbour Towne Circle will have an adversely impact on traffic, as multiple cars may seek places to park for access to storage facility contents. There are already condominiums at the end of the street that have to access West Harbour Towne Circle, creating traffic congestion and a potential hazard.

Thank you for your consideration.

Sincerely,

C. Richard Copley, Jr. and Jennifer G. Copley

CC. George M. Chmelar, President , Harbour Towne Condominium Association

July 18, 2002

Dear Harbour Towne Resident:

The purpose of this letter is to provide you with the Harbour Towne Condominium Board of Directors' perspective regarding a proposed development by developer, John Darien Homes, Inc., as it relates to storage buildings.

In late June, Deborah Steenhagen, Zoning Administrator, for the City of Muskegon, sent letters to property owners within a 300-foot radius of the subject property. The letter informed the reader that the City of Muskegon Planning Commission would hold a public hearing on Thursday, July 11, 2002 at 4:00 p.m. to discuss the developer's request. After receiving the letter, I thought it odd that the developer had not approached the Condominium Board to review and discuss his proposal.

When preparing for the July 10th Board meeting, I placed this topic on the agenda for discussion. I called Mr. Wilson Thomas, the developer's representative on the Board, on Monday, July 8th, and asked him to prepare a presentation for the Board regarding the development. On Wednesday, July 10th, Mr. Thomas displayed a blowup of the proposed site plan. In his presentation, Mr. Thomas stated that the developer would like to construct several garages or preferably "carriage houses" on property lying between West Harbour Towne Circle, Marina View Point and Docker's parking lot.

A discussion regarding the design of the garages took place and then two key points were brought up. The first was the fact the development would not be part of the Harbour Towne Condominium Association and the second was that anyone could purchase these garages whether they lived at Harbour Towne or anywhere else.

Based on all the information received by Mr. Thomas at the eleventh hour prior to the Planning Commission hearing, the Board voted six to one to oppose the garage development; the lone no vote was by Mr. Thomas.

The developer has circulated a letter, which states that several Board members have third stall garages. Three members do have third stall garages and three members do not. Concerning outside residents objecting to the development, this development would affect more than just the Harbour Towne Condominium Association, so input from our neighbors would not be out of line since they too have an interest in the area.

The developer states in his letter "we are not in the storage business, and the proposed location has more profitable uses for commercial purposes". It is my opinion that a developer uses his property to achieve as much profit as possible; maybe this developer feels differently. He also states "we were simply trying to satisfy the needs of many of our residents, and eliminate a continuing problem". I guess I'll let you ponder that statement and arrive at your own conclusion.

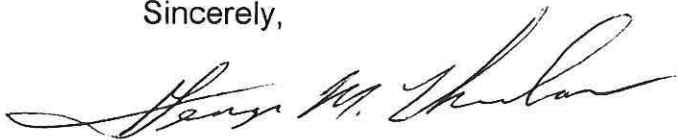
Before you commit yourself either way, think this plan out and ask yourself,

1. How will this development help me?
2. Who will run the development?
3. Who will maintain it?
4. Who will buy the garages? (Open to the public)
5. What will they look like in ten years?

Now that you have thought about it, let the City Commission know how you feel. In case you lost the developer's letter, here is the information on the meeting as presented in the developer's letter.

..."Next Tuesday, July 23, at 5:30, the City Commission will take final action on our application. We want to make sure that you understand our plan, and have a chance to voice your opinion, either in person or by letter to the city addressed to City Commission, % of City Clerk, City of Muskegon, 933 Terrace Street, P.O. 536, Muskegon, MI 49443-0536.

Sincerely,



George M. Chmelar
President
Harbour Towne Condominium Association

CITY COMMISSION 7/19/02
% CITY CLERK, MUSKEGON, MICH.

GENTLEMEN

I'M TOTALLY AGAINST WHAT THE
DEVELOPER, JOHN DAVID HOPPS, INC. WANTS
TO DO WITH ALL THIS PROPERTY AS DESCRIBED
IN YOUR ENCLOSED LETTER.

WHY WOULDN'T WE NOTIFIED OF
THIS SITUATION SOONER? YOU DIDN'T GIVE US
MUCH TIME TO THINK IT OVER.

PLEASE EXCUSE MY WRITING. HAVE SOME
MEDICAL PROBLEMS WHICH SEEM TO RESTRICT MY
WRITING. SINCERELY.


OWNER, 1673 E. HARBOUR TOWNE CIR.

City Commission
City of Muskegon, City Clerk
933 Terrace Street P O Box 536
Muskegon, Michigan, 49443-0536

Dear Commissioners,

This letter asks of you to NOT approve the construction of storage facilities proposed to be constructed at the entrance of Harbour Towne by John Darien Homes, Inc. You are aware that Mr. Darien plans to construct independently owned storage units at the West Entrance of Harbour Towne and adjacent to the tourist attraction Silversides.

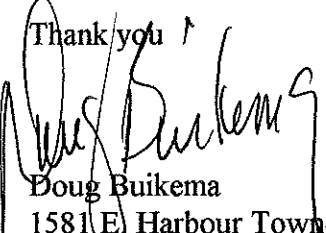
You are asked to reject Mr. Darien's change in the accepted PUD because of the following:

1. Harbour Towne is not a development where independently owned storage units would in any way contribute to the development or surrounding areas.
2. Since there would be no governance of these units, each owner could maintain them in a manor they choose. Since most owners would be absentee, it is doubtful they would give much consideration to the maintenance of their storage unit or surrounding area.
3. The proposed units are adjacent to the Silversides tourist attraction. Certainly, these storage units would contribute nothing in attracting tourists.
4. There are other properties available to Mr. Darien that may be better suited for storage units.
5. Mr. Darien proposed a separate street leading to the units. That street would start at the beginning of Harbour Towne West and just East of Silversides. There are already several curb cuts and streets in that area for the City to maintain.

I moved to the Muskegon area 14 months ago because of the desirable location, and now am faced with a change in plans and a group of undesirable storage units. Muskegon is on the verge of great and welcome growth. Lets not jeopardize that growth with undesirable storage units at the entrance of a desirable living and tourist area.

Again, please consider a NO VOTE to the changes in the PUD to accommodate the individually owned storage units that Mr. Darien is proposing, since it will do nothing for the surrounding area except to lower the value of that area.

Thank you ↑


Doug Buikema

1581 E. Harbour Towne Circle

1060 West Norton Avenue
Muskegon, Michigan 49441
231-780-4763 fax 231-780-4727

C. Richard Borgeson Architect

July 23, 2002

CITY of MUSKEGON
933 Terrace Street
Muskegon, Michigan 49441

RE: Harboure Towne
TO: Carriage Houses

Dear Commissioners,

There have been requests from Harboure Towne residence for an additional garage. Some have the capability of being added to their condominium units, but have been refused. Others are in units which an additional garage is not possible, but would appreciate the concept of a carriage house unit.

The units are placed on a piece of land which over looks Dockers parking lot. Not a delightful site for a living unit. They are also orientated so the garage door opens to an interior drive minimizing the garage look.

The carriage units are an excellent buffer between the condominium living units and the commercial parking lot of Dockers. It will also gives those people who do not have the opportunity, to purchase a third garage unit.



C. Richard Borgeson
Architect and Resident

1. We, the undersigned, as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association, hereby petition to be in favor of the placement of sidewalks on the far right sight of Harbour Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.
2. We, the undersigned, as resident owners of the community of Harbour Towne and members of the Harbour Towne condominium Association, hereby petition to be in opposition to the addition of Carriage House (garage/storage) units located between West Harbour Towne Circle and Dockers Parking lot.

 7/20/02
Jack P. Feichter

 7/20/02
Linda L. Feichter

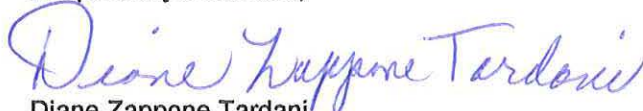
3440 Sand Dock Ct.

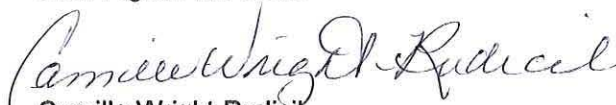
July 23, 2002

Dear City Commissioner:

Please find attached a copy of a petition with the signatures of 93 of the residents of the Harbour Towne Condominium Association in opposition to the addition of the Carriage House Units Garage/Storage located between West Harbour Towne Circle Drive and Dockers Parking Lot.

Respectfully submitted,


Diane Zappone Tardani
3437 Pigeon Hill Court


Camille Wright-Rudicil
3440 Pigeon Hill Court

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in opposition to the addition of the Carriage House (Garage/storage) Units located between West Harbour Towne Circle and Dockers Parking Lot.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
<i>Brad Lange</i>	BRAD LANGE	14120 E. H. T. C. 112	7-18-02
<i>Lois Lange</i>	LOIS LANGE	1420 E. N.T. CIP	7-18-02
<i>Lynne R. Calkins</i>	LUIS R. CALKINS	1414 E. Harb. Towne Circle, Muskogee	7/18/02
<i>David Calkins</i>	DAVID CALKINS	1414 E. HARBOUR TOWNE CIRCLE, Muskogee, AL 344	7/18/02
<i>Edward A. Bailey</i>	Edward A. Bailey	1410 Harbour Towne Muskogee	7/18/02
<i>Suella A. Bailey</i>	Suella A. Bailey	1410 Harbour Towne Muskogee	7/18/02
<i>Peter A. Calfo</i>	Peter A. CALFO	3430 Sanddock Ct, Muskogee	7/21/02
<i>Susan K. Calfo</i>	Susan K. CALFO	3430 Sanddock Ct, Muskogee	7/21/02
<i>Kathleen Bernard</i>	KATHLEEN BERNARD	3635 Marina View Pt	7-21-02
<i>Peggy E. Seay</i>	Peggy E. Seay	1408 W. Harbour Towne Cir	7/21/02
<i>Robert F. Mason</i>	ROBERT F. MASON	1494 W. HARBOUR TOWNE CIR.	7/22/02
<i>Carol F. Mason</i>	CAROL F. MASON	1494 W. Harbour Towne Cir.	7/22/02
<i>David R. Taylor</i>	David R. Taylor	3529 Sand Bar Ct.	7-22-02
<i>Kevin L. Taylor</i>	Kevin L. Taylor	3529 SAND BAR CT	7-22-02
<i>Berry Johnson</i>	Berry Johnson	3531 Sand Bar Court	7-22-02
<i>Kevin Johnson</i>	Kevin Johnson	3531 Sand Bar Court	7-22-02
<i>Lee Smrcina</i>	LEE SMRCINA	3541 SAND BAR CT.	7-22-02
<i>Frederick A. Kause</i>	FREDERICK A. KAUSE	3545 SAND BAR CT	7-22-02
<i>Mary Jane Kause</i>	MARY JANE KAUSE	3545 SAND BAR CT	7-22-02
<i>Joyce L. Peterson</i>	JOYCE L. PETERSON	3549 SAND BAR CT.	7-22-02
<i>Deborah A. Chmelar</i>	Deborah A. Chmelar	1582 W. Harbour Towne Circle	7-22-02
<i>James H. Peterson</i>	JAMES H. PETERSON	3549 SAND BAR CT.	7/22/02
<i>Nadia Gotberg</i>	Nadia Gotberg	1586 W. Harbour Towne Circle	7-22-02
<i>Jens Hansen</i>	JENS HANSEN	1588 W. Harbour Towne Circle	7-22-02

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in opposition to the addition of the Carriage House (Garage/storage) Units located between West Harbour Towne Circle and Dockers Parking Lot.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
<i>Diane Z. Tardani</i>	DIANE Z. TARDANI	3437 PIGEON HILL CT	7-19-02
<i>Philip Tardani</i>	PHILIP TARDANI	3437 PIGEON HILL	7-19-02
<i>Walter B. Rambow Jr.</i>	WALTER B. RAMBOW JR.	3438 PIGEON HILL CT	7-19-02
<i>Patricia S. Rambow</i>	PATRICIA S. RAMBOW	3438 PIGEON HILL CT.	7-19-02
<i>Beverly Micklin</i>	BEVERLY MICKLIN	1423 E. HARBOUR TOWNE CIR	7-19-02
<i>Norham Micklin</i>	NORHAM MICKLIN	1423 E. HARBOUR TOWNE CIR	7-19-02
<i>Billie Bennett</i>	BILLIE BENNETT	1416 E. HARBOUR TOWNE CIR	7-19-02
<i>Fred Bennett</i>	FRED BENNETT	1416 E. HARBOUR TOWNE CIR	7-19-02
<i>Robert E. Garrison Jr.</i>	ROBERT E. GARRISON JR.	1438 E. HARBOUR TOWNE CIR	7-19-02
<i>Robert S. Wheaton</i>	ROBERT S. WHEATON	1446 E. HARBOUR TOWNE CIR	7-19-02
<i>Ruth Wheaton</i>	RUTH WHEATON	1446 E. HARBOUR TOWNE CIR	7-19-02
<i>Jean Wasserman</i>	JEAN WASSERMAN	1458 E. HARBOUR TOWNE CIR	7-19-02
<i>Roslyn Muskovitz</i>	ROSLYN MUSKOVITZ	1560 E. HARBOUR TOWNE CIR	7-19-02
<i>Seymour L. Muskovitz</i>	SEYMOUR L. MUSKOVITZ	1560 E. HARBOUR TOWNE CIR	7-19-02
<i>Joann Athanos</i>	JOANN ATHANOS	1596 E. HARBOUR TOWNE	7-19-02
<i>Brian W. Martin</i>	BRIAN W. MARTIN	1598 E. HARBOUR TOWNE CIR	7-19-02
<i>Shirley E. Almond</i>	SHIRLEY E. ALMOND	1602 E. HARBOUR TOWNE CIR	7-19-02
<i>William Hage</i>	WILLIAM HAGE	1612 E. HARBOUR TOWNE CIR	7-19-02
<i>Susan Hage</i>	SUSAN HAGE	1612 E. HARBOUR TOWNE CIR	7-19-02
<i>Sera Thompson</i>	SERA THOMPSON	3435 PIGEON HILL CT.	7-19-02
<i>Mary Doenzer</i>	MARY DOENZER	3436 SAND DOCK CT	7-19-02
<i>Gerald Doenzer</i>	GERALD DOENZER	3436 SAND DOCK CT	7-19-02
<i>Gloria Alstrom</i>	GLORIA ALSTROM	1575 E. HARBOUR TOWNE CT	7-19-02
<i>Charles Alstrom</i>	CHARLES ALSTROM	1575 E. HARBOUR TOWNE CIR	7-19-02

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in opposition to the addition of the Carriage House (Garage/storage) Units located between West Harbour Towne Circle and Dockers Parking Lot.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
<i>William M Sabourin</i>	William M Sabourin	1649 E Harbour Towne	7/19/02
<i>Janet Sabourin</i>	Janet Sabourin	" " "	"
<i>TAN VAN DEUSEN</i>	TAN VAN DEUSEN	1681 E. HARBOUR TOWNE	7/19/02
<i>Cynthia A. Steplings</i>	Cynthia A. Steplings	3432 Sand Dock Ct	7/20/02
<i>ROBERT F. STEPLINGS</i>	ROBERT F. STEPLINGS	3432 SAND DOCK CT	7-20-02
<i>Sandra Walcott</i>	SANDRA WALCOTT	3711 MARINA VIEW PT.	7-20-02
<i>Evaleen F Camarata</i>	Evaleen F Camarata	3442 PIGEON HILL CT	7/20/02
<i>JACKIE HOPKINS</i>	JACKIE HOPKINS	3442 PIGEON HILL CT	7/20/02
<i>Camille K Rudicil</i>	Camille K Rudicil	3440 PIGEON HILL CT	7/20/02
<i>Mary Lou Benedet</i>	Mary Lou Benedet	1434 E. Harbour Towne	7/21/02
<i>Betty Carlson</i>	Betty CARLSON	3551 Marina View	7/21/02
<i>Kathy L. Linder</i>	Kathy L. Linder	3715 Marina View Point	7/21/02
<i>JOHN BUCKEN</i>	JOHN BUCKEN	3557 Marina View	
<i>Shirley Tindall</i>	Shirley Tindall	3555 Marina View	7/21/02
<i>Richard E. Tindall</i>	Richard E. Tindall	3555 Marina View Pt	7/21/02
<i>William Spanier</i>	William Spanier	1466 Harbour Towne	7/21/02
<i>R L Witzke</i>	R L Witzke	1472 W. Harbour Towne	7/21/02
<i>CYNOR WITZKE</i>	CYNOR WITZKE	1472 W. Harbour Towne	7/21/02
<i>SUEANNE KUBER</i>	SUEANNE KUBER	1476 W. HARBOUR TOWNE	7/21/02
<i>Nancy Siminski</i>	Nancy Siminski	1500 W Harbour Towne	7/21/02
<i>Jerry Siminski</i>	Jerry Siminski	1500 W Harbour Towne	7/21/02
<i>Judy Grimmer</i>	Judy Grimmer	1528 Harbour Towne	7/21/02
<i>Geoffrey Grimmer</i>	Geoffrey Grimmer	1528 Harbour Towne	7/21/02
<i>Martha Rykse</i>	Martha Rykse	1421 E. Harbour Towne	9-24-02

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in opposition to the addition of the Carriage House (Garage/storage) Units located between West Harbour Towne Circle and Dockers Parking Lot.

[illegible]

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in opposition to the addition of the Carriage House (Garage/storage) Units located between West Harbour Towne Circle and Dockers Parking Lot.

[illegible]

July 23, 2002

Dear City Commissioner:

Please find attached a copy of a petition with the signatures of 100 of the residents of the Harbour Towne Condominium Association in favor of the placement of sidewalks on the far right side of Harbour Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.

Respectfully submitted,

A handwritten signature in cursive script, reading "Diane Zappone Tardani".

Diane Zappone Tardani
3437 Pigeon Hill Court

A handwritten signature in cursive script, reading "Camille Wright-Rudicil".

Camille Wright-Rudicil
3440 Pigeon Hill Court

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in favor of the placement of sidewalks on the far right side of Harbor Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.

[illegible]

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in favor of the placement of sidewalks on the far right side of Harbor Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
Joyce L. Peterson	Joyce L. PETERSON	3549 SAND BAR CT.	7/22/02
Deborah A. Chmelar	Deborah A. Chmelar	1582 W. Harbour Towne Circle	7/22/02
JAMES H. PETERSON	JAMES H. PETERSON	3549 SAND BAR CT	7/22/02
Gordon Gotberg	GORDON GOTBERG	1586 W. Harbour Towne Circle	7/22/02
Nadia Gotberg	Nadia Gotberg	1586 W. Harbour Towne Circle	7/22/02
Jens Hansen	JENS HANSEN	1588 W. Harbour Towne Circle	7-22-02
Dolores J. Hansen	DOLORES J. HANSEN	1588 W. Harbour Towne Circle	7-22-02
Martha Rykse	Martha Rykse	1421 E. Harbour Towne Circle	9-3-02
Martha Hilt	MARTHA HILT	1444 Harbour Towne Circle	7-22
Patricia Agee	Patricia Agee	1454 E. Harbour Towne	7-22-02
Carl A. Johnson Jr.	CARL A. JOHNSON JR.	1606 W. Harbour Towne Circle	7-22-02
Darlene Johnson	Darlene Johnson	1606 W. Harbour Towne Circle	7-22-02
Nancy Weller	Nancy Weller	1440 E. Harbour T. Circle	7/23/02
Preston J. Kemperman	PRESTON J. KEMPERMAN	1678 W. HARBOUR TOWNE CIRCLE	7/23/02
Doug Buikema	DOUG BUIKEMA	1581 E " " "	7/23/02
Dianne Gravel	DIANNE GRAVEL	1619 E. HARBOUR TOWNE CIR	7/23/02
Wm. M. Slater	WM. M. SLATER	1673 E. HARBOUR TOWNE CIR	7/23/02
Jack L. Dykstra	JACK L. DYKSTRA	1682 W. HARBOUR TOWNE CIR	7/23/02
Martene E. Dykstra	Martene E. Dykstra	1682 W. Harbour Towne Cir	7/23/02
Barb Johnston	Barb Johnston	1672 W. Harbour Towne Cir	7/23/02
Dave Johnston	Dave Johnston	1072 W. Harbour Towne Cir	7/23/02
Diane Birkley	Diane Birkley	1642 W. Harbour Towne Circle	7/23/02
Marie C. Chrysal	MARIE C. CHRYSAL	3539 Sand Bar Ct.	7/23/02

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in favor of the placement of sidewalks on the far right side of Harbor Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
<i>Diane Z. Tardani</i>	DIANE Z. TARDANI	3437 PIGEON HILL CT	7-19-02
<i>Philip Tardani</i>	PHILIP TARDANI	3437 PIGEON HILL	7-19-02
<i>Walter B. Rambow Jr</i>	WALTER B. RAMBOW JR	3438 PIGEON HILL CT	7-19-02
<i>Patricia S. Rambow</i>	PATRICIA S. RAMBOW	3438 PIGEON HILL CT.	7-19-02
<i>Suzanne T. Remke</i>	SUZANNE T. REMKE	3434 PIGEON HILL CT	7-19-02
<i>Kenneth D. Remke</i>	KENNETH D. REMKE	3434 PIGEON HILL CT	7-19-02
<i>David M. Barnard</i>	DAVID M. BARNARD	3432 PIGEON HILL CT	7-19-02
<i>Patricia C. Barnard</i>	PATRICIA C. BARNARD	3432 PIGEON HILL CT	7-19-02
<i>Billie Bennett</i>	BILLIE BENNETT	1416 E HARBOUR TOWNE CIR	7-19-02
<i>Fred Bennett</i>	FRED BENNETT	1416 E HARBOUR TOWNE CIR	7-19-02
<i>Robert E. Cope</i>	ROBERT COPE	1436 E HARBOUR TOWNE CIR	7-19-02
<i>Robert E. Garrison</i>	ROBERT E. GARRISON	1438 E. HARBOUR TOWNE CIR	7-19-02
<i>Robert L. Wheaton</i>	ROBERT L. WHEATON	1446 E. HARBOUR TOWNE CIR	7-19-02
<i>Ruth Wheaton</i>	RUTH WHEATON	1446 E. HARBOUR TOWNE CIR	7-19-02
<i>Joan Wasserman</i>	JOAN WASSERMAN	1458 E. HARBOUR TOWNE	7-19-02
<i>Barb Brown</i>	BARB BROWN	1536 E. HARBOUR TOWNE	7-19-02
<i>Rosalyn Muskovitz</i>	ROSALYN MUSKOVITZ	1560 E. HARBOUR TOWNE CIR	7-19-02
<i>Seymour L. Muskovitz</i>	SEYMOUR L. MUSKOVITZ	1560 E. HARBOUR TOWNE CT	7-19-02
<i>Joann Athnos</i>	JOANN ATHNOS	1596 E. HARBOUR TOWNE	7-19-02
<i>Brian W. Martin</i>	BRIAN W. MARTIN	1598 E. HARBOUR TOWNE CIR	7-19-02
<i>Shirley E. Almond</i>	SHIRLEY E. ALMOND	1621 E. HARBOUR TOWNE CIR	7-19-02
<i>Vera Thompson</i>	VERA THOMPSON	3435 PIGEON HILL CT.	7-19-02
<i>John Rumball</i>	JOHN RUMBALL	3428 PIGEON HILL CT.	7-19-02
<i>Norma J. Rumball</i>	NORMA J. RUMBALL	3428 PIGEON HILL CT.	7-19-02

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in favor of the placement of sidewalks on the far right side of Harbor Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
Mary Daenzer	Mary Daenzer	3436 Sand Dock Ct	7-19-02
Gerald Daenzer	GERALD DAENZER	3436 SAND DOCK CT	7-19-02
Gloria J. Alstrom	Gloria J. Alstrom	1575 E. Harbour Towne Ct	7-19-02
Charles R. Alstrom	CHARLES R. ALSTROM	1575 E. HARBOUR TOWNE CIR	7-19-02
William M. Sabourin	William M. Sabourin	1649 E. HARBOUR TOWNE CIR	7-18-02
Janet Sabourin	Janet Sabourin	" " "	" "
Jan VanDeusen	JAN VANDEUSEN	1681 E. HARBOUR TOWNE CIR	7-19-02
Eynthia A. Sieplinga	Eynthia A. Sieplinga	3432 Sand Dock Ct	7/20/02
Robert F. Sieplinga	ROBERT F. SIEPLINGER	3432 SAND DOCK CT.	7-20-02
Sandra Walcott	SANDRA WALCOTT	3711 MARINA VIEW PT.	7-20-02
Peter A. Calfo	Peter A. Calfo	3430 Sanddock Ct	7-21-02
Susan K. Calfo	Susan K. Calfo	3430 Sanddock Ct Musk	7/21/02
Evaleen E. Camarata	Evaleen E. Camarata	3442 PIGEON HILL CT	7/20/02
Jackie Hopkins	JACKIE HOPKINS	3442 PIGEON HILL CT	7/20/02
Camille K. Rudicil	Camille K. Rudicil	3440 PIGEON HILL CT	7/20/02
1434 E. H. Mary Lou Bengtson	1434 E. H. Mary Lou Bengtson	1434 E. Harbour Towne	7/21/02
Linda P. Martin	Linda P. Martin	1598 E. Harbour Towne Cir	7/21/02
JAMES W. Rudicil	JAMES W. RUDICIL	3440 PIGEON HILL CT	7/21/02
Betty Carlson	Betty Carlson	3551 Marina View	7-21-02
Kathy L. Linder	Kathy L. Linder	3713 Marina View Point	7/21/02
Kathleen Bernard	KATHLEEN BERNARD	3635 Marina View Pt	7/21/02
Shirley Tindall	SHIRLEY TINDALL	3555 " " "	7-21-02
Shirley Tindall	Shirley Tindall	3555 Marina View Pt.	7/21/02
Richard E. Tindall	Richard E. Tindall	3555 Marina View Pt.	7/21/02

PETITION

We the undersigned as resident owners of the community of Harbour Towne and members of the Harbour Towne Condominium Association hereby petition to be in favor of the placement of sidewalks on the far right side of Harbor Towne Circle Drive as one travels from either entrance toward Pigeon Hill Court.

SIGNATURE	NAME (PRINT)	ADDRESS	DATE
<i>BRAD LANGE</i>	BRAD LANGE	1420 E. H.T. CIRCLE	7-18-02
<i>Lois Lange</i>	LOIS LANGE	1420 E. H.T. CIRCLE	7-18-02
<i>Luise R. Calkins</i>	LUISE R. CALKINS	1414 E. Harbour Towne Circle	7/18/02
<i>David Calkins</i>	DAVID CALKINS	1414 E. Harbour Towne Circle, Muskegon 49441	7/18/02
<i>Edward A. Bailey</i>	Edward A. Bailey	1410 Harbour Towne Musk	7/18/02
<i>Suella A. Bailey</i>	Suella A. Bailey	1410 Harbour Towne Musk	7/18/02
<i>William R. Spaulding</i>	William R. Spaulding	1466 Wadsworth	7/21/02
<i>Peggy E. Segoten</i>	Peggy E. Segoten	1468 W. Harbour Towne Circle	7/21/02
<i>Lynwood L. Witzke</i>	Lynwood L. Witzke	1472 W. Harbour Towne	7/21/02
<i>Cyrus Witzke</i>	Cyrus Witzke	1472 W. Harbour Towne	7/21/02
<i>Nancy Siminski</i>	Nancy Siminski	1500 W. Harbour Towne	7/21/02
<i>Jerry Siminski</i>	Jerry Siminski	1500 W. Harbour Towne	7/21/02
<i>Judy Grimm</i>	Judy Grimm	1528 W. Harbour Towne Circle	7/21/02
<i>Gordon Grimm</i>	Gordon Grimm	1528 W. Harbour Towne	7/21/02
<i>Robert J. Mason</i>	ROBERT J. MASON	1494 W. HARBOUR TOWNE CIR.	7/22/02
<i>Carol F. Mason</i>	CAROL F. MASON	1494 W. Harbour Towne Cir.	7/22/02
<i>David R. Taylor</i>	David R. Taylor	3529 Sand Bar Ct.	7-22-02
<i>Linda L. Taylor</i>	Linda L. Taylor	3529 SAND BAR CT	7-22-02
<i>Sherry Johnson</i>	Sherry Johnson	3531 Sand Bar Court	7-22-02
<i>Kevin Johnson</i>	Kevin Johnson	3531 Sand Bar Court	7-22-02
<i>Lee Smachia</i>	LEE SMACHIA	3541 SAND BAR CT	7-22-02
<i>John B. Whitlock</i>	John B. Whitlock	3543 Sand Bar Ct.	7-22-02
<i>Frederick A. Kruse</i>	FREDERICK A. KRUSE	3545 SAND BAR CT.	7-22-02
<i>Mary Jane Kruse</i>	MARY JANE KRUSE	3545 SAND BAR CT	7-22-02

Date: July 23, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Second Quarter 2002 Budget Reforecast

SUMMARY OF REQUEST: At this time staff is transmitting the ***Second Quarter 2002 Budget Reforecast*** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated information, or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the proposed budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: The second quarter *2002 Budget Reforecast* reflects continued falloff in general fund revenues due to the economy. Significant downward adjustments have been made in the areas of city income tax, state shared revenues and interest income. Also, budgets for some areas (particularly City Attorney, Fire Safety Inspections and Environmental Services) have had to be increased due to unforeseen service demands and/or labor contract issues.

Accordingly, the following budget adjustments are proposed: 1) postponement of the scheduled renovation of the Reese Playfield restrooms (\$150,000), 2) postponement of purchase of an alternate power supply for City Hall (\$100,000), 3) reduction and reallocation of \$50,000 originally earmarked for fire station property acquisition to instead be used for a fire station location and operations study. At this time we also forecast the need for a year-end transfer of \$300,000 from the city's budget stabilization (i.e. "rainy day") fund to the general fund.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: The City Commission should review the *Reforecast* to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the *Reforecast* and related budget amendments.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

Date: July 23, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Reimbursement Resolution for Smartzone Costs

SUMMARY OF REQUEST: In conjunction with the Smartzone development, the City may issue bonds at a later date to construct the GVSU Research/Incubator building. Contracts for the work may be let prior to the issuance of bonds so it is prudent to adopt the attached "reimbursement resolution". This action will allow the City to reimburse itself from bond proceeds for project costs incurred prior to the time bonds are sold.

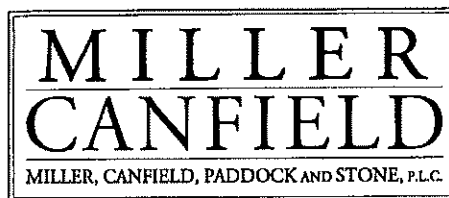
FINANCIAL IMPACT: Costs of adopting the resolution are minimal. Taking care of this preliminary step will permit the City to move ahead with the planned project and reimburse itself from proceeds from bonds issued at a later date. Formal project approval will require several additional commission actions at late dates for contract award, bond authorization, etc.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the attached resolution.

Founded in 1852
by Sidney Davy Miller

150
YEARS
1852-2002



MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
CANADA: Windsor, ON
POLAND: Gdynia
Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

DONALD D. NYSTROM
TEL: (313) 496-8421
FAX: (313) 496-8450
E-MAIL: nystrom@millercanfield.com

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

July 17, 2002

via email and 1st class mail

Mr. Timothy J. Paul, Finance Director
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Re: City of Muskegon LDFA Financing

Dear Tim:

Enclosed please find a Notice of Intent to Reimburse Resolution (the "Resolution") drafted in anticipation of the regular City Commission meeting on July 23, 2002. This Resolution authorizes various City officials to file the necessary applications and documents to the Michigan Department of Treasury to facilitate the Local Development Finance Authority of the City of Muskegon's ability issue bonds for the technology center and business incubator. Additionally, this Resolution declares the City's intent to be reimbursed from the future bond proceeds for any expenditures undertaken on behalf of the Authority to complete the project.

Once adopted by the City Commission, please return three (3) executed copies of the Resolution to Pat McGow or me, for our records.

Thank you in advance, and if you have questions, please feel free to give Pat or me a call.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: _____

Donald D. Nystrom

cc: Patrick F. McGow, Esq. (w/out enclosure)

DELIB:2336747.1\063684-00031

**CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN**

NOTICE OF INTENT TO REIMBURSE RESOLUTION

2002-88(c)

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan (the "City") held on the 23rd day of July, 2002, at 5:30 o'clock p.m. Eastern Daylight Time.

PRESENT: Members Spataro, Warmington, Buie, Gawron, Larson, Schweifler,
and Shepherd

ABSENT: Members None

The following preamble and resolution were offered by Member Schweifler and supported by Member Buie:

WHEREAS, the Local Development Finance Authority of the City of Muskegon (the "Authority") intends to issue and sell its tax increment revenue bonds supported by the City's limited tax general obligation pledge, pursuant to Act 281, Public Acts of Michigan, 1986, as amended, in an amount not to exceed Six Million Dollars (\$6,000,000) for the purpose of paying part of the cost of acquiring, constructing, furnishing and equipping a technology center and business incubator and infrastructure and other site improvements and appurtenances related thereto within the Authority's district (the "Project"); and

WHEREAS, the City intends, at this time to state its intention to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City on behalf of the Authority for the Project prior to issuance of the bonds; and

WHEREAS, the Authority and the City must either be granted qualified status within the meaning of Act 34, Public Act of Michigan, 2001, as amended, or receive prior approval of the bonds from the Michigan Department of Treasury (the "Department").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Mayor, City Manager, City Finance Director and City Clerk each is authorized to file the *Application for State Treasurer's Approval to Issue Long-Term Securities* for prior approval of the bonds from the Department and to pay the fees relating thereto, and are further authorized to apply for any waivers or other orders from the Department as may be necessary or advisable to issue, sell and deliver the bonds as contemplated herein and to pay any filing fees related thereto.

2. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring, constructing, furnishing and equipping the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$6,000,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Shepherd, Spataro, Warmington, Buie, Gawron, Larson,
and Schweifler

NAYS: Members None

RESOLUTION DECLARED ADOPTED.



Gail Kunding
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on July 23, 2002, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Gail Kunding
City Clerk

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

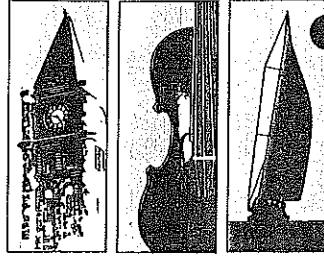
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 2, 2002

Mr. Donald D. Nystrom
Miller, Canfield, Paddock
& Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, MI 48226

Dear Mr. Nystrom:

Enclosed are three notice of intent to reimburse resolutions that were adopted at the July 23, 2002, City Commission Meeting.

Thank you,

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

Linda Potter
Deputy City Clerk

Enc.

Commission Meeting Date: July 23, 2002

Date: July 17, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Renaissance Zone Proposals

SUMMARY OF REQUEST: There were six Renaissance Zone Proposals received on July 14. Staff has reviewed them and prepared a spreadsheet outlining their conformity to the City's Renaissance Zone Policy and the requirements of the RFP (see attached). Staff is recommending that we proceed with discussions on the following proposals: Shaw Walker, the Mall, Seaway/Grooters, Cordova and Mart Dock. A final recommendation will be brought to the City Commission at a later date.

FINANCIAL IMPACT: None, at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to proceed with discussions on the five proposals listed above, and to bring back a final recommendation in the future.

COMMITTEE RECOMMENDATION: None.

Staff report on Renaissance Zone Proposals - July 17, 2002

Six proposals were received related to the RFP. These included proposals requesting Renaissance Zones for:

1. The Shaw Walker building
2. West Michigan Steel
3. Cordova Chemical Site in Dalton Township
4. The Muskegon Mall property
5. The Mart Dock property
6. Grooters

At this time staff is recommending that we proceed with discussions on the Shaw Walker building, Cordova Chemical Site, the Muskegon Mall property, the Mart Dock property, Grooters.

Recent meetings with the Michigan Economic Development Corporation have identified additional criteria to consider when analyzing new Renaissance Zone applications. These include whether or not the proposal is speculative, and if it is speculative if the property is publicly owned or controlled.

Outlined below are summaries of the proposals along with some of the critical issues that need to be negotiated.

Shaw-Walker Building

The proposed use for this property is for a mixed-use development with market rate housing being the main focus. First phase of development would include investment of \$3 million. The project would retain jobs and possibly create more in the future. The project reutilizes an underutilized piece of property with a use that the city would like to see on that site.

Critical issues that need to be discussed include whether or not the Knoll portion should be part of the Zone, and what guarantee the owners will agree to (performance bond, etc.) Other items that need to be identified are the amount of taxes given up both with and without Knoll included.

Grooters Development Co.

Grooters proposes to construct a new industrial facility in the Seaway Industrial Park. Investment will be over \$3 million. This project is not speculative. The project will create 80 jobs. It is expected that this project would be a catalyst for other projects in the Seaway Industrial Park.

Critical issues to be examined are whether the City should designate just certain parcels or the entire park, also whether or not this is the best place for a Renaissance Zone. There is a possibility that this could be an extension of an existing Renaissance Zone and not a new zone. Again the amount of tax loss needs to be examined closer. Grooters has expressed a willingness to put up a performance bond.

Cordova Chemical Site

The County and Muskegon Area First submitted the proposal for the Cordova Chemical Site. This proposal compliments the SmartZone project. Currently the City lacks significant amounts of industrial space. This project would make 200 acres available for development. Designation of this site would require that the City enter into a P. A. 425 agreement with Dalton Township.

There are a number of critical issues that would need to be negotiated prior to designation of a renaissance Zone. These include: provision of utilities to the site, tax-sharing arrangements, and restrictions on companies locating in the park.

Muskegon Mall

This proposal was submitted by the Muskegon Downtown Development Corporation. It is anticipated that the Mall would be redeveloped to include a mixture of housing, retail, and office space. Property is vacant and the project would be a catalyst for redevelopment.

There are a number of critical issues associated with this project. These include mall ownership/control and timing. At this time the issue of who will own the mall is still up in the air. The City would probably not want to designate the area as a Renaissance Zone until this issue is clearer. Also, the timing of this may hurt the project, as there is a September 30th deadline for designating the remaining zones.

Mart Dock

The Mart Dock submitted the only proposal for expansion of an existing Renaissance Zone. This proposal outlines a number of potential uses. Included in the proposal are Great Lakes Memorial And Museum, Cross Lake Ferry, Farmers Market, Convention Center, Public Access, Marina, Lakefront Residential Community. The site could be considered underutilized and the projects outlined in the proposal could be a catalyst for further development. However, most of these projects are speculative and outside the control of the owners of the Mart Dock property.

Critical issues which would need to be negotiated is a commitment to specific projects and a performance bond for those projects. Also, the impact of tax loss needs to be examined further.

West Michigan Steel Foundry

Staff is recommending that we *not* proceed with negotiations with West Michigan Steel. While the property is underutilized no specific project is identified to remedy the situation. No new use is expected.

Proposals for New Renaissance Zones, Page 1

<i>New Ren Zone Proposal</i>	<i>Consistent with policy?</i> 1. Create new jobs?	2. Encourage private investment,	3. Revitalize and reutilize vacant/underutilized properties,	4. Provide development incentives in conjunction with building and site devel. requirements	5. Use remaining zones strategically	<i>Can project work in existing Ren Zone</i>	<i>Identify the parcels being proposed</i>	<i>Describe the proposed use</i>	<i>Amount of investment</i>
Shaw Walker Building	Retain 75 jobs, anticipate future job creation	\$3 million+	Yes	Yes		No	Shaw Walker building	Market rate housing, Mixed use	First phase: \$3 million
Grooters/Seaway Ind.Park	Create 80 jobs	\$3 million	Yes	Yes		No	Part or all of Seaway industrial park	Industrial	\$3 million
Cordova Chemical Site	Estimate: up to 2000 over life of project	Estimate:\$60 million in private investment	Yes	Yes		No	Cordova Chemical site in Dalton Township	Industrial	Estimate:\$60 million in private investment
Muskegon Mall	yes	Yes	Yes	Yes		No	Muskegon Mall	Mixed use: Housing, office, retail	Unknown
Makary And Associates	Retain 150 jobs	Continuation of existing use. Purchase price of \$2.4 million, \$500,000 annual expenditures	Use would remain the same	Proposal does not address any site changes		No	West Michigan Steel Property	Industrial	Purchase price of \$2.4 million, \$500,000 annual expenditures

Proposals for New Renaissance Zones, Page 2

<i>New Ren Zone Proposal</i>	<i>Number of jobs created/ retained</i>	<i>Timing</i>	<i>Detailed preliminary site plan</i>	<i>Full commitment from owner /developer</i>	<i>Evidence the project meets the threshold criteria</i>	<i>Speculative ?</i>	<i>Public ownership or control</i>	<i>Critical issues</i>	<i>Taxes</i>
Shaw Walker Building	75 if Knoll is kept in	Start within 3 months	Site plan is included	Yes	Vacant, Catalyst for development, functionally obsolete, property is underutilized, results in market rate housing in CBD	No. Commitment to investment/performance bond	No.	Include Knoll Group or not. Difference in taxes	
Grooters/Seaway Ind.Park	80 created	Unknown	Site plan is included	Yes	vacant , catalyst for investment, property is underutilized	No	Dependent on whether whole park is a Ren Zone	Designate some or all of Seaway Industrial Park. Can we extend an existing zone?	
Cordova Chemical Site	Estimate: up to 2000 over life of project	Unknown	Site plan is included	County is committed to developing	vacant , catalyst for investment, property is underutilized	Yes, but publicly owned	Yes	Tax Sharing? Provision of services? Restrictions on who can locate in the park.	
Muskegon Mall	Unknown	Unknown	Unknown	Unknown	Vacant, Catalyst for development, functionally obsolete, property is underutilized, results in market rate housing in CBD	Yes, but could be publicly owned	Anticipate public control in the future	Control/ Ownership of property. Timing.	
Makary And Associates/West Michigan Steel	150 jobs retained	No specific project is listed, no timeline	Map is included, but no changes to site are given	Unknown; no specific project is listed	Property is more than 50% vacant but no plans for remedying the situation are given	No specific project is listed	No	Amount of taxes abated. Projects?	

Expansion of Existing Renaissance Zone, Page 1

<i>Expand Existing Ren Zone Proposal</i>	<i>Consistent with policy?</i> 1. Create new jobs?	2. Encourage private investment,	3. Revitalize and reutilize vacant/underutilized properties,	4. Provide development incentives in conjunction with building and site devel. requirements	5. Use remaining zones strategically	<i>Can project work in existing Ren Zone</i>	<i>Identify the parcels being proposed</i>	<i>Describe the proposed use</i>
Mart Dock	Proposal suggests 114+ jobs but most projects are speculative	Estimates of \$30 million: Mostly speculative	Property could be considered underutilized	Proposal does not make any commitments	Yes	Expansion of existing zone would be necessary	Mart Dock property	Great Lakes Memorial and Museum, Cross Lake Ferry, Farmers Market, Convention Center, Public Access, Marina, Lakefront Residential Community

Expansion of Existing Renaissance Zone, Page 2

<i>Expand Existing Ren Zone Proposal</i>	<i>Amount of investment</i>	<i>Number of jobs created/ retained</i>	<i>Timing</i>	<i>Detailed preliminary site plan</i>	<i>Full commitment from owner /developer</i>	<i>Evidence the project meets the threshold criteria</i>	<i>Speculative ?</i>	<i>Public ownership or control</i>	<i>Taxes</i>
Mart Dock	Estimates of \$30 million: Mostly speculative	Proposal suggests 114+ jobs but most projects are speculative	Unknown	Site plan has been included	Proposal says that property owners are committed, but most projects are speculative	Project could result in market rate housing, Property could be considered underutilized, project could be a catalyst for major development	Yes	No	

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 7/22/02

TO: Honorable Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: July 16, 2002
RE: Local Law Enforcement Block Grant – Joint Spending Agreement

SUMMARY OF REQUEST:

To approve a joint spending agreement with the County for the City's Local Law Enforcement Block Grant (LLEBG). This is required because the U.S. Department of Justice has determined that disparate funding exists.

FINANCIAL IMPACT:

City of Muskegon	\$62,710
Muskegon County	<u>\$24,146</u> (use is for jail security services)
	\$86,856

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the above distribution.

DATE: July 16, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:99-36 Address: 1969 Hoyt.

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 1969 Hoyt, 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: #99-36, 1969 Hoyt.

Location and ownership: This structure is located on Hoyt Street between Reynolds and Leahy in the Marsh Neighborhood. It is owned by David VanKammen who lives at 2086 Estes.

Staff Correspondence: A dangerous building inspection was conducted 8/5/96. It was declared unsafe by the HBA on 6/5/97. The City Commission concurred with the HBA on 7/22/97 and ordered it demolished. A TRO was issued 9/17/97. The deadline for the TRO was 1/31/98 and repairs were not completed. On 11/4/99, 8/17/00, and 6/6/02 the HBA again declared the structure unsafe.

Owner Contact: Mr. VanKammen has been in contact with Bob Grabinski and has promised to complete repairs, but does not follow through. An electrical permit was issued 7/3/02.

Financial Impact: General Funds

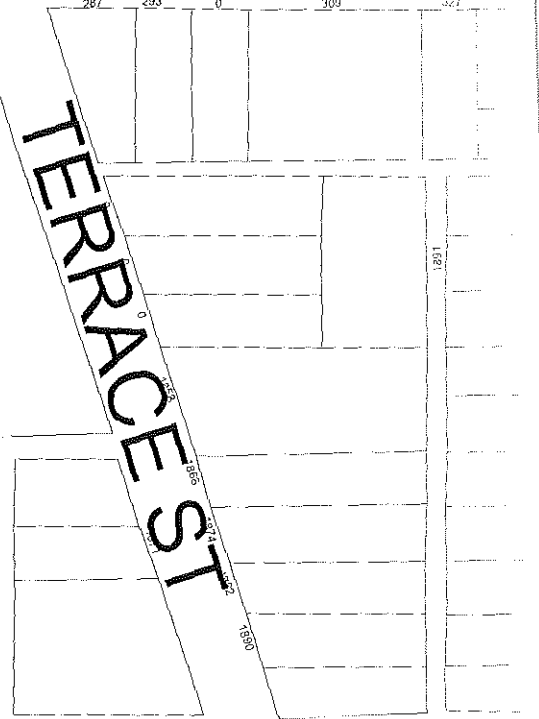
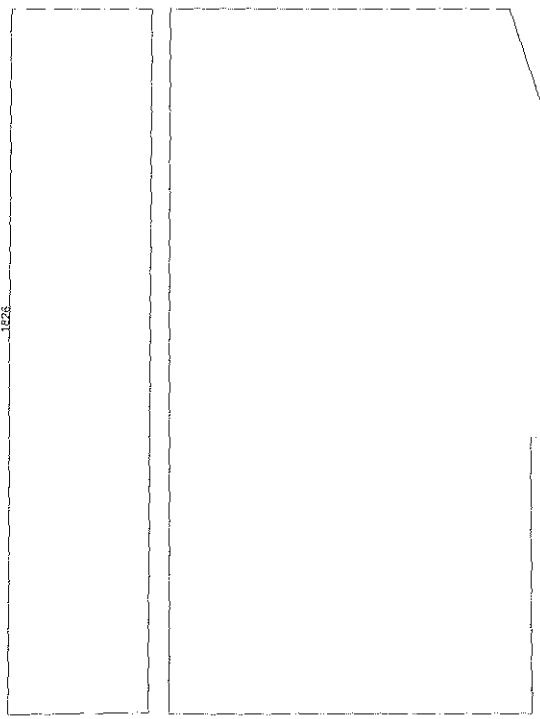
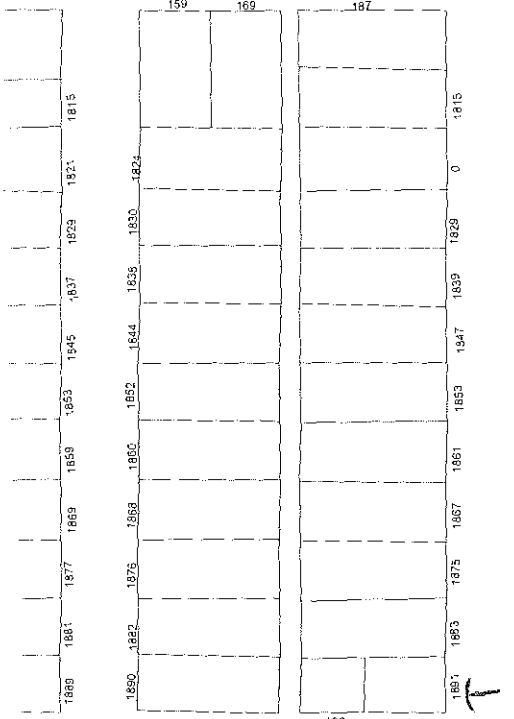
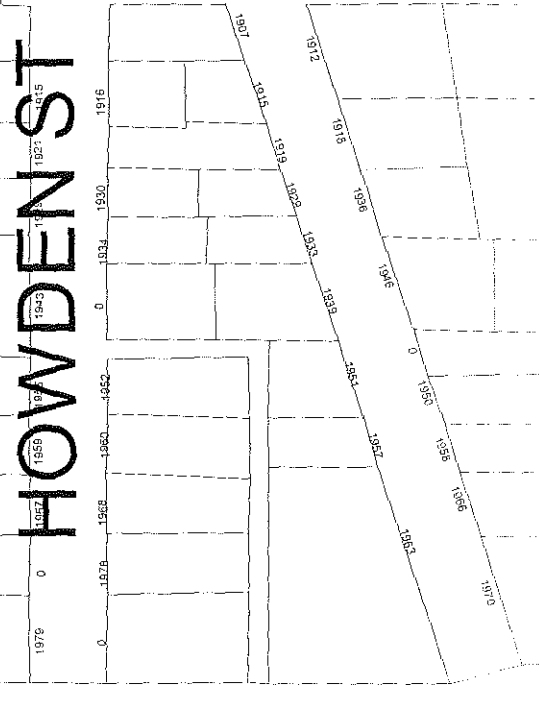
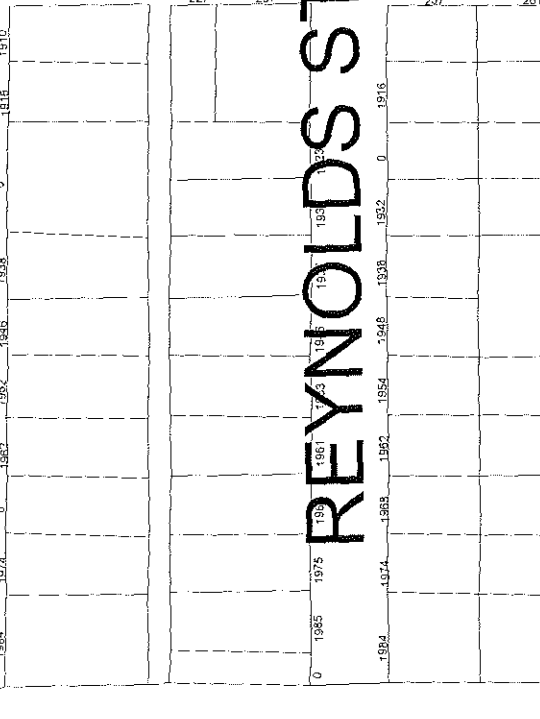
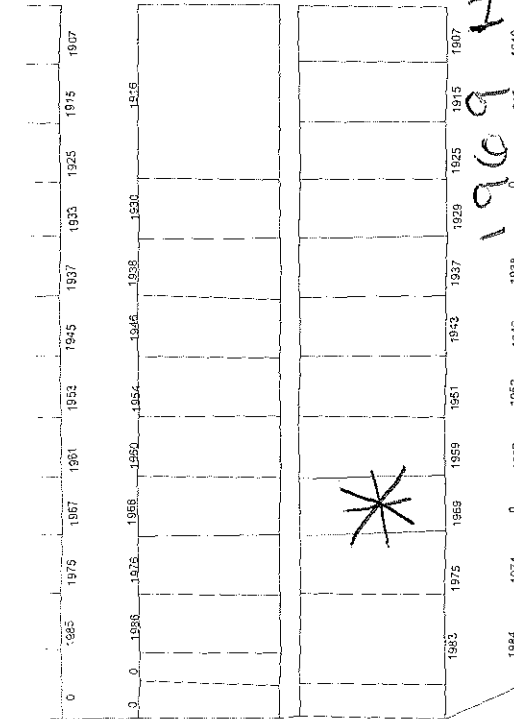
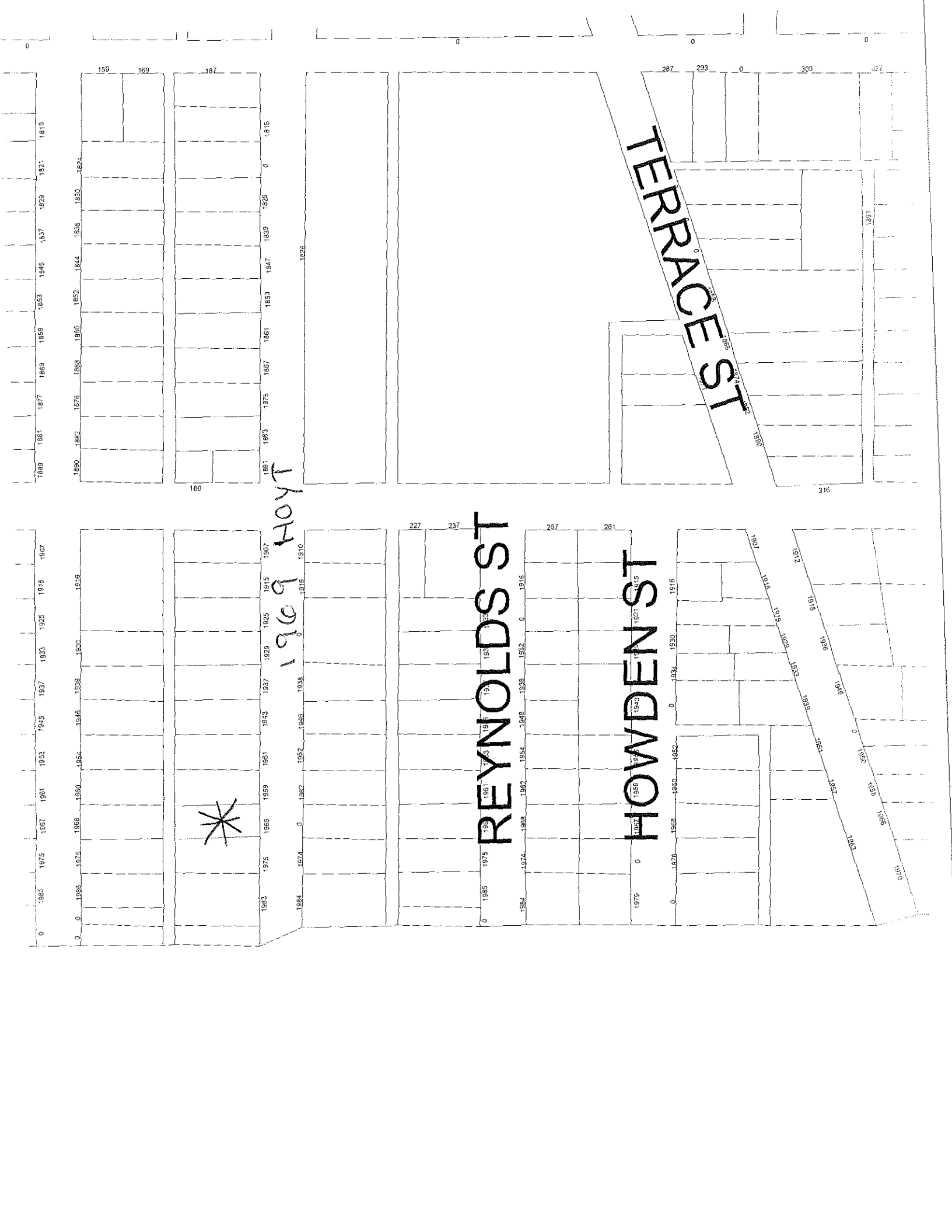
Budget action required: None

State Equalized value: \$16,300

Estimated cost to repair: \$10,000

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 23, 2002.





1969 HOYT

For The Inspection Dept.
City of Muskegon

195275

FROM CITY ASSESSOR'S RECORDS

OWNER David A. VanKammen, 2086 Estes St.
PROPERTY 1969 Hoyt
PLATE # 00-11299
DESCRIPTION Plat A Muskegon Heights, Lot 9, Block 26

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 1648
PAGE: 438
DATE OF DEED: July 1, 1987
GRANTOR: Department of Natural Resources for the State of Michigan
GRANTEE: David A. VanKammen
LIENS OR MORTGAGES: Liber 1359, Page 896
DATE: August 8, 1996 at 8:00 AM

ABSTRACTED BY: Connie L. Johnson
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

David VanKammen

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT Affecting land in Muskegon County, Michigan described as follows:

Lot 9, Block 26, Plat A of Muskegon Heights.

Permanent Property No. 00-11299

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the , Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1996 City taxes.

STATE AND COUNTY TAXES

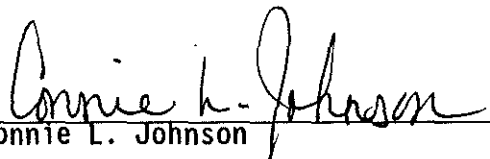
1995 County taxes due in the amount of \$777.22, if paid by September 30, 1996.

SPECIAL ASSESSMENTS

TAX SALES

State Equalized Value \$10,800.00.
Taxable Value \$10,670.00.
Tax Code No. 31-32-107-019.

NOTE: No Homestead filed.

By 
Connie L. Johnson

Date - August 8, 1996 at 8:00 AM

CLJ/jat

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 16, 2002

1969 Hoyt
(Address of Property)

TO: All owners and interested parties:

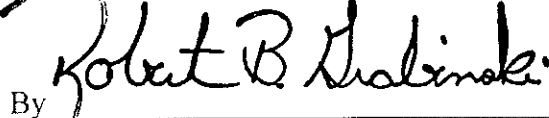
David VanKammen, 2086 Estes, Muskegon, MI 49441
(Name of Owner)

None
(Other interested parties)

On June 6, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on July 23, 2002, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on July 23, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT.
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

Start

Electrical Permit Application

Street Address:	1969 HOYT ST
Property Number:	24-675-026-0009-00
Owners Name:	VANKAMMEN DAVID A
Owners Address:	2086 ESTES ST MUSKEGON MI 49441
Permit No:	EL-02-8011
Requested by:	Contractor
Contractor:	BELASCO ELECTRIC
Architect:	N/A
Category:	ELECTRICAL
Permit Type:	RENOVATION
Type of Building:	R
Description:	WIRING IN DANGEROUS BUILDING PER LIST SUBMITTED
Dates:	App Date: 06/27/2002 Issue Date: 07/03/2002
Value:	N/A

Item	Quantity
Permit Base Fee	1.0
Circuits each	6.0
Lighting Fixtures - per 25	1.0
Furnace - Unit heaters	1.0
Inspections - Final Inspection	1.0

This application has been approved

Approved: Yes No

By: Don LaBrenz

Note:

Date: 07/03/2002

EDIT PERMIT

Choose name

PIN:

Edit

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: June 11, 2002

To: David VanKammen, 2086 Estes, Muskegon, MI 49441
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, June 6, 2002 does hereby order that the following structure(s) located at 1969 Hoyt, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

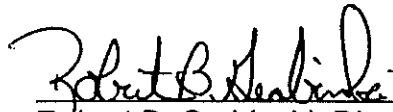
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

Case #99-36 – 1969 Hoyt – David VanKammen, 2086 Estes, Muskegon

Mr. VanKammen was present to represent this case. He stated that he is doing pretty good. He has an estimate for the electrical work. G. Borgman stated his concern is that this case has been going on and on, dating back to 1997. Another concern is that the house is just storage. When houses are left vacant, just for storage, they are a target for crime. The roof is repaired. Mr. Vankammen stated he cleans up the yard and neighbors dump their trash in his yard. Mr. Borgman stated that with no one living there it is an opportunity for that to happen. Mr. Vankammen stated he has invested \$33,000 in this house and demolition could cause him bankruptcy. He thinks the house looks nice. He would like a six-month extension. He can't get a contractor until about August.

B. Grabinski stated he agreed this case has been on going for a long time and heard similar stories.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence. It appears that is the only way to get Mr. Vankammen to move on things. From a staff prospective, because of the amount of work there is to do, B. Grabinski recommended that maybe Mr. Vankammen should try to get out from under one of his dangerous buildings and sell it.

Motion made by Randy Mackie, supported by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jon Rolewicz
Nick Kroes

NAYES:

EXCUSED:

Jerry Bever
Clara Shepherd

ABSENT:

The motion carried.

Mr. Vankammen asked for clarification of what the board voted. G. Borgman explained that the house has been condemned and he has 1 month before it goes to commission and he can appeal to them.

Case #00-31 – 845 Pine St. – Bill Gill, Muskegon

Mr. Gill was present to represent this case. B. Grabinski gave a brief history of the case. The office has been working on this for quite some time. Mr. Gill has been attempting to get someone to fix the exterior. A citizen report stated that

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: May 23, 2002

Address of the Property: 1969 Hoyt St.

TO: David VanKammen, 2086 Estes, Muskegon, MI 49441
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

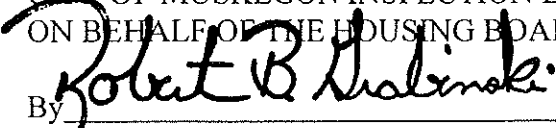
Please take notice that on Thursday, June 6, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Finding of Facts and Order issued 8/24/00.

At the hearing on Thursday, June 6, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

Affirmative Action
231 724-6703
FAX 722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
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FAX/726-2501

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FAX/724-6790

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FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: August 24, 2000
CASE: #99-36 – 1969 Hoyt St., Muskegon MI

David VanKammen
2086 Estes
Muskegon MI 49441

FINDING OF FACTS AND ORDER

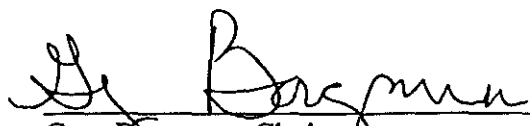
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on , August 17, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Plat of Muskegon Heights, Lot 9 Block 26**, also know as, **1969 Hoyt**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

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

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

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure. **However, there will be a 60 day delay in forwarding this case to the City Commission for concurrence. If repairs are not complete this case will be heard at the City Commission meeting in November, 2000.**

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



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
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FAX/724-4178

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Services
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Finance
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FAX/724-6768

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

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FAX/724-6768

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

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

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

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

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

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

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

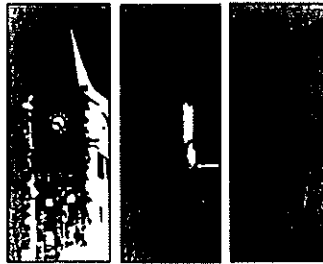
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

August 16, 2000

David VanKammen
2086 Estes
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #99-36 – 1969 Hoyt, Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, September 7, 2000 at 5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services
City of Muskegon

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
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FAX/724-6790

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Water Filtration
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FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

August 4, 2000

David VanKammen
2086 Estes
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #: 99-36 – 1969 Hoyt, Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, August 17, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services
City of Muskegon

20 May 2000

FILE 1969 H

I have assisted as helper in
work at 1969 Hoyt Street.
Compensation for hours worked 28 hours
Twenty Eight hours \$287.00
two Hundred Eight Seven dollars —
re Daarten

For David Allan Van Kammen
1969 Hoyt St
Muskegon, MI. 49442

Robert B Grebinski

Fire Marshal, Director of Inspection Services

14 April 2000

Dear Sir:

This paper is made in response to a demand,
and notification that you have a destroy/tear
down order from the city attorney for the property
at 1969 Hoyt St. How much longer is
it going to take to fix your house? I asked
Robert Grebinski I answered I didn't know
He, you said you needed a final date
I here by answer: 75 days from this date
Electrical is the main thrust now

I am out of money some \$500⁰⁰ from
my out of pockets - cash. I have pleaded
for payment so I can pay my credit cards
and monthly expenses. please may
I have some return from zero. - Dep

David Allan Van Kamen

April 11, 2000

Bob,

I contacted Mr. David Van Kammer today and made an appointment at 1300. He met me at the house and I did an inspection.

It appears that the bills that we have received have been legitimate and the materials have actually been used on that structure.

Mr. Van Kammen still has a long ways to go to be able to occupy that residence.

It appears that he has invested a minimum amount of money, probably just what he has taken back from us, and a minimum amount of labor.

He did mention that he was going to have someone occupy 1969 Hoyt because he was going to stay back and forth between his sick girlfriend and his brother's houses.

Sounds like a rental to me.

He has done a considerable amount of plumbing, it appears, without the benefit of a permit. I think Rick needs to be involved with that.

Jerry Mc.

David Allan Van Kemmen 131 Mar 2000
2086 Etes St 755-4303
MusK. MI. 49441-1522 answering machine ✓

Wish to draw Escrow 1969 Hyatt St
for Electrical 100 Amp: circuit breaker box
& circuit breakers Est \$245.00
Round Stand out Side for (3 square now) 120.00 Est
fasteners brackets etc 100.00

4.65

Receipts to be returned
I have a cash flow problem
this would speed work

David Allan Van Kemmen

\$ 1675.98 left in escrow

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

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FAX/724-6768

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FAX/724-6768

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: November 10, 1999

CASE: #99-36 - 1969 Hoyt

David VanKammen
2086 Estes
Muskegon, MI 49441

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the 4th of November 1999.

The Inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Plat A Muskegon Heights Lot 9 Blk 26 also known as 1969 Hoyt found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

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

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

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

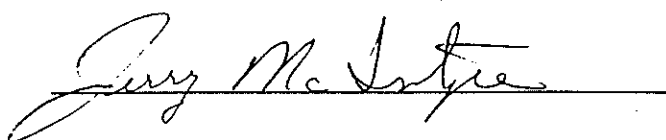
It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

Inspection for 1969 Hoyt St. 9-30-99

1. Chimney on re-roof is not flashed properly.
2. Re-roof is not capped properly.
3. Shed roof to gabled roof is not flashed properly.
4. Trim moulding is missing on West Side of roof.
5. West End of gable is not properly weather protected.
6. Roofing is blocking ventilation stack.
7. Debris on front egress landing.
8. Trim painting not complete.
9. Foundation tuckpointing not complete.
10. Window broken.
11. Rear egress landing not built to code.
12. Debris stored on property.
13. House full of debris. (Fire Hazard)

Garage

1. Graffiti on garage walls.
2. Garage is full of debris. (Fire hazard)

A handwritten signature in cursive script, reading "Jerry McIntyre", written over a horizontal line.

Jerry McIntyre, Building Official

LAW OFFICES OF
PARMENTER O'TOOLE

A PROFESSIONAL CORPORATION
175 WEST APPLE AVENUE

MAILING ADDRESS

P.O. BOX 786
MUSKEGON, MI 49443-0786
TELEPHONE: 616-722-1621
FAX 616-722-7866 or 616-728-2206

G. THOMAS JOHNSON
GEORGE D. VAN EPPS
JOHN M. BRIGGS, III
MICHAEL L. ROLF
GEORGE W. JOHNSON
W. BRAD GROOM
JOHN C. SCHRIER
CHRISTOPHER L. KELLY
LINDA S. KAARE

WILLIAM J. MEIER
KEITH L. McEVOY
JEAN E. CHARBONEAU
MYRA DUTTON-JOHNSON
JAMES R. SCHEUERLE
ANNA K. URICK

OF COUNSEL
THOMAS J. O'TOOLE
ERIC J. FAURI

RETIRED
ROBERT L. FORSYTHE
ARTHUR M. RUDE
HAROLD M. STREET

PAUL T. SORENSEN 1920-1966
GEORGE A. PARMENTER 1903-1993
CYRUS M. POPPEN 1903-1996

February 3, 1998

Mr. Ed Wasiura
Knudsen and Wasiura, Attorneys
301 Ameribank Bldg.
Muskegon, MI 49440

Fax 722 7399/Mail

Re: Van Kammen Dangerous Bldg Case
Circuit Ct. File 97-3-37615 CH

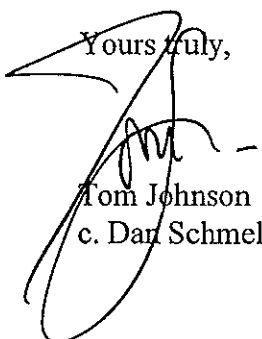
Dear Ed,

Mr. VanKammen has not completed the work required by the judgment, and the deadline, January 31, 1998, is past. He has drawn down all but 2400.00, but he has not completed anything except correcting the roof sag.

In accordance with the judgment, the city is documenting the conditions involved, and going out for bids to demolish the house.

If there are any questions, please call.

Yours truly,


Tom Johnson
c. Dan Schmelzinger ✓

Memo

To: Dan Schmelzinger
From: George Dood 
CC: Jerry McIntyre
Date: 2/2/1998
Re: 1969 Hoyt follow-up inspection

1. ROOF DETERIORATED WITH OPEN HOLES. INCOMPLETE
2. ROOF BOWED. CORRECTED
3. PAINT PEELING AND BLISTERING ON HOUSE. INCOMPLETE
4. ELECTRIC WIRES RUBBING ON ROOF. CORRECTED
5. REAR PORCH FOUNDATION SETTLING AND ROTTED WOOD. INCOMPLETE
6. REAR STEPS DETERIORATED. INCOMPLETE
7. REAR PORCH ROOF ROTTED. INCOMPLETE
8. NO HANDLE ON FRONT DOOR. CORRECTED

GARAGE:

1. ROTTED WOOD. INCOMPLETE
2. UNSAFE EGRESS ROUTES. GARAGE FULL OF DEBRIS

**BUILDING INSPECTION
REQUIRED REPAIRS
1969 HOYT**

SEPTEMBER 16, 1997

Structural

1. Properly size, support, and fasten floor joist in basement.
2. Repair/replace approximately eight split floor joists.
3. Repair foundation wall, including tuckpointing, patching holes, and anchoring loose block.
4. Properly size roof rafters on rear of house.
5. Smoke detectors required per 1995 CABO I & II Family Building Code.
6. Tear off old roof and rotted boards and replace.
7. Repair rotted eaves.
8. Replace rotted boards on front porch.
9. Plumb pillar and repair foundation on NE corner of front porch.
10. Repair broken windows, including glass, glazing, and rotted wood.
11. Repair rear porch landing and steps.
12. Rear porch must have proper sill plate.
13. Doors and windows must work properly.
14. Repair chimney and cap.
15. Garage - Roof, rotted boards, rotted studs and rotted and missing siding must be replaced.

Electrical

1. Upgrade service to 100 amps (service undersized, circuits doubled up, circuits overfused).
2. Add at least 1 basement outlet (must be GFI protected).
3. Install adequate lighting in basement.
4. Smoke detector required in basement, in each sleeping room and adjacent to the entryway to each sleeping room.
5. Add circuit for laundry facilities.
6. Rear entryway had improperly terminated and exposed knob and tube wiring that must be removed.
7. Exposed non-metallic sheathed cable for garage light must be protected by raceway.
8. Rear entry way must be served by light and switch.
9. Rear exterior door must be served by light and switch.
10. Non-metallic sheathed cable in pantry damaged and must be replaced.
11. Switch box in pantry too small and not grounded.
12. Bathroom is not served by a receptacle (must be on 20 amp circuit and GFI protected).
13. Rear bedroom is missing switch for light in room.
14. Light fixture must be replaced in rear bedroom.
15. Rear bedroom only served by one outlet.

16. Outlet for refrigerator in kitchen missing.
17. Replace light over kitchen sink.
18. Light over kitchen sink must be switched.
19. Recommend rewiring kitchen outlets to comply with 1996 National Electrical Code.
20. Add at least 2 new receptacles in dining room (all new receptacles to be on 20 amp circuit).
21. Middle bedroom is missing switch for light in room.
22. Light fixture must be replaced in middle bedroom.
23. Light fixture must be replaced in front bedroom.
24. Front exterior door must be served by light and switch.

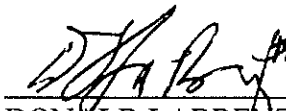
Plumbing/Mechanical

1. Furnace needs to be certified safe for operation by licensed mechanical contractor.
2. Water piping not complete to water heater; water piping is undersized 1/2" and not to code.
3. Bathtub trap and sink waste lines are old lead and not to code.
4. Vent for kitchen sink waste terminates inside of house, must go through roof.
5. Bathroom sink waste line is taped together, no shut off valves to fixture.
6. Kitchen sink has no shut off valves to fixture.
7. Toilet and bathtub have no shut off valves.
8. Chimney needs to be inspected by licensed mechanical contractor and certified safe for operation.
9. Note: Plumbing system could not be checked due to no water.



GEORGE DOOD,
BUILDING INSPECTOR

9/16/97
DATE



DONALD LABRENZ,
ELECTRICAL INSPECTOR



JOHN SMITH,
PLUMBING/MECHANICAL INSPECTOR

1969 HOYT
9/16/1997
REQUIRED REPAIRS

1. PROPERLY SIZE , SUPPORT , AND FASTEN FLOOR JOIST IN BASEMENT.
2. REPAIR / REPLACE APPROXIMATELY EIGHT SPLIT FLOOR JOIST.
3. REPAIR FOUNDATION WALL INCLUDING TUCK POINTING, PATCHING HOLES, AND ANCHORING LOOSE BLOCK.
4. PROPERLY SIZE ROOF RAFTERS ON REAR OF HOUSE.
5. SMOKE DETECTORS REQUIRED PER 1995 CABO I AND II BUILDING CODE.
6. TEAR OFF OLD ROOF AND ROTTED BOARDS AND REPLACE.
7. REPAIR ROTTED EVES.
8. REPLACE ROTTED BOARDS ON FRONT PORCH.
9. PLUMB PILLAR AND REPAIR FOUNDATION ON N. E. CORNER OF FRONT PORCH.
10. REPAIR BROKEN WINDOWS INCLUDING GLASS , GLAZING, AND ROTTED WOOD.
11. REPAIR REAR PORCH LANDING AND STEPS.
12. REAR PORCH MUST HAVE PROPER SILL PLATE.
13. DOORS AND WINDOWS MUST WORK PROPERLY.
14. REPAIR CHIMNEY AND CAP.
15. REPAIR HOLES IN SIDING.
16. GARAGE: ROOF , ROTTED ROOF BOARDS, ROTTED STUDS AND ROTTED AND MISSING SIDING MUST BE REPLACED.

Affirmative Action
616/724-6703

Assessor
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Cemetery
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Civil Service
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Clerk
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616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

August 27, 1997

Mr. David VanKammen
2086 Estes
Muskegon, MI 49441

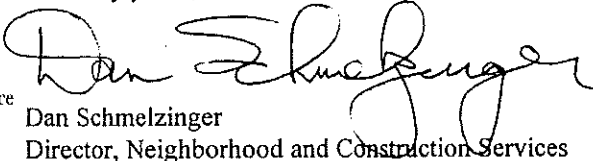
Dear Mr. VanKammen:

SUBJECT: 1969 Hoyt

At its regularly scheduled meeting last evening, the Muskegon City Commission decided to no longer accept appeals of the demolition orders it has issued under Section 4-25 of the City Code. Therefore, since the Commission did concur in the determination made by the Housing Board of Appeals and order the subject property demolished in action taken on July 29, 1997, your appeal of August 26, 1997 will not be heard.

Please note that you do have the right to appeal the Commission's order to circuit court within twenty-one days of this notice. Failure to file will result in the City's demolition of the structure and the filing of a lien against the property for the cost of the demolition.

Sincerely yours,


Dan Schmelzinger
Director, Neighborhood and Construction Services

to the city Commission of Muskegon Mich -

26 August 1997

1:45 PM

I David Allan VanKammen of this city, hereby appeal the decision of the city commission to demolish the home at 1969 Hoyt St which was decided at the July 29 1997 city commission -

This house is under roof beam repair / replacement - checked by Jerry MacDette 18 July 1997

He said, "As far as I'm concerned you're doing nothing."

George Dore on Vacation

Dan Schmeltzinger on Vacation

Jerry came just after lunch, 18 July 1997

after 21st July.

I had my painter call the city, to say in my absence He was continuing to paint the house at 1969 Hoyt Dan said the house was condemned - my friend stopped paint in my absence.

I had just Dan had planned for 6 mos to go to late July to see my wife to see if our marriage could be saved. I deal with friends - cost saving.

Dan Schmeltzinger should have said what I was doing

I have \$ backing now -

I raised my kids in this home and lost it to taxes I have bought it back and will have 13,000 if it is torn down. It needs repair sure - destroy it would be a crime

May I plead my case Sept 9, 1997

David Allan VanKammen

This house will be open for inspection by commissioners on Sept 8 old day - 8-7 AM and Sept 9 1997 8:30 AM

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

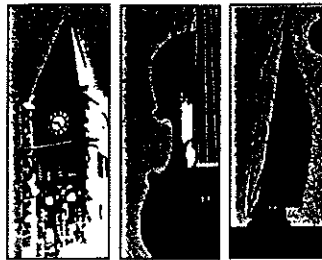
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

July 30, 1997

Mr. David VanKammen
2086 Estes
Muskegon, MI 49441

Dear Mr. VanKammen:

SUBJECT: 1969 Hoyt
Muskegon, Michigan

On July 29, 1997, the Muskegon City Commission concurred in the determination previously made by the Muskegon Housing Board of Appeals that the subject property is unsafe, a public nuisance and a dangerous building under the City Code. As a result, the Commission ordered that the building be demolished within thirty (30) days.

If this building is not demolished by September 1, 1997, the City will proceed to cause the building to be demolished and the costs associated therewith will be filed as a lien against the property.

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

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Register of Deeds
7/31

NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the City Commission for the City of Muskegon has adopted a resolution finding that the building located on the following described property constitutes a dangerous building and shall be demolished. The resolution was adopted by the City Commission on July 29, 1997. The property is described as follows:

Plat A Muskegon Heights, Lot 9, Block 26 also known as 1969 Hoyt City of Muskegon.

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon, for further information.

WITNESSES:

CITY OF MUSKEGON

Linda Potter

Katherine Haines

STATE OF MICHIGAN
COUNTY OF MUSKEGON

BY Gail A. Kunding
Gail A. Kunding
Its Clerk

The foregoing instrument was acknowledged before me this 30th day of July, 1997, by Gail A. Kunding as City Clerk on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter Notary Public

Muskegon County, Michigan

My Commission Expires: 9-25-98

This document prepared by and return to:
City of Muskegon, Neighborhood and Const. Services
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

AGENDA ITEM NO. ____

CITY COMMISSION MEETING OF JULY 22, 1997

TO: Honorable Mayor and City Commissioners

FROM: Dan Schmelzinger, Director of Neighborhood and
Construction Services

DATE: July 8, 1997

SUBJECT: Concurrence with Housing Board of Appeals Findings and
Orders for 1969 Hoyt

=====

SUMMARY OF REQUEST

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the subject structure is unsafe, substandard, and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT

General funds are currently budgeted to pay for the cost of demolition.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

This property has been vacant and has had extensive code violations since at least 1991. It was declared unsafe and a public nuisance by the Housing Board of Appeals in July, 1992 although action on the case was halted before demolition occurred. The file was resurrected in 1996 and a notice and order to repair or demolish was issued on August 27.

The owner obtained a building permit in December but made little progress in correcting the violations during the ensuing months. As a result, the case was referred to the Housing Board of Appeals on June 5, 1997. The Board found the property to be substandard and a public nuisance and ordered it demolished. No one appeared at the hearing on behalf of the owner.

Property taxes for 1995 and 1996 are due.

It is estimated that the cost of bringing the property into compliance with City codes would be in the range of \$17,000 - \$21,000.

Attached are copies of the minutes of the June 5, 1997 Housing Board of Appeals meeting, the findings of fact and order of the Board dated June 9, 1997, and the findings from the August 5, 1996 inspection of the property.

COMMITTEE RECOMMENDATION

The Committee of the Whole will consider this item at its meeting on July 21, 1997.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

July 16, 1997

Mr. David VanKammen
2086 Estes Street
Muskegon, MI 49441

Dear Mr. VanKammen:

SUBJECT: 1969 Hoyt
Muskegon, Michigan

This is in regard to our letter of July 7, 1997 notifying you of a hearing before the City Commission on July 22, 1997 to determine whether the subject property should be demolished. Due to the lack of a quorum, this meeting has been canceled and your demolition case will now be heard on July 29, 1997 at 5:30 p.m.

A workshop session of the Commission to review agenda items will also be held on the preceding day at 5:00 p.m. Both meetings will be held in the Commission chambers on the first floor of City Hall, 933 Terrace Street.

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

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

Sincerely yours,

Handwritten signature of Daniel Schmelzinger.

Daniel Schmelzinger
Director, Neighborhood and Construction Services

MUSKEGON HOUSING BOARD OF APPEALS

JUNE 5, 1997

PAGE 4

schedule in 7 days to the Neighborhood and Construction Services office and that she report back money to the Housing Board of Appeals for review.

Robert Johnson made a motion, supported by Randy Mackie, to accept staff recommendation that Mrs. Morris present revised schedule of repairs in 7 days and case would be reviewed at the July 10th meeting. A roll call vote was taken.

AYES:

NAYS:

EXCUSED:

Greg Borgman

Bob Johnson

Fred Nielsen

John Warner

Randy Mackie

Boyd Arthur

The motion carried.

#97-3 - 1969 HOYT (HOUSE) - DAVID VANKAMMEN, 2086 ESTES ST.

No one attended the meeting. Dan Schmelzinger said that 2086 Estes had been on the agenda in the fall but was removed from the agenda because Mr. VanKammen had pulled a permit to do repairs. The repairs were not made. Mr. VanKammen indicated recently that he was going to let the property go. Photos were passed around. Greg Borgman made a motion, supported by Randy Mackie, to declare the house to be unsafe, substandard and a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken.

AYES:

NAYS:

EXCUSED:

Greg Borgman

Bob Johnson

Fred Nielsen

John Warner

Randy Mackie

Boyd Arthur

The motion carried.

Community Officer Schultz commented that there is a lot of traffic in this area on Hoyt mostly juvenile activity and that any abandoned house is going to be targeted by juveniles.

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716



Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
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Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON HOUSING BOARD OF APPEALS

DATE: June 9, 1997
CASE: Case #97-03 - 1969 Hoyt

David VanKammen
2086 Estes Street
Muskegon, Mi. 49441

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the 5th day of June 5, 1997.

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Plat A Muskegon, Heights, Lot 9 Block 26 also known as 1969 Hoyt** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

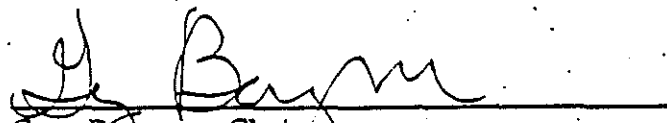
The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

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

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

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

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

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

Greg Borgman, Chairman

HOUSING ADVISORY BOARD OF APPEALS

CONDEMNATION INSPECTION

1969 HOYT
AUGUST 5, 1996

APPROXIMATELY 30' X 40' SINGLE STORY WOOD FRAME HOUSE.

1. ROOF DETERIORATED WITH OPEN HOLE AT EAVES.
2. ROOF BOWED.
3. PAINT PEELING AND BLISTERED ON HOUSE..
4. ELECTRIC WIRES RUBBING ON ROOF.
5. REAR PORCH FOUNDATION SETTLING AND ROTTED WOOD.
6. REAR STEPS DETERIORATED.
7. REAR PORCH ROOF ROTTED.
8. NO HANDLE ON FRONT DOOR.

GARAGE:

1. HAS ROTTED WOOD.
2. UNSAFE EGRESS ROUTES.

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

George Dood
GEORGE DOOD, BUILDING INSPECTOR

8-5-96
DATE

CONCURRED IN: Garry McLarty
BUILDING OFFICIAL

DATE: July 16, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #00-46 Address: 1708 PINE.

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 1708 Pine, 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: #00-46, 1708 Pine St.

Location and ownership: This structure is located on Pine Street between E. Dale and E. Larch in the McLaughlin Neighborhood. It is owned by James Bauer.

Staff Correspondence: A dangerous building inspection was written 8/9/96 and a Notice and Order to repair or demolish was issued 8/15/96. It was heard before the HBA on 5/1/97 declared unsafe and forwarded to commission. The City Commission determined to monitor progress on the structure until April 1998. On 6/24/98 CC concurred with the HBA and declared it unsafe. Another order to repair or demolish was issued 5/12/00. On 8/17/00 the HBA declared it unsafe and commission concurred 10/10/00. An interior inspection was conducted on 9/10/01. On 5/2/02 the HBA ordered an opportunity to repair to the owners and an inspection to be called for. An inspection was conducted, but did the work was not approved.

Owner Contact: Mr. Bauer contacted the Inspection office and stated the repairs are all completed and he didn't understand what was needed. He was told he needed to talk to Rick Clark, the plumbing and mechanical inspector because some of the work was not correctly done. He has not contacted the inspector as of this date.

Financial Impact: CDBG Funds

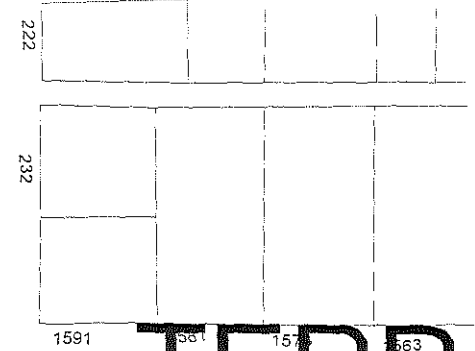
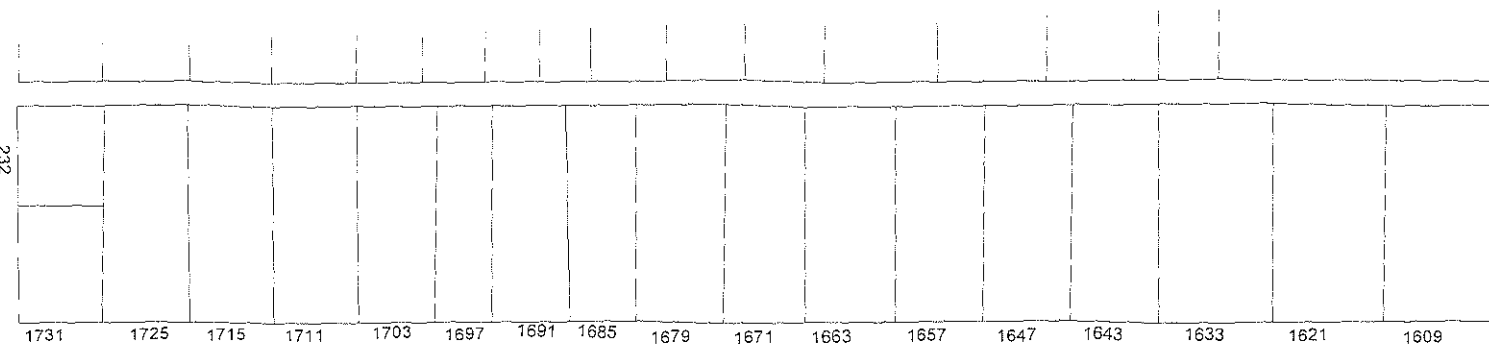
Budget action required: None

State Equalized value: \$12,800

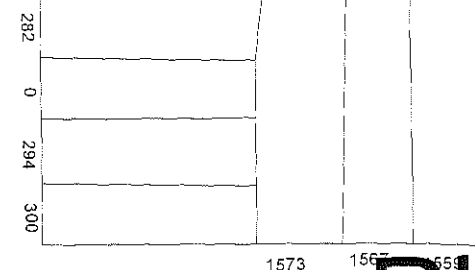
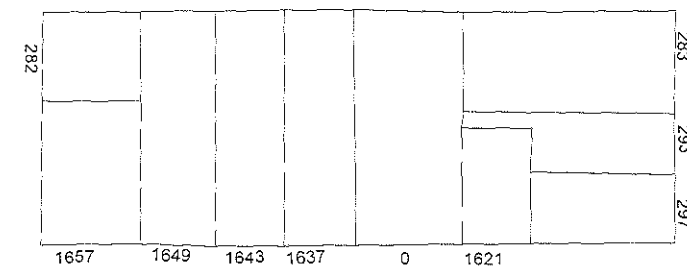
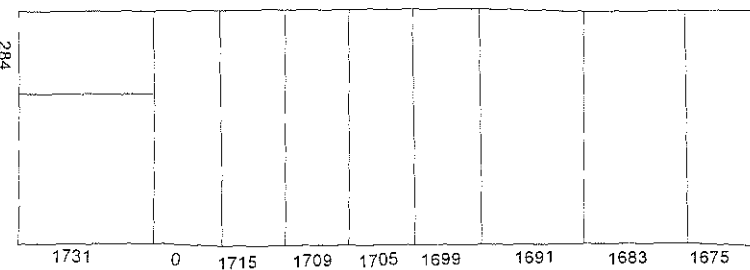
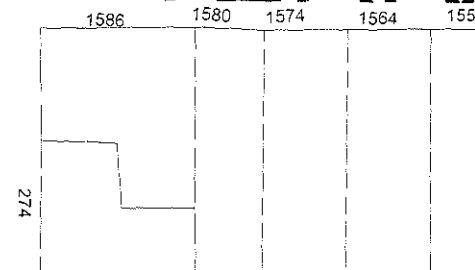
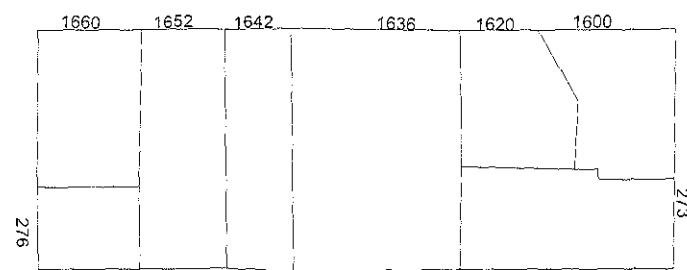
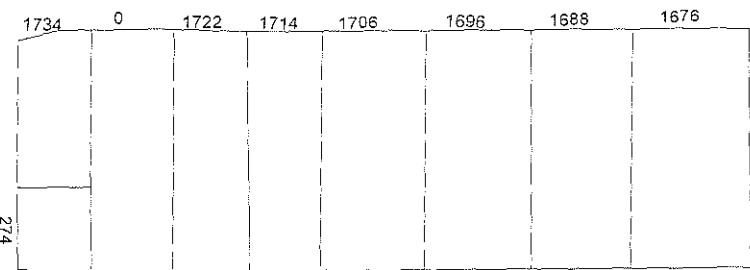
Estimated cost to repair: \$2,500

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

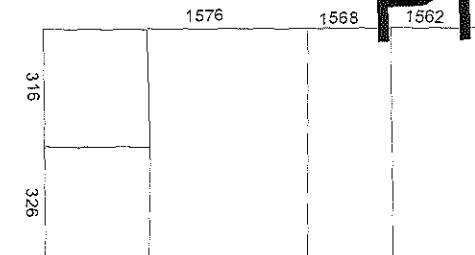
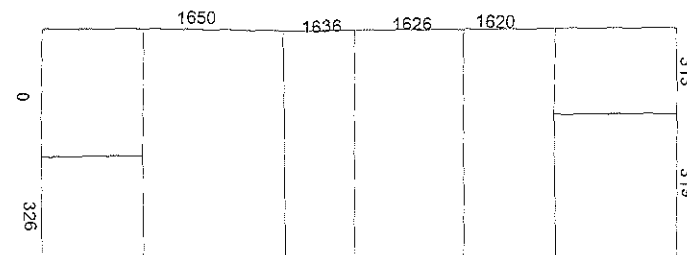
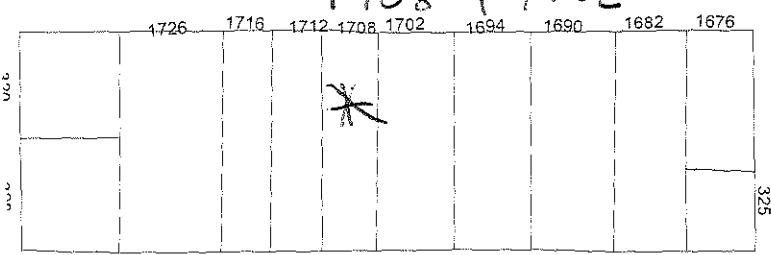
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 23, 2002.



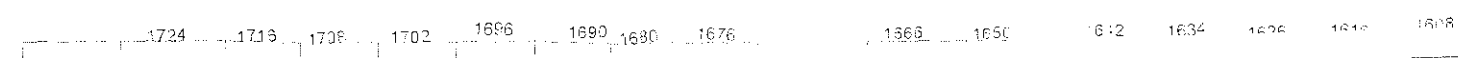
TERR



1708 PINE



PI





1708 PINE

For The Inspection Dept.
City of Muskegon

410853

FROM CITY ASSESSOR'S RECORDS

OWNER Jason/Mandy Coffell

PROPERTY 1708 Pine

PLATE # 04587

DESCRIPTION Lot 8 Blk 297 Revised Plat (of 1903) of the City of
Muskegon as recorded in Liber 3, Page 71.

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 1237

PAGE: 488

DATE OF DEED: May 21, 1982

GRANTOR: Marion B. Jones

GRANTEE: Marion B. Jones and James Bauer, as joint tenants with
full rights of survivorship

NOTICE: 2118-361

DATE: April 20, 2000 at 8:00 AM

ABSTRACTED BY: Connie L. Johnson
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT Affecting land in Muskegon County, Michigan described as follows:

Lot 8 of Block 297 Revised Plat of 1903, City of Muskegon.

Permanent Property No. 61-24-205-297-0008-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 Summer taxes.

STATE AND COUNTY TAXES

1997 County taxes are due in the amount of \$1,538.76, plus penalties and interest.

1998 County taxes are due in the amount of \$655.38, plus penalties and interest.

1999 County taxes are due in the amount of \$520.32, plus penalties and interest.

TAX SALES

State Equalized Value \$9,900.00.
Taxable Value \$9,448.00.

NOTE: Homestead filed.

NOTE: City of Muskegon invoices, infractions and assessments were not checked.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 16, 2002

1708 PINE

(Address of Property)

TO: All owners and interested parties:

Shelline White, 1708 Pine St. Muskegon, MI 49442
(Name of Owner)

Jason & Mandy Coffell, 3023 Henry St. Muskegon, MI 49441
(Other interested parties)

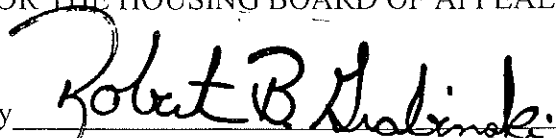
James Bauer, 1396 Pine St. Muskegon, MI 49441

On May 2, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **July 23, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on July 23, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

Case #00- 46 – 1708 Pine St.- Shelline White 1708 Pine St, Muskegon

Ms. White was not present to represent this case. She was given until this meeting to finish repairs and have a final inspection and that did not happen.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Jerry Bever, supported by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

DANGEROUS BUILDING NEW CASES:

Case #01-051 – 1166 W. Grand – James & Tamara Ward & Maryjane Sanford, 1160 W. Grand, Muskegon

Mary Sanford stated that she holds the land contract with James and Tamara Ward on this home. A tree fell on the front porch and has not been repaired yet. Mr. Grabinski stated there have been neighbor complaints and recently a police report from 4/15/02 stating there are car parts and junk in the back yard and the home appears to be in a state of disrepair. Mr. Ward stated the front porch was removed Friday, 4/26/02 and the back right side of the foundation was been repaired. He also stated there has been much work done on the inside. The window in the upstairs front bedroom is not permanent, it was stuck in instead of boarding the front. They will install an egress window. The Wards stated they have done a lot of work and only one neighbor complains, most neighbors are happy with what they have done. They live next door and have been trying to get the inside done, so they can move in. They have had electrical and building inspections. Mr. Kroes asked when the exterior work can be done. There was discussion on time frames required by Inspections. There was also discussion on how the exterior needs to be repaired, whether it has to be sided completely or just on the front. The sides that are wood can be painted, the front is to be sided.

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: May 3, 2002

To: Shelline White, 1708 Pine St, Muskegon, MI 49441
Owners Name & Address

Jason & Mandy Coffell, 3023 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties

James Bauer, 1396 Pine St. Muskegon, MI 49441

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 2, 2002 does hereby order that the following structure(s) located at **1708 Pine St.** Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

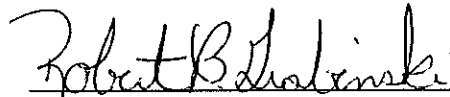
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script, reading "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO REPAIR OR DEMOLISH

Date of Order: February 12, 2002

Address of the property: 1708 Pine St.

Description of the structure: Lot 8, Blk 297

To: Shelline White, 1708 Pine St. Muskegon, MI 49441
Owners Name & Address

Jason & Mandy Coffell, 3023 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties

James Bauer, 1396 Pine St. Muskegon, MI 49441

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely manner. Therefore, it is ordered that the owner or interested parties shall **call for an inspection within 14 days of the date of this letter**, apply for permits required, commence the repairs of the conditions found in the inspection report attached to this order, and call for final inspections when repairs are complete. All said repairs shall be accomplished in the time limited by the permits issued relevant to the said repairs, and physical repair must be commenced within the said 30 days of obtaining those permits.

If an inspection is not called for within **14 days**, permits pulled, and repairs completed by the date on permits, this case will be forwarded in April to the City Commission for their concurrence to demolish the structure.

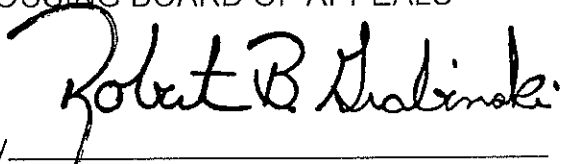
FAILURE TO COMPLY – DEMOLITION ORDER

TO BE SUBMITTED TO THE CITY COMMISSION

In the event the owners or interested parties fail to call for an inspection, apply for all permits required to effectuate the said repairs, or fail to commence physical repairs as ordered, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structures.

In such case, the Director of Inspections is ordered to place before the Muskegon City Commission, in April 2002, this order and the record in this case to seek concurrence by the City Commission with the decision of this board for demolition, and further, to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS


By _____
Robert Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: April 18, 2002

Address of the Property: 1708 Pine St.

Description of the Structure: Lot 8, Blk 297

TO: Shelline White, 1708 Pine St., Muskegon, MI 49441
[Name & Address of Owner]

Jason & Mandy Coffell, 3023 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties]

James Bauer, 1396 Pine St. Muskegon, MI 49441

Please take notice that on **Thursday, May 2, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Order to Repair issued 2/12/02.

At the hearing on Thursday, May 2, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

The motion carried.

Case #00-46 – 1708 Pine St. , Shelline White/James Bauer, Muskegon MI

Shelline White was present to represent this case. She is buying the house on a land contract from James Bauer. Mr. Grabinski gave a history on the case. The dangerous building process started back in May 2000. It was scheduled to be demolished along with 1712 Pine St. 1712 Pine was demolished and at that time Ms. White was the owner of that house. At the time of that demolition, Mr. Grabinski met Ms. White and informed her that action was started on the property and an interior inspection was required. In September an interior inspection was required. As of this date we do not know if anything has been done, there has been no contact with the owner. Ms. White stated that some things have been done. She stated that her land contract says Mr. Bauer will take care of repairs. Mr. Grabinski read from a copy of the land contract that an additional \$50 per month will be used for taxes, insurance and maintenance. He inquired about anything off the list being done. She stated that Smith Plumbing did some plumbing work, 2 smoke detectors installed, no wiring, no GFI, fixed the hot water heater, there are no sewer leaks, the water pipes in the basement have been hung up, no OSB board, no guard rail on back steps. No inspections have been called for.

Staff Recommendation: Declare substandard, a public nuisance, and a dangerous building, delay action for an additional 15 days (April) before taking to City Commission. In that time Ms. White or Mr. Bauer need to call for another inspection (within few weeks) and repairs need to be done by the first week in April. Permits need to be pulled by Mr. Bauer. If that is completed it will not go before City Commission.

Motion made by Randy Mackie, seconded by Clara Shepherd to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd

NAYES:

EXCUSED:

Nick Kroes

ABSENT:

The motion carried.

Ms. Shepherd inquired about the land contract. Mr. Grabinski read from it, stating that although the purchaser paid for maintenance, the agreement reads

that the purchaser agrees to keep the said premises in accordance with all police, sanitary and other regulations imposed by any governmental authority.

Case #01-049 – 318 E. Apple Ave. George Dobben, 270 E. Apple, Muskegon

Mr. Dobben was not present to represent this case, but Bruce Austin was there on his behalf. Mr. Austin has been retained by Mr. Dobben to work on the building. Mr. Austin explained what his plans are for repairing the building. After looking at the pictures, Mr. Borgman stated that Mr. Austin really needs to work under the advisement of the inspectors. Mr. Grabinski went over the inspection report and stated that because of the tires and wood that is stored there, if there was ever a fire it would be spectacular. The pollutants from a fire would be of great significance. Mr. Austin stated that the building is strong and structurally very good. Henry Faltinowski stated because of the roof damage and neglect, there is more exterior, structural damage. He recommends a engineer design to get everything back into structural safety. Mr. Borgman stated there is quite a lot of potential for falling bricks. Mr. Grabinski inquired about how much authority Mr. Austin has in spending Mr. Dobben's money to do repairs. Mr. Austin stated there's not much money. He stated that Mr. Dobben will be back from Florida in April. Mr. Austin was to talk to Henry Faltinowski after the meeting about his intention to make the building safe.

Staff Recommendation:. Declare substandard, a public nuisance, and a dangerous building, delay action taking to City Commission until the second meeting in April, allowing Mr. Dobben time to return from Florida.

Motion made by Randy Mackie, supported by John Warner to support staff's recommendation.

A roll cal vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd

NAYES:

EXCUSED:

Nick Kroes

ABSENT:

The motion carried.

It was also noted that DPW should be called to take care of blocking the sidewalk on the east side of the building.

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: January 28, 2002

Address of the Property: 1708 Pine St., Muskegon MI

Description of the Structure: Lot 8, Blk 297

TO: Shelline White, 1708 Pine St. Muskegon, MI 49441
[Name & Address of Owner]

Jason & Mandy Coffell, 3023 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties]

James Bauer, 1396 Pine St. Muskegon, MI 49441

Please take notice that on **Thursday, February 7, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to follow up on the interior inspection which was conducted September 10, 2001.

At the hearing on Thursday, February 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

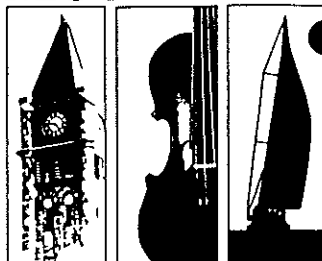
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

August 23, 2001

Jason & Mandy Coffell
3023 Henry St.
Muskegon, MI 49441

Re: 1708 Pine St.

Dear Property Owner:

Please take notice that on September 7, 2001 the above property will be bid out for demolition. Please have any personal belongings removed by September 10, 2001.

If you have any questions, please call (231) 724-6715.

Sincerely,

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

Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1708 Pine St.
(INTERIOR INSPECTION)

Inspection noted:

1. Fixtures incomplete.
2. Smoke detectors missing.
3. Open junction boxes.
4. Basement outlets not GFI.
5. Switch/outlet covers missing.
6. Water heater inoperable.
7. Waste and vent in need of repair.
8. Water piping in need of support.
9. Replace back upper window – it is currently covered with OSB particle board.
10. Guardrail required on back steps.
11. Repair – replace smoke detectors.

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

Henry Faltinowski /LFJ
HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

LaBrenz, Don

Subject: 1708 Pine DB W/ owner per Bob - MN

Start: Mon 9/10/01 3:30 PM

End: Mon 9/10/01 4:00 PM

Recurrence: (none)

fixtures incomplete
smoke detectors missing
open junction boxes
basement outlets not gfi
switch /outlet covers missing



CITY OF MUSKEGON

INSPECTION DEPARTMENT

(231) 724-6715

INSPECTION SHEET For

1708 Pine

☐ Building	☐ Electrical	☒ Mechanical	☒ Plumbing	☐ Zoning
# _____	# _____	# _____	# _____	_____
☐ Footing	☐ Service	☐ Underground	☐ Underground	_____
☐ Rough In	☐ Rough In	☐ Rough In	☐ Rough In	_____
☐ Final	☐ Final	☐ Final	☐ Final	_____
☐ _____	☐ _____	☐ _____	☐ _____	_____

Inspector _____ Date _____ Approved ☐ yes ☐ no

Reason _____

WH inoperable
Waste & Vent in need of repair
Water piping in need of support

Correct prior to _____ and call for reinspection.

NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the City Commission for the City of Muskegon has adopted a resolution finding that the building located on the following described property constitutes a dangerous building and shall be demolished. The resolution was adopted by the City Commission on 6/23, 1998 The property is described as follows:

Lot 8, Block 297, also known as 1708 Pine Street, City
of Muskegon

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon, for further information.

WITNESSES:

CITY OF MUSKEGON

Sarah Alexander
Sarah Alexander

Linda S. Potter
Linda S. Potter

STATE OF MICHIGAN
COUNTY OF MUSKEGON

BY Gail A. Kunding
Gail A. Kunding
Its Clerk

The foregoing instrument was acknowledged before me this 25th day of June, 1998,
by Gail A. Kunding as City Clerk on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter Notary Public
Muskegon County, Michigan
My Commission Expires: 9-25-98

This document prepared by and return to:
City of Muskegon, Neighborhood and Const. Services
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



FILE COPY

October 12, 2000

Jason & Mandy Coffell
PO BOX 1144
Muskegon MI 49443

Jason & Mandy Coffell
77 Hartford, Apt #2
Muskegon MI 49443

Jason & Mandy Coffell
1708 Pine
Muskegon MI 49443

To Whom It May Concern:

SUBJECT: 1708 Pine Street
Muskegon, Michigan

On October 10, 2000, the Muskegon City Commission concurred in the determination previously made by the Muskegon Housing Board of Appeals that the subject property is unsafe, a public nuisance and a dangerous building under the City Code. As a result, the Commission ordered that the building be demolished within thirty (30) days.

If this building is not demolished by November 10, 2000, the City will proceed to cause it to be demolished and the costs associated therewith will be filed as a lien against the property.

Please note that you have the right to appeal this order to the circuit court for the County of Muskegon by filing a petition within twenty (20) days from the date of this letter.

Should you have any questions concerning this matter, please do not hesitate to contact me at 724-6765.

Sincerely yours,

Robert Grabinski, Fire Marshal
Director, Inspection Department

Affirmative Action
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FAX/724-4405

Clerk
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FAX/724-4178

Comm. & Neigh. Jason & Mandy Coffell
Services PO Box 1144
231/724-6717 Muskegon MI 49443
FAX/726-2501

Engineering Jason & Mandy Coffell
231/724-6707 1708 Pine Street
FAX/727-6904 Muskegon MI 49443

Finance
231/724-6713
FAX/724-6768

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

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FAX/724-6768

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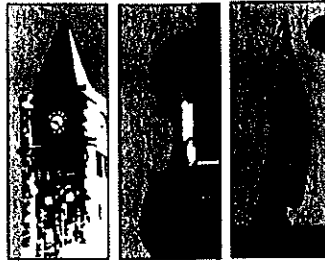
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FAX/724-6768

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FAX/724-6768

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

MUSKEGON



West Michigan's Shoreline City

October 2, 2000

FILE COPY

Jason & Mandy Coffell
77 Hartford, Apt # 2
Muskegon MI 49443

Dear Property Owner:

SUBJECT: 1708 Pine Street
Muskegon MI

On 8/17/00 the Muskegon Housing Board of Appeals made a determination that the subject property is unsafe, a public nuisance and a dangerous building under City Code and ordered that it be demolished or repaired by September 17, 2000.

Because such action was not taken by that date, the findings of the Board will now be sent to the City Commission as part of a request for concurrence in the Board's determination. The Commission will consider this request at its regularly scheduled legislative meeting on Tuesday, October 10, 2000 at 5:30 p.m. The meeting will be held in the Commission chambers on the first floor of City Hall, 933 Terrace Street.

At this meeting, you or your representative will be given the opportunity to show cause why the building should not be demolished.

If you have any questions concerning this matter, please do not hesitate to contact me at (231) 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal Inspection Services

Date: September 27, 2000

TO: Honorable Mayor and City Commission

FROM: Inspections Dept.

RE: Concurrence with the Housing Board of Appeals
Finding of Facts and Order for 1708 Pine Street.

DRAFT

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1708 Pine Street** is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

This single-family rental unit is located on Pine Street near E. Larch Ave. The owner of the property is Jason & Mandy Coffell.

A dangerous building inspection was conducted on 5/10/00. A Notice & Order was sent to three different locations in Muskegon to the owners on 5/12/00. HBA declared the property to be unsafe on 8/17/00. Copies are attached.

The estimated cost of repairs is: \$ 23,000

CITY COMMISSION RECOMMENDATION:

The Commission will consider this item at it's meeting on 10/10/00.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
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FAX/726-2501

Engineering
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FAX/727-6904

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FAX/724-6768

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FAX/722-1214

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FAX/726-2501

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FAX/724-6790

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FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: August 24, 2000
CASE: #00-46 - 1708 Pine St., Muskegon MI

Jason & Mandy Coffell	Jason & Mandy Coffell
PO Box 1144	77 Hartford, Apt # 2
Muskegon MI 49443	Muskegon MI 49443

Jason & Mandy Coffell
1708 Pine St.
Muskegon MI 49443

FINDING OF FACTS AND ORDER

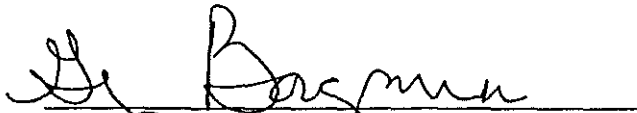
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on , August 17, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Lot 8 Blk 297, also known as, 1708 Pine St., found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

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

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

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

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



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

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FAX/724-6768

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Finance
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FAX/724-6768

Fire Dept.
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FAX/724-6985

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FAX/724-6768

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

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

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

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

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

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

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

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

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

August 4, 2000

Jason & Mandy Coffell
PO Box 1144
Muskegon MI 49443

Jason & Mandy Coffell
77 Hartford, Apt #2
Muskegon MI 49443

Jason & Mandy Coffell
1708 Pine St
Muskegon MI 49443

SUBJECT: Dangerous Building Case #: 00-46 - 1708 Pine St., Muskegon MI

Dear Property Owner:

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, August 17, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services
City of Muskegon

Affirmative Action
31/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE

NOTICE AND ORDER

May 12, 2000

Jason & Mandy Coffell
PO Box 1144
Muskegon MI 49443

Jason & Mandy Coffell
77 Hartford, Apt # 2
Muskegon MI 49443

Jason & Mandy Coffell
1708 Pine Street
Muskegon MI 49443

Dear Property Owner:

Subject: 1708 Pine Street
LOT 8 BLK 297

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

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

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

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

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1708 Pine St.
(INTERIOR INSPECTION) 9-10-01

Inspection noted:

1. Fixtures incomplete.
2. Smoke detectors missing.
3. Open junction boxes.
4. Basement outlets not GFI.
5. Switch/outlet covers missing.
6. Water heater inoperable.
7. Waste and vent in need of repair.
8. Water piping in need of support.
9. Replace back upper window – it is currently covered with OSB particle board.
10. Guardrail required on back steps.
11. Repair – replace smoke detectors.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

10/22/2001
DATE

Affirmative Action

231/724-6133

FAX/722-1214

Assessor

231/724-6708

FAX/726-5181

Cemetery

231/724-6783

FAX/726-5617

Civil Service

231/724-6716

FAX/724-4405

Clerk

231/724-6705

FAX/724-4178

Comm. & Neigh.

Services

231/724-6717

FAX/726-2501

Engineering

231/724-6707

FAX/727-6904

Finance

231/724-6713

FAX/724-6768

Fire Dept.

231/724-6792

FAX/724-6985

Income Tax

231/724-6770

FAX/724-6768

Info. Systems

231/724-6744

FAX/722-4301

Leisure Service

231/724-6704

FAX/724-1196

Manager's Office

231/724-6724

FAX/722-1214

Mayor's Office

231/724-6701

FAX/722-1214

Inspection Services

231/724-6715

FAX/726-2501

Planning/Zoning

231/724-6702

FAX/724-6790

Police Dept.

231/724-6750

FAX/722-5140

Public Works

231/724-4100

FAX/722-4188

Treasurer

231/724-6720

FAX/724-6768

Water Billing Dept.

231/724-6718

FAX/724-6768

Water Filtration

231/724-4106

FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

1708 PINE STREET

5/10/00

Inspection Noted:

1. Handrails repaired to code.
2. Broken out, boarded windows.
3. Fascia, soffit, & siding repair needed.
4. Roofing needs repair.

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

Henry J. Faltinowski
Henry Faltinowski, Building Inspector

5/11/2000
Date

CONCURRED IN:

Robert B. Grabinski
Robert B. Grabinski
Fire Marshal/Inspection Services

5/11/00
Date

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the City Commission for the City of Muskegon has adopted a resolution finding that the building located on the following described property constitutes a dangerous building and shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The resolution was adopted by the City Commission on October 10, 2000. The property is described as follows:

* Lot 8 Blk 297

Also known as: 1708 Pine St.

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:

Linda Potter

Gail A. Kunderger
Gail A. Kunderger, Clerk

JoAnn Krakowski

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 27 day of Aug., 2001 by Gail A. Kunderger, Clerk respectively, for and on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My commission expires: 9-25-02

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

ST. JOSEPH, MI.
CITY OF MUSKEGON
RECORDED

JUN 25 AM 12:04

Carlin Carter
REGISTERED

NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the City Commission for the City of Muskegon has adopted a resolution finding that the building located on the following described property constitutes a dangerous building and shall be demolished. The resolution was adopted by the City Commission on 6/23, 19 98 The property is described as follows:

Lot 8, Block 297, also known as 1708 Pine Street, City of Muskegon

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon, for further information.

WITNESSES:

CITY OF MUSKEGON

Sarah Alexander
Sarah Alexander

Linda S. Potter
Linda S. Potter

STATE OF MICHIGAN
COUNTY OF MUSKEGON

BY *Gail A. Kunding*
Gail A. Kunding
Its Clerk

The foregoing instrument was acknowledged before me this 25th day of June, 1998, by Gail A. Kunding as City Clerk on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter Notary Public
Muskegon County, Michigan
My Commission Expires: 2-25-98

This document prepared by and return to:
City of Muskegon, Neighborhood and Const. Services
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

October 16, 1998

Jason Coffell
1708 Pine
Muskegon MI 49442

Ref: 1708 Pine

Dear Mr. Coffell:

At the last inspection that was made on your house, a temporary Certificate of Occupancy was issued; this department would now like to do a follow up inspection to see if the remaining items that needed to be corrected have been completed.

We have scheduled a time of 2:30 p.m. on Wednesday, October 21, 1998 for this inspection; please make arrangements to be present so the inspection can be made and a final Certificate of Occupancy issued.

If you have any questions regarding this inspection, please feel free to contact this office at 724-6715.

Sincerely,

Daniel Schmelzinger,
Director, Neighborhood and Construction Services

DS/lh

C James Bauer

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

June 24, 1998

Mr. James Bauer
1396 Pine
Muskegon, MI 49442

Dear Mr. Bauer:

SUBJECT: 1708 Pine
Muskegon, Michigan

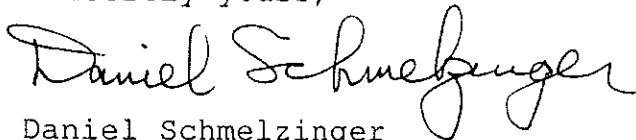
On June 24, 1998, the Muskegon City Commission concurred in the determination previously made by the Muskegon Housing Board of Appeals that the subject property is unsafe, a public nuisance and a dangerous building under the City Code. As a result, the Commission ordered that the building be demolished within thirty (30) days.

If this building is not demolished by July 24, 1998, the City will proceed to cause it to be demolished and the costs associated therewith will be filed as a lien against the property.

Please note that you have the right to appeal this order to the circuit court for the County of Muskegon by filing a petition within twenty days from the date of the Commission's action.

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

Sincerely yours,



Daniel Schmeltzinger
Director, Neighborhood and Construction Services

Date: June 11, 1998
To: Honorable Mayor and City Commissioners
**From: Neighborhood and Construction Services
Department**
**RE: Concurrence with Housing Board of Appeals
Findings and Order for 1708 Pine**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1708 Pine is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION

The housing inspector for this case referred the property for a dangerous building inspection in August 1996. Based upon the

condition of the structure, a notice and order to repair or demolish was issued on August 15. The case was scheduled for the Housing Board of Appeals on May 1, 1997 because no progress had been made in correcting the violations stated in the order. The department was then notified that the property had been sold on land contract on April 24, 1997.

No one appeared at the HBA meeting on behalf of the owner; however, the Board was advised of the recent change in ownership and the purchaser's stated intent to repair the house. Nevertheless, the Board found the property to be unsafe, substandard and a public nuisance and ordered it demolished.

On February 24, 1998 the City Commission was requested to concur in the decision of the Housing Board of Appeals but the Commission took no action.

An electrical permit was issued in June 1997 and some work was begun. Mechanical and plumbing permits were issued in November but no building permit has been obtained. Inspections performed on February 16 and 17, 1998 revealed that much of the repair work has been done incorrectly and additional work is still needed before utilities can be provided. A progress inspection performed on May 22, 1998 revealed that some of the defects included in the original notice and order from 1996 have yet to be satisfactorily corrected.

Attached are copies of the minutes of the May 1, 1997 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated May 5, 1997 and the findings from May 16, 1997 and May 22, 1998 inspections of the property.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on June 22, 1998.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

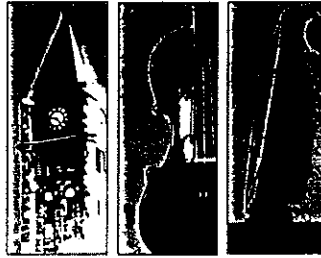
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

June 10, 1998

Mr. Jason Coffell
77 Hartford, Apt. 2
Muskegon, MI 49442

Dear Mr. Coffell:

SUBJECT: 1708 Pine
Muskegon, Michigan

On May 1, 1997 the Muskegon Housing Board of Appeals made a determination that the subject property is unsafe, a public nuisance and a dangerous building under City Code and ordered that it be demolished or repaired by June 1, 1997.

Because such action was not taken by that date, the findings of the Board will now be sent to the City Commission as part of a request for concurrence in the Board's determination. The Commission will consider this request at its regularly scheduled legislative meeting on Tuesday, June 23, 1998, at 5:30 p.m. The meeting will be held in the Commission chambers on the first floor of City Hall, 933 Terrace Street. The Commission, acting as a Committee of the Whole, will also meet at 5:00 p.m. on June 22 in the Commission chambers to review agenda items.

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

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

Sincerely yours,

Daniel Schmelzinger

Daniel Schmelzinger
Director, Neighborhood and Construction Services

cc: James Bauer

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

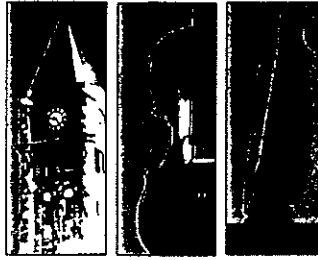
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

May 18, 1998

Mr. Jason Coffell
77 Hartford, Apt. 2
Muskegon, MI 49442

Dear Mr. Coffell:

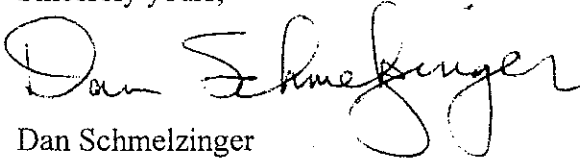
SUBJECT: 1708 Pine Street

As I indicated to you in my letter of February 25, 1998 we have continued to monitor progress toward completion of the repair work at the subject property and, according to our records, there are still remaining code violations that have not been corrected.

Therefore, this is to advise you that unless these deficiencies are corrected and the boards removed from the house by June 1, 1998 we will again request the City Commission to order the building demolished.

If you have any questions concerning this matter, please do not hesitate to contact the City building official, Jerry McIntyre, at 724-6747.

Sincerely yours,



Dan Schmelzinger
Director, Neighborhood and Construction Services

cc: James Bauer

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

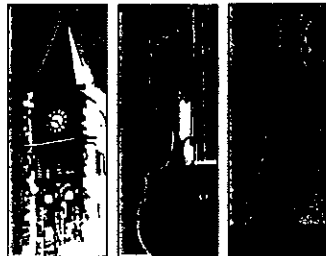
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

February 25, 1998

Mr. Jason R. Coffell
77 Hartford - Apt. 2
Muskegon, MI 49442

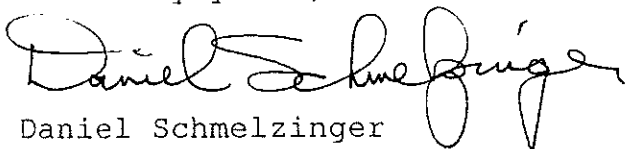
Dear Mr. Coffell:

SUBJECT: 1708 Pine
Muskegon, Michigan

As you know, last evening the City Commission opted not to take action on the department's request for concurrence with the determination of the Housing Board of Appeals. You should note that it is our intent to continue to monitor the progress being made in completing the work required to make the structure occupiable and on March 31, 1998, we will assess the status of the case. At that time, we will make a decision as to whether to bring the case forward again to the Commission for their meeting on April 14, 1998.

I suggest that you stay in contact with George Dood and the other inspectors relative to your progress and schedule any necessary inspections prior to March 31.

Sincerely yours,



Daniel Schmelzinger
Director, Neighborhood and Construction Services

*Postpone until
3/24/98. Failed*

Date: February 17, 1998
To: Honorable Mayor and City Commissioners
**From: Neighborhood and Construction Services
Department**
**RE: Concurrence with Housing Board of Appeals
Findings and Order for 1708 Pine**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1708 Pine is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

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

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION

The housing inspector for this case referred the property for a dangerous building inspection in August 1996. Based upon the

condition of the structure, a notice and order to repair or demolish was issued on August 15. The case was scheduled for the Housing Board of Appeals on May 1, 1997 because no progress had been made in correcting the violations stated in the order. The department was then notified that the property had been sold on land contract on April 24, 1997.

No one appeared at the HBA meeting on behalf of the owner; however, the Board was advised of the recent change in ownership and the purchaser's stated intent to repair the house. Nevertheless, the Board found the property to be unsafe, substandard and a public nuisance and ordered it demolished.

An electrical permit was issued in June and some work was begun. Mechanical and plumbing permits were issued in November but no building permit has been obtained. Because of the exceedingly slow pace at which corrections were being made, the owner was recently asked to provide the department with a list of the remaining work he intends to do and a timetable for completion. He has failed to provide us with this list. Inspections performed on February 16 and 17, 1998 revealed that much of the repair work has been done incorrectly and additional work is needed before gas or electric can be provided.

It is estimated that the cost of bringing the property into compliance with City codes would be in the range of \$15,000 - \$19,000.

Attached are copies of the minutes of the May 1, 1997 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated May 5, 1997 and the findings from a May 16, 1997 inspection of the property.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on February 23, 1998.



97-583

CITY OF MUSKEGON

INSPECTION DEPARTMENT

(616) 724-6715

INSPECTION SHEET For

1708 PINE ST

☐ Building	☐ Electrical	☐ Mechanical	☐ Plumbing	☐ Zoning
☐ Footing	☐ Service	☐ Underground	☐ Underground	
☐ Rough In	☐ Rough In	☐ Rough In	☐ Rough In	
☐ Final	☐ Final	☒ Final	☐ Final	
☐	☐	☐	☐	

Inspector JCA Date 2-16-98 Approved ☐ yes ☒ no

Reason _____

(1) NO POWER TO TEST RUN
FURNACE

(2) CHIMNEY HAS HOLE IN BASEMENT

(3) SYSTEM NOT COMPLETE AT
TIME OF INSPECTION

DISAPPROVED!

Correct prior to _____ and call for reinspection.



97-261

CITY OF MUSKEGON

INSPECTION DEPARTMENT

(616) 724-6715

INSPECTION SHEET For

1708 PINE ST

☐ Building	☐ Electrical	☐ Mechanical	☐ Plumbing	☐ Zoning
☐ Footing	☐ Service	☐ Underground	☐ Underground	
☐ Rough In	☐ Rough In	☐ Rough In	☐ Rough In	
☐ Final	☐ Final	☐ Final	☒ Final	
☐	☐	☐	☐	

Inspector JCA Date 2-16-98 Approved ☐ yes ☒ no

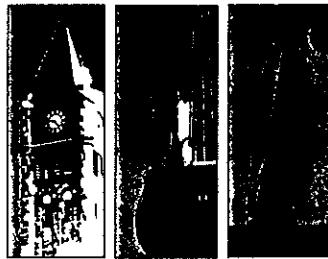
Reason _____

(1) ~~Plumbing~~ NOT COMPLETE
AT TIME OF INST.
SYSTEM HAD LEAKS.

DISAPPROVED!

Correct prior to _____ and call for reinspection.

MUSKEGON



West Michigan's Shoreline City

1708 Pine
Z 302 729 564

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to
James Bauer
Street & Number
1396 Pine
Post Office, State, & ZIP Code
Muskegon, MI 49442

Postage
\$.32

Delivery Fee
1.10

Additional Delivery Fee

Receipt Showing to Date Delivered
1.10

Receipt Showing to Whom, Addressee's Address

Postage & Fees
\$ 2.52

Date
9-98

1998

Bauer

MI 49442

Bauer:

Fire Dept.
616/724-6792

SUBJECT: 1708 Pine
Muskegon, Michigan

Income Tax
616/724-6770

On May 1, 1997 the Muskegon Housing Board of Appeals made a determination that the subject property is unsafe, a public nuisance and a dangerous building under City Code and ordered that it be demolished or repaired by June 1, 1997.

Inspections
616/724-6715

Because such action was not taken by that date, the findings of the Board will now be sent to the City Commission as part of a request for concurrence in the Board's determination. The Commission will consider this request at its regularly scheduled legislative meeting on Tuesday, February 24, 1998, at 5:30 p.m. A workshop session of the Commission to review agenda items will also be held on February 23, 1998 at 5:00 p.m. Both meetings will be held in the Commission chambers on the first floor of City Hall, 933 Terrace Street.

Leisure Service
616/724-6704

Manager's Office
616/724-6724

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

Mayor's Office
616/724-6701

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

Planning/Zoning
616/724-6702

Sincerely yours,

Police Dept.
616/724-6750

Daniel Schmeling
Daniel Schmeling
Director, Neighborhood and Construction Services

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

1708 Pine

5/16/1997

2/17/1998

1. Windows broken. **INCOMPLETE**
2. Eaves rotted with holes. **HOLES FILLED**
3. Rear steps tipped and cracked. **INCOMPLETE**
4. House needs paint. **INCOMPLETE**
5. Hand rail required on basement stairs. **INCOMPLETE**
6. Fire stop under stairs in basement. **INCOMPLETE**
7. Second floor may not be used as a habitable space. **WIRING HAS BEEN ADDED IN THIS AREA**
8. Smoke detectors required per CABO I + II 1995. **NOT APPROVED**

**APPLICATION FOR A BUILDING PERMIT HAS NOT BEEN MADE.
GRD**

PD
2/17/98

1708 Pine
May 22, 1998
Progress inspection

1. Windows broken. **INCOMPLETE**
2. Eaves rotted with holes. **HOLES FILLED WITH SPRAY FOAM, STILL ROTTED**
3. Rear Steps tipped and cracked. **COMPLETED**
4. House needs paint. **STARTED 65% DONE**
5. Hand rail required on basement stairs. **INCOMPLETE**
6. Fire stop under stairs in basement. **INCOMPLETE**
7. Second floor may not be used as habitable space. **WIRING HAS BEEN ADDED IN THIS AREA**
8. Smoke Detectors required per 1995 CABO One & Two Family Dwelling Code. **INCOMPLETE**

NOTE: APPLICATION FOR BUILDING PERMIT HAS NOT BEEN MADE.

[Handwritten signature]
22 May 98

BUILDING INSPECTION

1708 PINE

MAY 16, 1997

STRUCTURAL

1. Windows broken.
2. Eaves rotted with holes.
3. Rear steps tipped and cracked.
4. House needs paint.
5. Handrail required on basement stairs.
6. Fire stop under stairs in basement.
7. Second floor may not be used as a habitable space.
8. Smoke detectors required per CABO I & II Family Code, 1995, requirements.

PLUMBING/MECHANICAL

1. Furnace must be certified safe for operation by licensed mechanical contractor.
2. All water lines must be replaced - undersized.
3. Chimney needs liner.
4. Fuel oil tanks in basement must be removed.
5. Must have gas lines tested for turn on.



George Dood,
Building Inspector

DATE _____



John E. Smith,
Plumbing/Mechanical Inspector

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

December 2, 1997

Mr. and Mrs. Jason Coffell
PO Box 1144
Muskegon, MI 49443

Dear Mr. and Mrs. Coffell:

SUBJECT: 1708 Pine

The City's property maintenance code limits the length of time that a property can be left in a temporarily boarded-up condition to 180 days. An inspection of the subject property on May 16, 1997 indicated that the subject property was in a boarded-up condition. A reinspection today revealed that the house is still boarded in violation of our ordinance.

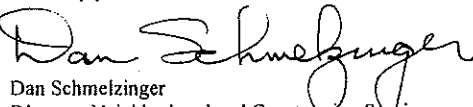
In order to comply with this ordinance, all boards over windows, doors and other openings must be removed by December 20, 1997, and the openings made intact and capable of being locked.

Failure to comply with this requirement will result in the issuance of civil infraction notices which carry an initial fine of \$100 and increase to \$500 for repeat offenses.

Please note that you have the right to appeal this notice by filing an appeal with the Housing Board of Appeals. Claim forms may be obtained from the Neighborhood and Construction Services department.

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

Sincerely yours,


Dan Schmelzinger
Director, Neighborhood and Construction Services

BUILDING INSPECTION

1708 PINE

MAY 16, 1997

STRUCTURAL

1. Windows broken.
2. Eaves rotted with holes.
3. Rear steps tipped and cracked.
4. House needs paint.
5. Handrail required on basement stairs.
6. Fire stop under stairs in basement.
7. Second floor may not be used as a habitable space.
8. Smoke detectors required per CABO I & II Family Code, 1995, requirements.

PLUMBING/MECHANICAL

1. Furnace must be certified safe for operation by licensed mechanical contractor.
2. All water lines must be replaced - undersized.
3. Chimney needs liner.
4. Fuel oil tanks in basement must be removed.
5. Must have gas lines tested for turn on.



George Dood,
Building Inspector

DATE _____



John E. Smith,
Plumbing/Mechanical Inspector

MUSKEGON HOUSING BOARD OF APPEALS
MAY 1, 1997
PAGE 8

**#97-40 - 1708 PINE - JAMES BAUER, 1396 PINE ST., MUSKEGON
JASON AND MANDY COFFELL, P. O. BOX 1144**

The owners were not in attendance. Jason and Mandy Coffell became the new owners on a land contract this week. He intends to repair the structure. Our building inspector has talked to him about obtaining permits. He was advised that the Muskegon Housing Board of Appeals may take action. Dan Schmelzinger said that in many cases progress occurs when the case is placed on the agenda.

Robert Johnson made a motion, supported by John Warner, to declare the house to be unsafe, substandard and a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

EXCUSED:

Greg Borgman
Bob Johnson
John Warner
Boyd Arthur
Clint Todd

Randy Mackie
Fred Nielsen

The motion carried.

#142 - 1541 TERRACE - CORNELIUS SMITH, 1395 GLEN, MUSKEGON

The owner was not in attendance. Dan Schmelzinger explained that Bethany Church was going to renovate this structure with funds from the State but the Zoning Dept would not allow it to be 3 units instead of 2. The owner has said he is selling it soon.

Greg Borgman made a motion, supported by Boyd Arthur, to declare the house to be unsafe, substandard and a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

EXCUSED:

Greg Borgman
Bob Johnson
John Warner
Boyd Arthur
Clint Todd

Randy Mackie
Fred Nielsen

The motion carried.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

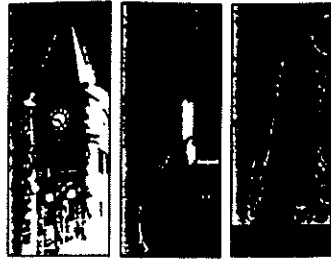
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

NOTICE OF MUSKEGON HOUSING BOARD OF APPEALS HEARING

DATE: April 21, 1997

TO: James Bauer, 1396 Pine Street, Muskegon, Mi. 49442

SUBJECT: DANGEROUS BUILDING CASE #97-40- 1708 Pine

On Thursday, May 1, 1997, Dangerous Building Case #97-40 - 1708 Pine Street - will be heard at the Muskegon Housing Board of Appeals meeting. The meeting will take place at **6:00 p.m. in the first floor commission chambers at Muskegon City Hall.** We encourage you to attend the meeting since it is always better if someone is available to answer any questions the board may have.

Neighborhood and Construction Services
City of Muskegon

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724-6703
/724-6790

ssor
724-6708
/724-6768

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724-6783
/722-4188

Service
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Services
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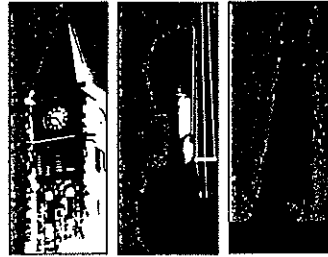
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lic Works
726-4786
/722-4188

asurer
724-6720
/724-6768

ter Dept.
724-6718
/724-6768

MUSKEGON



West Michigan's Shoreline City

August 29, 1996

Mr. James Bauer
1396 Pine
Muskegon, MI 49442

Dear Mr. Bauer:

Subject: 1708 Pine

The Muskegon City Commission recently passed an amendment to the City's property maintenance code which limits the length of time that a property can be left in a temporarily boarded-up condition to 180 days. An inspection of the subject property on August 26, 1996, revealed that this property is vacant and temporarily boarded.

In order to comply with this ordinance, all boards over windows, doors and other openings must be removed by March 1, 1997, and the openings made intact and capable of being locked.

Failure to comply with this requirement will result in the issuance of civil infraction notices which carry an initial fine of \$100.00. Fines for a repeat of the same offense can increase to \$500.00.

Please note that this notice does not grant you additional time to correct other violations of the code for which you may have already been cited. Civil infraction notices will also be issued if these corrections are not made by the required time.

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

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Administrative Action
724-6703
724-6790

Assessor
724-6708
724-6768

Cemetery
724-6783
722-4188

Police Service
724-6716
724-6790

Public Works
724-6705
724-6768

Public Services
724-6717
724-6790

Engineering
724-6707
724-6790

Police
724-6713
724-6768

Police Dept.
724-6792
724-6790

Police Tax
724-6770
724-6768

Police Sections
724-6715
724-6790

Police Service
724-6704
724-6790

Police Manager's Office
724-6724
724-6790

Police Supervisor's Office
724-6701
724-6790

Planning/Zoning
724-6702
724-6790

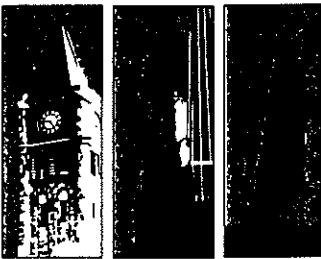
Police Dept.
724-6750
722-5140

Police Public Works
726-4786
722-4188

Police Insurance
724-6720
724-6768

Police Dept.
724-6718
724-6768

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

August 15, 1996

James Bauer
1396 Pine Street
Muskegon, Mi. 49442

Subject: 1708 Pine
Lot 8 Blk 297

Dear Property Owner:

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

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

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

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

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

CONDEMNATION INSPECTION

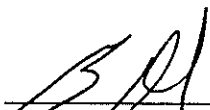
1708 PINE

AUGUST 9, 1996

APPROXIMATELY 30' X 40' 1 1/2 TWO STORY WOOD FRAME HOUSE.

1. REAR FOUNDATION MISSING BLOCK.
2. ANIMALS LIVING IN CRAWL SPACE.
3. WINDOWS BROKEN.
4. EAVES ROTTED WITH HOLES.
5. REAR STEPS TIPPED AND CRACKED.
6. HOUSE NEEDS PAINT.

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



GEORGE DOOD, BUILDING INSPECTOR

8-13-96

DATE

CONCURRED IN: 

BUILDING OFFICIAL

AGREEMENT

THIS AGREEMENT, made this January 31, 2006 by and between:
Press's LLC.

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____
 _____); hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **1708 Pine** as well as required
 supplemental work for the completion of this project, all in strict accordance with
 the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$3450.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
 be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: Alan Sager - Pres.
Printed name and title

ATTEST:

Linda Potter
Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor

Gail A. Kundergen
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Sager, certify that I am the Sec

of the Corporation named as contractor herein;

That Alan Sager, who signed this Agreement on behalf of the
Contractor, was then Pres. of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

Tammy Sager

(CORPORATE SEAL)

Tammy Sager - Sec
Printed Name and Title

DATE: July 16, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:02-014, 1226 Pine St. (Garage only)

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 1226 Pine (G), 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: #02-014, 1226 Pine St. (G)

Location and ownership: This structure is located on Pine Street between Catherine and Isabella in the McLaughlin Neighborhood. It is owned by Equicredit Corporation in Florida.

Staff Correspondence: A dangerous building inspection was conducted 4/4/02 and a Notice and Order to repair or demolish was issued 4/15/02. On 6/11/02 the HBA declared it unsafe.

Owner Contact: On 6/21/02 a real estate agent contact the Inspection office about a potential sale. She was faxed copies of all documents and instructed on what needed to be done. On 6/16/02 a message was left for her updating where the case was at with the office and requesting her to call back. As of 6/17/02 there has been no further contact.

Financial Impact: CDBG Funds

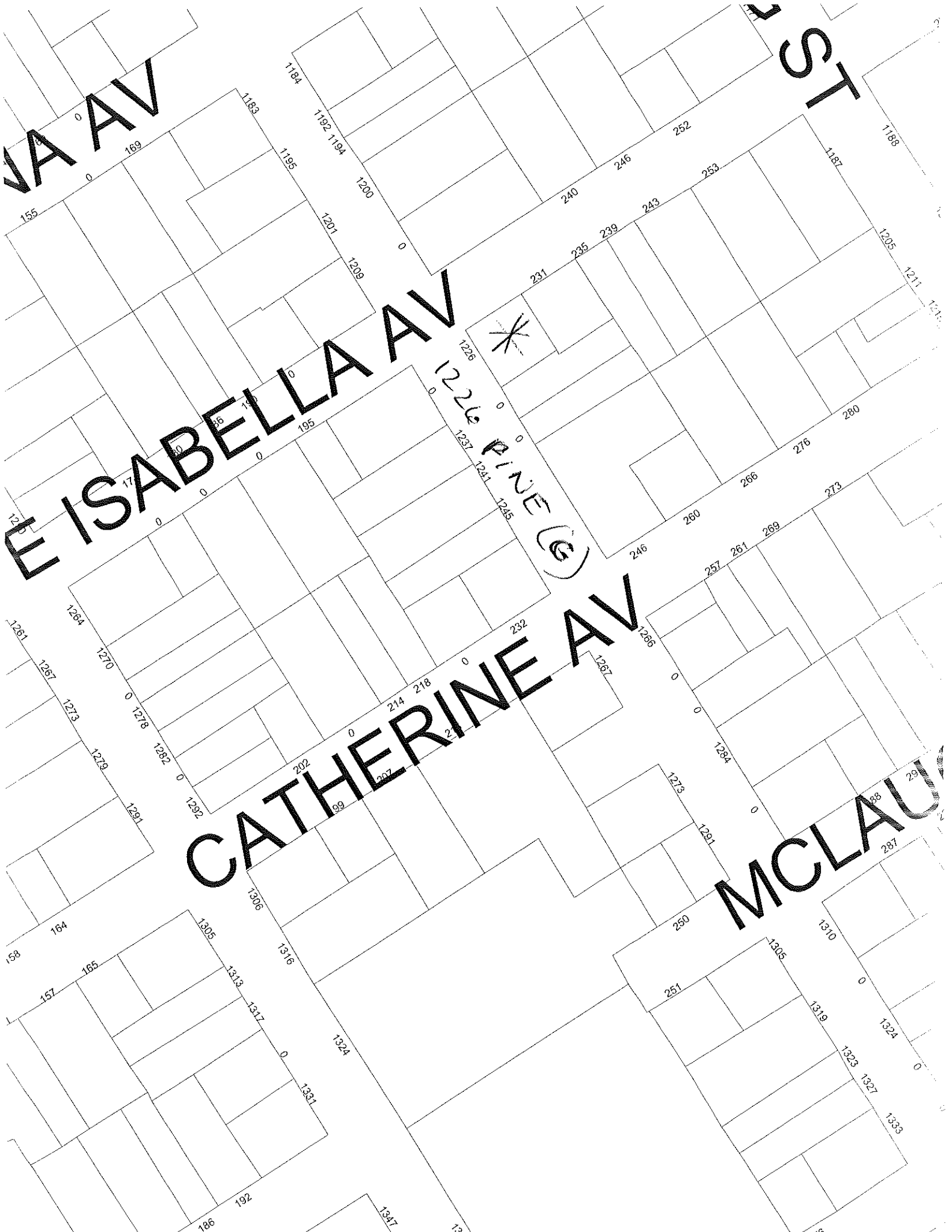
Budget action required: None

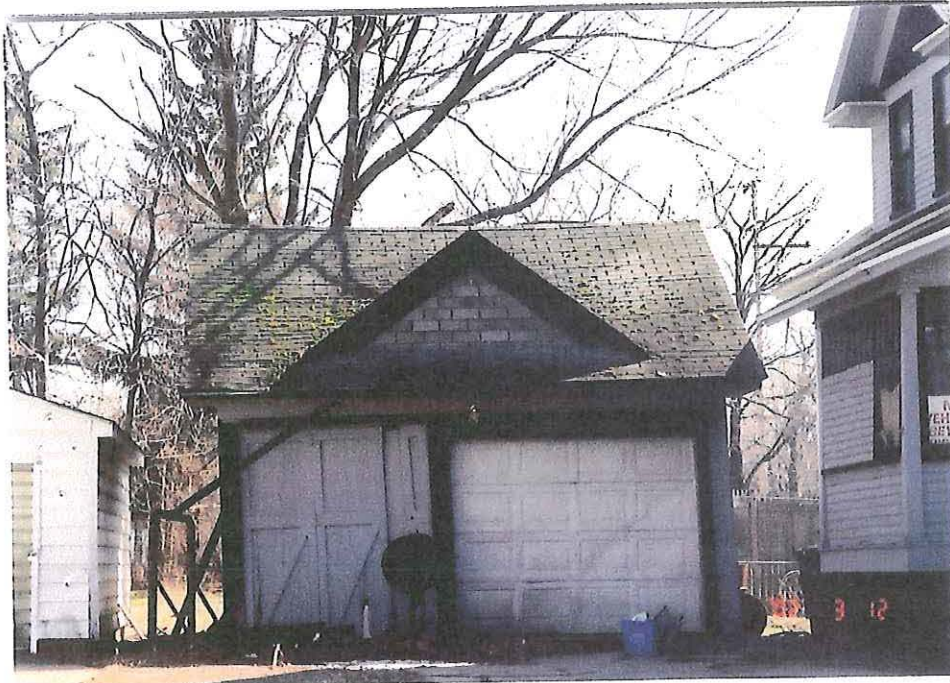
State Equalized value: \$22,000 (House and garage)

Estimated cost to repair: \$4,000

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 23, 2002.





1226 PINE

For The Inspection Department
City of Muskegon

File #: 419614

FROM CITY ASSESSOR'S RECORDS

OWNER: Equicred Corp.
PROPERTY: 1226 Pine St.
PARCEL NO: 24-205-251-0001-00
DESCRIPTION: N 62 of W 1/2 Lot 1 Block 251

FROM RECORDS OF TRANSNATION TITLE

LIBER: 3024
PAGE: 624
DATE OF DEED: March 1, 2000

GRANTOR NAME & ADDRESS: Gerald E. Singer and Helen Singer, husband
and wife 1132 Forest Park Rd Muskegon MI 49441

GRANTEE NAME & ADDRESS: Eura Jordan F/K/A Eura L. Piggee and
Elnora Wyrick 1226 Pine St Muskegon MI 49442

LIENS OR MORTGAGES: 3024/625; 3113/228; 3325/117

TODAY'S DATE: April 17, 2002

EFFECTIVE DATE: March 20, 2002 at 8:00 AM

Abstracted by: Debra K. Nelson
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

*1953 Forest Glen St.
49441*

2000 MAR 16 PM 12:49

Mark F. Fink
REGISTER OF DEEDS

STATUTORY FORM FOR INDIVIDUALS

Dated this day of:
MARCH 1, 2000

GERALD E. SINGER AND HELEN SINGER, HUSBAND AND WIFE
1132 FOREST PARK RD
MUSKEGON, MI 49441

EURA JORDAN FORMERLY KNOWN AS EURA L. PIGGEE, A MARRIED WOMAN OF 1226 PINE ST, MUSKEGON, MI 49442 AND ELNORA WYRICK, A SINGLE WOMAN OF 1226 PINE STREET, MUSKEGON, MI 49442

TWENTY NINE THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS ---(\$29,700.00)

THE CITY OF MUSKEGON, COUNTY OF MUSKEGON AND STATE OF MICHIGAN TO WIT:

[illegible]

THIS DEED IS GIVEN PURSUANT TO A LAND CONTRACT BETWEEN THE PARTIES DATED OCTOBER 11, 1993. GRANTORS DO NOT WARRANT ANY ACTS OR OMISSIONS OF GRANTEEES SINCE THE DATE OF SAID LAND CONTRACT. SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND LIMITATIONS OF RECORD, IF ANY.

Signed and Sealed

GERALD E. SINGER

HELEN SINGER

The foregoing instrument was acknowledged before me
ON MARCH 1, 2000 BY GERALD E. SINGER AND
HELEN SINGER, HUSBAND AND WIFE



DEPT of TAXATION \$ 33.00

MUSKEGON COUNTY, MI

76/16 MAR 20 05 33.00 C

GERALD E. SINGER
1132 FOREST PARK RD
MUSKEGON, MI 49441

Sharon G. Bylund
NOTARY PUBLIC MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 08/27/2002

ASSISTED BY:
CHICAGO TITLE INSURANCE CO.
493 WEST NORTON
MUSKEGON, MICHIGAN 49441

WHEN RECORDED RETURN TO

EURA JORDAN
1226 PINE ST.
MUSKEGON, MI 49442

Muckegon, Mich: Mar 15 2000

"I hereby certify that there are no tax liens or other judgments against the above named individual which would prevent him from being employed by the Government as an agent for the collection of taxes." (S)

No. 117395 *John H. Jones* *John H. Jones*

222 TAX INFO. NOT AVAILABLE AT THIS TIME

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 16, 2002

1226 Pine St. (Garage)
(Address of Property)

TO: All owners and interested parties:

Equicredit Corp. P.O. Box 53077, Jacksonville, FL 32201
(Name of Owner)

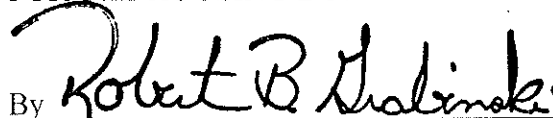
Eura Jordan & Elnora Wyrick, 1226 Pine St., Muskegon, MI 49442
(Other interested parties)

Gerald & Helen Singer, 1953 Forest Glen Court, Muskegon, MI 49441

On June 6, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

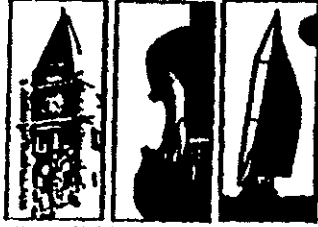
The City Commission will hold a hearing on **July 23, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on July 23, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By 

Robert B. Grabinski, Director of Inspections

MUSKEGON



West Michigan's Shoreline City

FAX

4 pages

INSPECTION SERVICES DEPT
933 TERRACE ST, PO BOX 536
MUSKEGON, MI 49443
TX: (231) 724-6715
FAX: (231) 728-4371

TO: Diane @ Century 21

FROM: Lennaine

DATE: 6-21-02

SUBJECT: 1226 Pine (Garage)

.....
COMMENTS: _____

If a permit is pulled to repair
the garage it will be good for 30 days.
If the owner chooses to demolish
the garage, the permit would be \$15.

FAXED
6-21-02

commission. Mr. Grabinski stated if she gets help and gets her name on the title, the inspection office would work with her to repair the property.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Randy Mackie, seconded by Jon Rolewicz, to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
John Warner
Jon Rolewicz
Nick Kroes

Jerry Bever
Clara Shepherd

The motion carried.

Case #02-014 – 1226 Pine St. (Garage) – Equicredit Corp. P.O. Box 53077, Jacksonville, FL

No one was present to represent this case. Pictures of the garage were passed to board members.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Jon Rolewicz, seconded by John Warner, to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
John Warner
Jon Rolewicz
Nick Kroes

Jerry Bever
Clara Shepherd

The motion carried.

Old Business: Bob Grabinski gave an update on 1121 and 1129 Peck Street. The ~~HDC did not concur with the HBA. An appeal was filed with the state~~

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: June 11, 2002

To: Equicredit Corp. P.O. Box 53077, Jacksonville, FL 32201
Owners Name & Address

Eura Jordan & Elnora Wyrick, 1226 Pine St. Muskegon, MI 49442
Names & Addresses of Other Interested Parties

Gerald & Helen Singer, 1953 Forest Glen Court, Muskegon, MI 49441
Other interested party

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, June 6, 2002 does hereby order that the following structure(s) located at 1226 Pine St. (Garage), Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: May 23, 2002

Address of the Property: 1226 Pine St. (Garage)

TO: Equicredit Corp. P.O. Box 53077, Jacksonville, FL 32201
[Name & Address of Owner]

Eura Jordan & Elnora Wyrick, 1226 Pine St. Muskegon, MI 49442
Names & Addresses of Other Interested Parties]

Gerald & Helen Singer, 1953 Forest Glen Court, Muskegon, MI 49441

Please take notice that on **Thursday, June 6, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Remove issued 4/15/02.

At the hearing on Thursday, June 6, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: April 15, 2002

Address of the Property: 1226 Pine (Garage), Muskegon, Michigan

TO: Equicredit Corp. P.O. Box 53077, Jacksonville, FL 32201
[Name & Address of Owner]

None
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

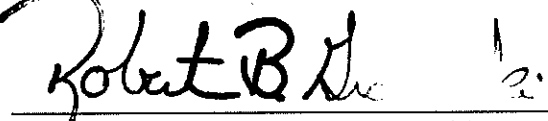
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **1226 Pine** Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

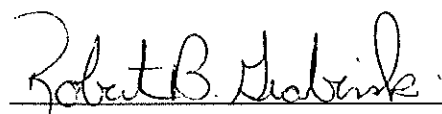
1226 Pine St. (Garage)

4/4/02

Inspection noted:

1. Garage leans to side – potential collapse.
2. Replace roofing – deteriorated and moss covered.
3. Repair fascia.
4. No foundation – broken and displaced.
5. Siding unprotected: needs to be painted.

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



Robert B. Grabinski, Director of Inspections

4/10/02

DATE

DATE: July 16, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-032, 246 Laketon (Garage only)

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 246 Laketon (G), 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: #246 Laketon (G).

Location and ownership: This structure is located on Laketon Avenue between Terrace and Hoyt in the McLaughlin Neighborhood. It is owned by John Markavitch who lives at this address.

Staff Correspondence: A dangerous building inspection was conducted 6/15/01 and a Notice and Order to repair or demolish was issued 7/5/01. A permit to repair was issued on 8/1/01, but the work has not been done. On 11/1/01 the HBA issued an opportunity to repair. Mr. Markovitch contacted the office on the date of the HBA meeting (2/7/02) and stated he could finish the repairs within 30 days. On 2/7/02 the HBA declared the garage unsafe because the work has not been completed. As of this date the roof is not repaired.

Owner Contact: There has been no contact since 2/7/02.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$14,600 (House and garage)

Estimated cost to repair: \$2,000

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 23, 2002.

LEAHY ST

HOYT ST

246 LAKETON

TERRACE ST

SMITH ST





246 Laketon - Garage



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120670
June 28, 2001

1. Beginning Date: 1/23/81, at 8:00 A.M.

Please See Attached Liber 1209, Page 815, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 5/8/2001, at 8:00 A.M.

Documents	
Deeds:	Mortgages:
Liber 1209, Page 815	n/a
Liber 1485, Page 917	

Taxes:

Delinquent water & sewer usage bill in the amount of \$15.00, payable to the City of Muskegon, if paid by July 31, 2001.

1998 Taxes SOLD AT TAX SALE. Amount necessary to redeem in July 2001 is \$710.46.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,178.12, if paid by July 31, 2001.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$871.72, if paid by July 31, 2001. (Base amount of 2000 Winter tax bill is \$510.32) *

NOTE: Delinquent water & sewer usage bill in the amount of \$289.42 was included in the 2000 Winter tax bill.

Note:

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-305-0005-60.

2001 State Equalized Value: \$12,300.00.

2001 Taxable Value: \$9,719.00.

Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

John Markavitch

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 16, 2002

246 Laketon (Garage)
(Address of Property)

TO: All owners and interested parties:

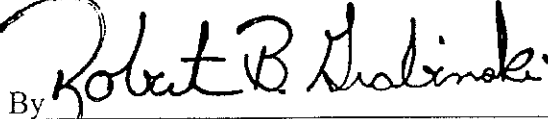
John Markovitch, 246 Laketon, Muskegon, MI 49442
(Name of Owner)

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On February 7, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **July 23, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on July 23, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT.
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

Case #01-032 – 246 Laketon (Garage) – John Markovitch, Muskegon

No one was present to represent this case. The owner did call the office late this afternoon. He said he cannot attend the meeting and he can finish repairs in 30 days. Mr. Grabinski stated that the case was previously brought before the board and an extension was granted for him to repair the garage. When Mr. Markovitch called today he stated the rafters and roof are repaired. Mr. Grabinski stated that when driving by today they do not appear to be repaired. Mr. Markovitch was told at the last meeting to call the office if there is a problem getting repairs done. He has not called until today.

Staff Recommendation:.. Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

Motion made by Randy Mackie and seconded by Jerry Bever to support staff's recommendation.

A roll cal vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd

Nick Kroes

The motion carried.

Case #00-49 – 228 Washington – David Eskew, 228 Washington, Muskegon

No one was present to represent this case. Mr. Grabinski gave a history and stated there isn't that much work to go, the owner just won't finish. He hasn't called the office since the last inspection. Ms. Shepherd stated she has talked to the owner and it is really a beautiful house. Don Labrenz stated that he thinks it is a funding issue, due to the fact that he had a difficult time getting \$50 for an electrical permit. Mr. Grabinski stated he hopes this will be a wake up for the owner to get done.

Staff Recommendation:.. Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

246 Laketon
(Garage)

February 7, 2002

At 4:10 p.m. John Markovitch called to say he has a family crisis and cannot attend the HBA meeting. He was not working full time recently and didn't have the money to do remaining repairs. He has the roof and rafters repaired and can finish in about 30 days. He was told to call in the morning 2/8 to find out what the board's decision was.

lg

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: February 11, 2002

To: John & Virginia Markovitch, 246 Laketon, Muskegon, MI
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, February 7, 2002 does hereby order that the following structure(s) located at 246 Laketon (Garage), Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

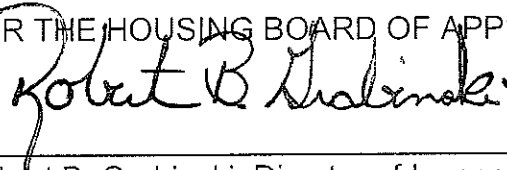
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: January 28, 2002

Address of the Property: 246 Laketon (Garage), Muskegon MI

Description of the Structure: E 40 ft. of W 340 ft. Lot 5 Blk 305

TO: John & Virginia Markovitch, 246 Laketon, Muskegon, MI 49442
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

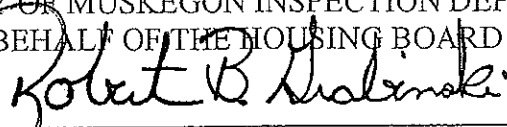
Please take notice that on Thursday, February 7, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the notice and order to repair issued 7/5/01.

At the hearing on Thursday, February 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS**

ORDER TO REPAIR OR DEMOLISH

Date of Order: November 5, 2001

Address of the property: **246 Laketon (Garage Only)**

Description of the structure: E 40 ft. of W 340 Ft. Lot 5 Blk 305

To: John & Virginia Markovitch, 246 Laketon, Muskegon, MI 49442
(Name & Address of Owner)

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Names and Addresses of Other Interested Parties)

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely fashion. Therefore, it is ordered that the owner or interested parties shall, apply for all permits required and commence the repairs of the conditions found in the inspection report attached to this order within **30 days**. All said repairs shall be accomplished in the time limited by the permits issued relevant to the said repairs, and physical repair must be commenced within the said 30 days of obtaining those permits.

FAILURE TO COMPLY – DEMOLITION ORDER

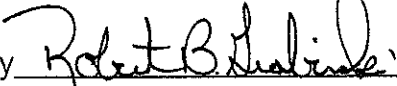
TO BE SUBMITTED TO THE CITY COMMISSION

In the event the owners or interested parties fail to apply for all permits required to effectuate the said repairs or fail to commence physical repair within **30** days, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structures.

In such case, the Director of Inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board for demolition, and further, to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By


Robert Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: October 18, 2001

Address of the Property: 246 Laketon (Garage), Muskegon MI

Description of the Structure: E 40 ft. of W 340 Ft. Lot 5 Blk 305

TO: John & Virginia Markovitch, 246 E. Laketon, Muskegon, MI 49442
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

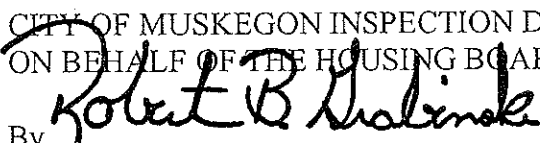
Please take notice that on Thursday, November 1, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 7/5/01.

At the hearing on Thursday, November 1, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

BUILDING PERMIT APPLICATION

CITY OF MUSKEGON

No. 01-0624

JOB ADDRESS 246 W Lakeland LOT _____ BLK _____ TRACT _____
OWNER John Markowitch MAIL ADDRESS Same PHONE _____
CON. NAME _____ MAIL ADDRESS _____ PHONE _____
ARCHITECT OR DESIGNER _____ ADDRESS _____ PH _____ LIC # _____ EXP _____
LICENSE NUMBER _____ EXPIRATION DATE _____

FEDERAL EMPLOYER ID# OR REASON FOR EXEMPTION _____

WORKERS COMP. INSURANCE CARRIER OR REASON FOR EXEMPTION _____

MESC EMPLOYER # OR REASON FOR EXEMPTION _____

ALL CONTRACTOR INFORMATION REGISTERED WITH THE CITY OF MUSKEGON YES ☐ NO ☐

CLASS OF WORK NEW ADDITION ☐ ALTERATION ☐ REPAIR ☐

RESIDENTIAL ☒ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER ☐

SPECIAL CONDITIONS Repair Garage Structure

DESCRIBE WORK Replace broken rafters & decking -

Reroof; Replace rotted siding

USE OF BUILDING _____ CHANGE USE TO _____

STARTING DATE _____ DATE READY _____

INSPECTION REPORTS		
DATE	REMARKS	INSP.

APP. APPROVED BY <u>[Signature]</u>	PLANS CK BY	APPROVED FOR ISS. BY <u>8/2/2001</u>
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NOTICE

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

VALUATION OF WORK

PERMIT FEE <u>23.50</u>	
CALL ADMINISTRATIVE AUTHORITY A MINIMUM OF 24 HOURS PRIOR TO INSPECTION	
SPECIAL CONDITION: POUR NO CONCRETE UNTIL FORMS ARE APPROVED	
Type of Const. _____	Occupancy Group _____ Division _____
No. of Dwelling Units _____	Parking spaces _____ Bsmt _____
Front Yard _____	Side Yard _____ Rear Yard _____
Use Zone _____	Fire Sprinkler Required _____
Special Zoning _____	
Footing Type _____	Size _____ Depth Below Grade _____
Foundation Wall _____	Size _____
Floor System _____	Size _____ Spacing _____ Span _____
Roof System _____	Size _____ Spacing _____ Span _____
Exterior Wall System _____	Size _____ Spacing _____
Chimney Type _____	Size _____
Heating Type _____	Fuel _____

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

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

SIGNATURE OF APPLICANT John Markowitch DATE 8/1/01

WHITE - INSPECTOR

YELLOW - APPLICANT

PINK - ASSESSOR

GOLD - AUDIT

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 5, 2001

Address of the Property: 246 Laketon (Garage Only) Muskegon, Michigan

Description of the Structure: E40 Ft. of W340 Ft. Lot 5 Blk 305

TO: John and Virginia Markovitch, 246 E. Laketon, Muskegon, MI 49442
[Name & Address of Owner]

Jan A. Koens, P.O. Box 177, Muskegon, MI 49443
[Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **246 E. Laketon (Garage Only)**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

246 Laketon (Garage only)

6/15/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).
2. Roof collapse on garage – structural damage to rafters, decking.
3. Siding on garage rotting, needs replaced, painted.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

6/22/2001
DATE

RECEIVED

JUL 23 2002

July 22, 2002

City Clerks Office

We, the residents of Hartford Terrace, 1080 Terrace, Muskegon, Michigan, do respectfully request the Department of Urban Affairs, to conduct a federal investigation into the policies, procedures and practices of the Muskegon Housing Commission and the Housing Office of Hartford Terrace.

These entities are headed respectively by Mr. Ed Horne, Chairman of the Muskegon Housing Commission, and Ms. Yvonne Morrissey, Ass't Director and acting Director of Hartford Terrace.

Some of the reasons are as follows:

1. Residents are allowed to address the commission board concerning our questions and complaints, but they refuse to address these problems in the same meeting. We are told that they will get back to us, but they never contact the residents with their answers.
 - A. A deceased resident's family asked the board to investigate the fight involving the resident, the then Resident Housing Commissioner and another resident. We were lead to believe that they would do this. When asked about it 3 months later, we were told that they only discussed it, but didn't actually vote on it.
 - B. Several residents came forward several different times to tell the board that the resident janitor was illegally hooking up cable and telephone service without official authorisation. They actually saw him do this! Nothing was done and to this day he is still doing it.
 - C. Residents are not allowed to appeal to the board for any decisions made by Ms. Morrissey. We have no currant director, so we have to go through a lengthy appeal process that includes schedualing a hearing and a lot of red tape.
 - D. We believe that since we have had the same Ass't. Director under

2 different directors, and we continue to have problems with the administration of this building, then maybe it's time to replace that position also!

- E. We believe that the commission should seriously consider the on-consider the on-going problems with the security staff before renewing their contract. The problems residents are having with them are listed later under the heading of complaints for Ms. Morrissey item J., 1 through 6.
- F. This writer believes that there is a conspiracy going on to change the HUD rules so that what made Tommie Dennie ineligible, eligible. This is why Muskegon City Mgr. Brian Mazade, is reluctant to appoint a new commissioner. He and the Housing Board want Tom to continue to represent the residents when THE RESIDENTS DON'T WANT TOMMIE DENNIE! Mr. Dennie chose to get in a fight with a resident of his own volition. That is why he had to move out and honor the ONE STRIKE rules that President Clinton made. The Housing Commission and Brian Mazade should be made to follow the rules....just like everybody else. So move on Tom, let someone else step in where you failed, someone who the PEOPLE want to represent them.

2. Complaints against Ms. Morrissey;

- A. Yvonne effectively fixed the Resident Council Election on 7/2/02. She knew ahead of time that the now elected Vice-President wasn't qualified to run for that office since she refused to accept his rent. He later recieved and eviction notice from a process server less that 2 weeks later. She also allowed that same person bring residents in one at a time and allowed him to show the person where to vote on the ballot. When called on about it, she laughed and said not to worry about it since all council offices were up for re-election in September of 2002. Evidently Ms. Morrissey doesn't want a real

fighting and even just threatening people, but these two people get off scott free!

- C. Residents are discouraged from filing complaints etc, by charging them a 15 cents a page for all paperwork, no exceptions.
- D. Residents are evicted by Yvonne for anything she wants and uses false charges to do it. Example: Two residents are being evicted for being friends with someone she doesn't like.[They are being charged with having unreported tenants living with them. They have hired a lawyer to address these false charges.] Yet another resident actually did have a live-in and they weren't evicted.
- E. One resident is in the eviction process for fighting and the other resident involved in it isn't. That same resident was in a fight with a visitor this past weekend.
- F. One resident was caught on camera stealing,[the council officer] and didn't even get wrote up! This same resident was involved in a fight over a female and the other resident is in trouble but he isn't.
- G. Resident janitor is able to steal cable and phone services because he talked Yvonne into telling the guards not to let the AT&T people into the building after business hours. He was seen this week turning on someone's cable. This same janitor was taking air conditioners out of the apartments that weren't paying the excess utility charge as ordered. But, he turned around and sold them to other residents and pocketed the money for himself. He didn't own them, they were the building's property!
- J. Security guards are not doing their jobs!
 - 1. Supervisor doesn't watch out for people on the BARRED FROM THE PROPERTY LIST. His guards weren't looking out for them either. The only guards that do are Lester and John. Both of these guards pay attention to the posted rules, Lester even does rounds.
 - 2. Vern and Germaine spend too much time trying to stick

RESIDENT PETITION SIGNATURE LIST

NAME	APARTMENT #
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